



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 8 March 2011

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: BEN MELHAM**

Panel Judge Russell Lewis (Chair), Mr Ron Taylor, Mr Graeme Ward.

Appearances Mr Terry Bailey appeared on behalf of the Stewards.
Mr Des O’Keeffe appeared on behalf of Mr Melham.

At Flemington on Saturday, 5 March 2011 jockey Ben Melham was found guilty of a charge of careless riding on his mount *Impressive Eagle* in Race 5 the *PFD Food Services Stakes* (Group 3, 1400m).

The careless riding being that after passing the 800 metres he permitted his mount to shift in to a point where his mount made contact with *Preventable*. *Preventable* then made heavy contact with *Dane Julia*, thereby leaving insufficient racing room for *Preventable* and subsequently losing its position.

Ben Melham had his licence to ride in races suspended for a period to commence at midnight on Saturday, 5 March 2011 and to expire at midnight on Sunday, 13 March 2011 – a total of 8 race meetings (3 metropolitan, 5 country).

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 7 March 2011. A stay of proceedings was not requested.

DECISION: Appeal against decision dismissed.

Penalty varied – period of suspension to now expire at midnight on Friday, 11 March 2011.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR R. TAYLOR
MR G. WARD**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE PFD FOOD SERVICES STAKES
(GROUP 3) OVER 1400 METRES AT FLEMINGTON ON 5/3/11**

JOCKEY: BEN MELHAM

MELBOURNE

TUESDAY, 8 MARCH 2011

MR T. BAILEY appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of the Appellant

CHAIRMAN: In the Board's opinion, the extent to which the Appellant tightened Newitt went beyond the limits of competitive riding. Accordingly, the appeal against conviction is dismissed.

However, notwithstanding Mr Bailey's submission that Walker's evidence early in the inquiry was the more reliable, the Board is unable to ignore the contradictory evidence of Walker, at page 15. Indeed, the Board accepts Walker's evidence that his mount did shift slightly and made contact with Newitt's mount. This piece of evidence confirms the Appellant's understanding when he said, at page 7, line 13:

I actually felt out there that the inside may have moved as well.

Michael is saying he didn't, but - - -

The Board finds that there was contribution by Walker to the incident and that contribution should be reflected in the penalty. Accordingly, the penalty is varied so that the suspension expires at midnight on Friday, 11 March 2011.

END OF EXTRACT