



## APPEAL RESULT

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**DISTRIBUTION:** Chief Executive  
Group Integrity Services  
Group Racing and Group Racing Development  
VJA  
TVN  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 22 October 2013

**SUBJECT:** **APPEAL HEARING RESULT – JOCKEY: GLEN BOSS**

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**Panel** Judge Russell Lewis (Chair), Mr Geoff Ellis, Professor Raymond Harbridge.

**Appearances** Mr Des O’Keeffe appeared on behalf of Mr Boss.  
Mr Terry Bailey appeared on behalf of the Stewards.

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At Caulfield on Saturday 19 October 2013, jockey Glen Boss pleaded guilty to a charge of careless riding on his mount *Silent Achiever (NZ)*.

The careless riding being that approaching the winning post on the first occasion, he permitted his mount to shift in and in doing so tightened the running of *Fawkner*, which was taken in onto *Glencadam Gold (IRE)* which struck the running rail and had to be checked severely.

Mr Boss had his licence to ride in races suspended for a period to commence at midnight on Saturday, 19 October 2013 and to expire at midnight on Wednesday, 30 October 2013 – a total of 12 race meetings (2 metro, 10 provincial).

In assessing penalty Stewards took into account the incident was in the high range, G Boss’ guilty plea and relatively good record and that he had a look and came away.

A Notice of Appeal against the severity of the penalty was lodged on Monday, 21 October 2013. A stay of proceedings was not requested.

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**DECISION:** Appeal dismissed. Penalty to remain standing.

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

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

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE BMW CAULFIELD CUP  
OVER 2400 METRES AT CAULFIELD ON 19/10/13**

**JOCKEY: GLEN BOSS**

**MELBOURNE**

**TUESDAY, 22 OCTOBER 2013**

MR T. BAILEY appeared on behalf of the RVL Stewards

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

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CHAIRMAN: In this case, the Appellant submits that the degree of carelessness was in the low range, albeit the consequences were serious. The Appellant argues that he looked to his inside and then initiated a shift inwards, being unaware of the presence of Glencadam Gold on the fence which was on the inside of Nicholas Hall's mount. The Appellant said that he acted reasonably by looking to his inside, but that his view of Glencadam Gold was completely obscured by Hall's mount which he expected to be going to the fence. He said that had he known Glencadam Gold was there, he would never have shifted ground. He puts much of the blame for the interference on Nicholas Hall for failing to call to him. Indeed, it was only after hearing the call of Tom Berry that the Appellant became aware of Berry's predicament.

The Appellant, in order to illustrate his point, used the analogy of a driver failing to see a car on his inside as he changed lanes. He argued that notwithstanding the driver's carelessness, the driver of the inside car would also be to blame if he did not sound his horn. The Board is not impressed with that analogy.

In the Board's view, the Appellant, a top-class and very experienced rider, should have assumed that in the run to the winning post the first time in a race like the Caulfield Cup that there would be or there would be likely to be a horse close to and on the inside of Hall's mount. Mr Bailey's pre-race pep talk, so described by Mr O'Keeffe, should have reinforced in the minds of riders that this was a likely scenario.

In the Board's view, the level of carelessness was high and the consequences were serious and but for the Appellant taking corrective measures may have been calamitous. In the Board's opinion, the penalty imposed by the Stewards was well within the range of penalties open to them after taking into account all relevant discounting factors and sees no good reason to vary it. The appeal is therefore dismissed.

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