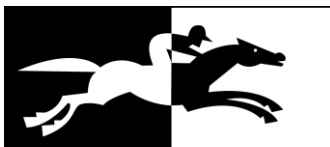


RACING VICTORIA LIMITED
ACN 096 917 930

RACING APPEALS AND
DISCIPLINARY BOARD



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APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 5 October 2009

SUBJECT: **APPEAL HEARING RESULT - APPRENTICE: ADAM MCCABE**

Panel Judge Russell Lewis (Chair), Geoff Ellis, Ron Taylor
Appearances Bruce McGinley, Senior Stipendiary Steward, appeared on behalf of the Stewards.
Des O'Keeffe, Chief Executive VJA, appeared on behalf of Adam McCabe.

At Ballarat on Thursday 1 October 2009, apprentice Adam McCabe pleaded guilty to a charge under the provisions of AR 137A(5)(a)(ii) in that he used his whip on 10 occasions prior to the 100m in a forehand manner, 5 more than is permissible.

The charge relating to his ride on *Chauncery* in Race 7 the *Tracy The Placement People 0-62 Handicap* (2200m).

Mr McCabe was suspended from riding in races from midnight Monday 5 October 2009 and to expire at the conclusion of the Wangaratta race meeting on Friday 9 October 2009, a total of 4 meetings. In arriving at the penalty Stewards took into account his guilty plea.

A Notice of Appeal against **the severity of the penalty** was lodged on Friday 2 October 2009.

DECISION: **Appeal allowed – penalty varied to a fine of \$200.**

Georgie Curtis
Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

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

EXTRACT OF PROCEEDINGS

**IN THE MATTER OF THE TRACY THE PLACEMENT PEOPLE
0-62 HANDICAP OVER 2200 METRES AT BALLARAT
ON 1 OCTOBER 2009**

DECISION

JOCKEY: ADAM McCABE

MELBOURNE

MONDAY, 5 OCTOBER 2009

MR B. McGINLEY appeared on behalf of the Stewards

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

CHAIRMAN: Adam McCabe pleaded guilty to a charge of hitting his mount with the whip on an additional five occasions prior to the 100 metres. The Board takes into account the fact that Adam is a 19-year-old apprentice and has not got the wisdom of years of perhaps a senior rider, nor the experience, and in addition, the Board is of the view that had Mr McGinley, who was part of the panel on that occasion, known of a media release of 15 September 2009 from the ARB stating as follows, that:

Colouring of Running Rails From the 100 Metres to the Finishing

Post: a signpost not considered adequate by themselves.

Colouring of running rails for the last hundred metres to be implemented.

Had Mr McGinley known of that media release, he as much conceded that that piece of information would have impacted upon the discretion which the panel exercised in coming to its view to penalise Adam McCabe.

In the circumstances, the Board considers that the penalty handed to Adam McCabe was excessive. His appeal is allowed, his suspension being varied to a fine of \$200.

END OF EXTRACT