

RACING APPEALS AND DISCIPLINARY BOARD

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APPEAL DECISION

MICHAEL DEE and RACING VICTORIA STEWARDS

Date of Hearing: 27 July 2016

Heard By: Mr Brian Forrest (Deputy Chair).

Appearances: Mr Terry Bailey appeared on behalf of the Stewards.

Mr John Didham appeared on behalf of Mr Dee.

At Flemington on Saturday 23 July 2016, apprentice jockey Michael Dee was found guilty of a charge of careless riding on his mount *Royal Rapture* in Race 8 the *Flemington Events Staff Handicap* (1600m).

The carelessness being that for some distance passing the 1100m he permitted his mount to shift in to a point where it left *Victory Downs* in a position that it was unnecessarily tightened for room and had to relinquish its position.

Mr Dee had his permit to ride in races suspended for a period to commence at midnight on Sunday, 24 July 2016 and to expire at midnight on Wednesday, 3 August 2016 – a total of 10 race meetings (2 metro, 10 provincial). In assessing penalty Stewards took into account the carelessness was in the lower end of the mid-range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 25 July 2016. A stay of proceedings was not required.

DECISION: Appeal dismissed.

Penalty to remain standing.

TRANSCRIPT OF

PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD MR B. FORREST, Deputy Chairman **EXTRACT OF PROCEEDINGS DECISION** IN THE MATTER OF THE FLEMINGTON EVENTS STAFF HANDICAP OVER 1600 METRES AT FLEMINGTON ON 23/7/16 RACING VICTORIA STEWARDS and **MICHAEL DEE MELBOURNE** WEDNESDAY, 27 JULY 2016 MR T. BAILEY appeared on behalf of the RVL Stewards MR J. DIDHAM appeared on behalf of the Appellant

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CHAIRMAN: In this case, despite Mr Didham's suggestion of a possible conspiracy theory, I do not accept that evidence. The evidence from the transcript of the parties - from Mr Dunn, who indicated that he was trying to hold Michael Dee off when Michael Dee was tightening him, as he alleged, and the evidence of Mr Gauci, who represented Mr Dee - and I hear what Mr Didham said in regard to Mr Gauci, but he did acknowledge the fact that Dunn was tightened and that Michael Dee probably could have given him a bit more room - the film evidence as to the reaction of Mr Dunn and his horse in the incident referred to suggests to me that the case has been made out, that Michael Dee, in endeavouring to improve his position from three wide, did ride in a manner which was at the time careless. Consequently, the appeal against conviction is dismissed.

To overturn the penalty, one would need to be satisfied that it was perhaps unfair or unjust, manifestly so. I realise he is a very busy and successful jockey and no doubt on the way to a very successful career, but what would trouble me in the reduction of a penalty is that this is the fourth strike in the calendar year, as Mr Bailey has said, and I do not think that entitles him to a discount. Consequently, the appeal against penalty is also dismissed.

.Dee 27/7/16