



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 18 January 2011

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: NICK HALL**

Panel Judge Russell Lewis (Chair), Mr Stephen Curtain, Mr Graeme Ward.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Hall.
Mr Robert Cram appeared on behalf of the Stewards.

At Moonee Valley on Friday, 14 January 2011 jockey Nick Hall was found guilty of a charge of careless riding on his mount *Minnie Mah* in Race 1 the *Webb Australia Handicap* (1200m).

The careless riding being that near the 300m he attempted a run where there was insufficient room between *Kiss My Ice* and *Invincible You* which resulted in *Minnie Mah* making heavy contact with *Invincible You* and hampering that filly.

Nick Hall had his licence to ride in races suspended for a period to commence at midnight on Sunday, 16 January 2011 and to expire at midnight on Tuesday, 25 January 2011 - a total of 9 race meetings (2 metropolitan, 7 country). In assessing penalty Stewards took into account that the careless riding was in the low range category.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Saturday, 15 January 2011. A stay of proceedings was not requested.

DECISION: Appeal allowed.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

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

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE WEBB AUSTRALIA HANDICAP
OVER 1200 METRES AT MOONEE VALLEY ON 14/1/11**

JOCKEY: NICHOLAS HALL

MELBOURNE

WEDNESDAY, 18 JANUARY 2011

MR R. CRAM appeared on behalf of the RVL Stewards

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

CHAIRMAN: In this appeal, the evidence demonstrates that when the appellant, Nicholas Hall, "tested the waters", to use Mr Cram's expression, the horse on his outside was being competitively ridden by Andrew Mallyon. The horse ahead of him, Chris Symons' mount, was travelling in a line which allowed the appellant to take up a position outside the heels of Symons' mount, thereby enabling him to persist with the run. Unfortunately for the appellant, Symons' mount shifted ground considerably.

The Stewards' case is that notwithstanding the position of the appellant's mount relative to Symons' mount, the appellant should have been patient in the circumstances and not persevered, instead of putting himself in a precarious position.

The appellant's case is that he was entitled to be where he was and but for the behaviour of Symons' mount, he would not have been charged.

The Board finds this to be a difficult case. The onus is on the Stewards to establish their case on the balance of probabilities. The Board has been left in the position where it is unable to say one way or the other whether the appellant was careless. Accordingly, the appeal is allowed.

END OF EXTRACT