

## APPEAL RESULT

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**DISTRIBUTION:** Chief Executive  
Group Integrity Services  
Group Racing and Group Racing Development  
ARB, ATA, TVN, VJA  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 27 March 2015

**SUBJECT:** **APPEAL HEARING RESULT – JOCKEY: BILLY EGAN**

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**Panel** Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Mr Chris Fox.

**Appearances** Mr Peter Jurkovsky appeared on behalf of Mr Egan.  
Mr Geoff Hausfeld appeared on behalf of the stewards.

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Subsequent to the running of Race 6 at Kyneton on Sunday 22 March 2015, stewards opened an inquiry into the reason that jockey B Egan returned to scale 1.2 kg over his declared weight. Evidence was taken from stable foreman Ms Kim Eden, (representing Trainer Mr E Jusofovic), rider B Egan and Clerk of Scales Mr R Wood.

It was established that after weighing out at the correct weight Mr Egan inadvertently added a lead bag to the saddling gear of the gelding which ultimately resulted in the gelding carrying 1.2 kg more than its declared weight.

Subsequently Mr Egan was found guilty of a charge under AR 145 for returning to scale in excess of his declared weight. AR 145 states that:

*If a horse carries more than a half a kilogram in any race over the weight imposed or declared, the rider and any other person at fault may be penalised.*

Mr Egan had his licence to ride in races suspended for a period to commence midnight Tuesday, 24 March 2015 and to expire at midnight on Tuesday, 7 April, 2015 – a total of 12 race meetings.

In assessing penalty Stewards took into account the relevant mitigating circumstances surrounding the incident, the narrow half head margin that the gelding was beaten by for first place and also B Egan's personal circumstances.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 23 March 2015. A stay of proceedings was not requested.

*At the hearing an application was made by Mr Egan to for leave to amend the Notice of Appeal against severity of penalty only – this application was accepted by the Board.*

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**DECISION:** **Appeal allowed.**

**Penalty varied so that the period of suspension expires at midnight on Sunday, 29 March 2015 (6 race meetings.)**

**Georgie Gavin**  
Registrar - Racing Appeals & Disciplinary Board