

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 8 May 2014

SUBJECT: **APPEAL HEARING RESULT – JUMPS JOCKEY: PAUL GALLAGHER**

Panel Judge Russell Lewis (Chair), Mr Stephen Curtain, Ms Sara Hinchey.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Gallagher.
Mr Wade Hadley appeared on behalf of the Stewards.

At Warrnambool on Wednesday, 30 April 2014 jumps jockey Paul Gallagher pleaded guilty to a charge under AR 81A(1)(a) for providing a breath test sample that exceeded the limit of 0.02% of alcohol, as prescribed under AR 81B.

Mr Gallagher had his licence to ride in races suspended for a period from midnight Wednesday, 30 April 2014 - midnight Wednesday, 28 May 2014, a total of 28 days.

A Notice of Appeal against **the severity of the penalty** was lodged on Friday, 2 May 2014.

A stay of proceedings was not requested.

DECISION: **Appeal allowed.**

Penalty varied so that the period of suspension will now expire at midnight on Saturday, 24 May 2014 (24 days).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR S. CURTAIN
MS S. HINCHEY**

EXTRACT OF PROCEEDINGS

DECISION

JUMPS JOCKEY: PAUL GALLAGHER

MELBOURNE

THURSDAY, 8 MAY 2014

MR W. HADLEY appeared on behalf of the RVL Stewards

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

CHAIRMAN: This is a case which has caused the Board some concern because of the fact that a warning had been given in plenty of time to riders, flat and jumping, at the Warrnambool carnival, and it is a matter of concern, and indeed the Board is troubled by the fact, that Mr Paul Gallagher was out drinking at least up until midnight at the Whalers Inn. On the other hand, the Board does believe that a jumping jockey should not necessarily carry the same penalty as a flat rider. In saying that, the Board is not of the view that in every case where a jumping rider is involved with a breach of this offence that he or she is entitled to receive a lesser penalty than a flat jockey.

The Board takes into account Mr Gallagher's plea of guilty and the fact that he has no prior conviction in relation to this type of offence. It is mindful of the fact that this is the jumping season and the Board has come to the view that because it is the jumping season and it is the busiest time of the year for a jumping jockey and the time of year when a jumping jockey has the chance of increasing his or her income, the Board is inclined to think that some differentiation ought to be made in comparison with a flat rider.

On the other hand, having regard to what I have said concerning the circumstances in which Mr Gallagher exceeded the minimum blood alcohol reading, the Board is not inclined to think that we should be too generous in varying the suspension. However, we will vary the period of suspension so that it expires at midnight on 24 May 2014. In effect, that enables him to ride at Casterton on 25 May 2014.

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