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## **APPEAL DECISION**

**TAHLIA HOPE**

*and*

**RACING VICTORIA STEWARDS**

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**Date of Hearing:** 30 November 2017

**Heard By:** Judge Bowman (Chair)

**Appearances:** Corie Waller appeared on behalf of the stewards.  
Des O'Keeffe appeared on behalf of Ms Hope.

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At Ballarat on Saturday 25 November 2017, apprentice jockey Tahlia Hope pleaded guilty to a charge under AR 145 for weighing in in excess of 0.5kg over her declared weight.

The charge relating to her ride on *Proud Wolf*, second place-getter in Race 10, the *City of Ballarat Tonks Plate* (1200m).

Ms Hope had her permit to ride in races suspended for a period to commence at midnight on Sunday, 26 November 2017 and to expire at midnight on Sunday, 10 December 2017 - a total of 16 race meetings (5 metro, 11 provincial).

In assessing penalty Stewards took into account her guilty plea, her record, the circumstances surrounding the incident, as well as the fact it was beaten for 1<sup>st</sup> by a long neck and Stewards were of the opinion that this may have affected the result of the race.

A Notice of Appeal against **the severity of the penalty** was lodged on Monday, 27 November 2017. A stay of proceedings was not requested.

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**DECISION:** Appeal allowed.

Penalty varied so that the period of suspension expires at midnight on Sunday, 3 December 2017 (8 race meetings).

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**TAHLIA HOPE**

**and**

**RACING VICTORIA STEWARDS**

**RACING VICTORIA CENTRE, FLEMINGTON**

**THURSDAY, 30 NOVEMBER 2017**

MR D. O'KEEFFE appeared on behalf of Ms T. Hope

MR C. WALLER appeared on behalf of the RVL Stewards

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CHAIRMAN: Ms Tahlia Hope, you have pleaded guilty to a breach of AR 145, in that following race 10 at Ballarat over 1200 metres on Saturday last in which you rode Proud Wolf, you weighed in excess of 0.5 kilograms over your declared weight. Proud Wolf was beaten by .4 of a length or approximately a long neck. The Stewards, having taken into account your plea of guilty and your record, imposed a period of suspension of 16 meetings, being two weeks. The Stewards also obviously took into account the margin by which you were beaten and what they considered to be the possibility that the weight difference could have affected the outcome of the race.

You are appealing against the severity of that penalty. Mr Des O'Keeffe put forward a number of matters on your behalf, essentially arguing that you were only .3 of a kilogram overweight when weighing in, 53.2 as opposed to 52.9 kilograms. He also pointed to several precedents in this state in respect of similar offences and where, in at least two of those matters, the margin involved was less than that in the present case, a short-head in the case of Brad Rawiller, and a narrow half-head in that of Billy Egan. Mr Rawiller was suspended for six meetings, as was Egan on appeal.

Mr Waller for the Stewards emphasised there are greater penalties imposed in other states, as well as the amount wagered on Proud Wolf and it involving the quadrella.

I think there is some force in the argument from Mr O'Keeffe that if there is going to be a sudden, substantial increase in penalties for this offence, because

of a perceived difference with other states, some discussion or warning to jockeys should take place. To suddenly increase penalties from a fine to a six-meeting suspension to 16 seems to me something which ideally should be preceded by a warning.

Your record is good. You do have a prior conviction for this offence on 1 March 2017. You were fined \$300, where there was a margin involved between second and third similar to that in the present case, only a long neck. I also take into account the circumstances prevailing, namely that you weighed out without colours which was your mistake, the fact that it was a wet track, you had a couple of sips of water, and I take into account your guilty plea.

In all the circumstances, I am of the view that a sudden increase in the size of the penalty imposed is not entirely fair to you. I appreciate the size of the amounts of money involved and the damage that incidents of weighing in overweight could do to the image of racing. I am not of the opinion that a reprimand is sufficient, but I am of the view that your appeal should be upheld and the period of suspension varied to eight meetings.

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