



APPEAL RESULT

DISTRIBUTION: Chief Executive
Group Integrity Services
Group Racing and Group Racing Development
VJA
TVN
Office of Racing
C Polglase – Racing NSW
Racing Press

FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 6 June 2011

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: RUTH BRADLEY**

Panel Judge Russell Lewis (Chair), Mr Geoff Ellis, Mr Bill Kneebone.

Appearances Mr Peter Jurkovsky of AJ Lawyers appeared on behalf of Ms Bradley.
Mr Allan Reardon appeared on behalf of the Stewards.

At Cranbourne on Sunday, 29 May 2011 jockey Ruth Bradley pleaded guilty to a charge under the provisions of AR 87D, in that she was in possession of a modified safety vest.

Ms Bradley was fined the sum of \$1,000.

A Notice of Appeal against **the severity of the penalty** was lodged on Wednesday, 1 June 2011.

DECISION: **Appeal allowed.**

Penalty varied to a fine of \$500 – due on or before 31 August 2011.

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

**MR RUSSELL LEWIS, CHAIRMAN
MR GEOFF ELLIS
MR WILLIAM (BILL) KNEEBONE**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF: RUTH BRADLEY – APPEAL AGAINST
SEVERITY OF PENALTY**

MELBOURNE

MONDAY, 6 JUNE 2011

MR P JURKOVSKY appeared on behalf of Ms Ruth Bradley

MR A REARDON appeared on behalf of the Stewards

CHAIRMAN: Yes, thank you. In the Board's view, this fine should be varied, the Board takes into account the serious nature of the charge because it is concerning health and safety, but there are other matters which should be taken into account in mitigation of penalty. The Board is not impressed with the argument that it was inadvertence, because it's clear evidence that Ms Bradley and others had been notified only a short time before, in relative terms that vests must not be modified, but so far as the Board is concerned, we are impressed with the argument that the fine of \$1000, having regard to Ms Bradley's net income is excessive, the principal being that financial penalty should take into account the means and ability to pay of the offender. The Board wants to make it clear that the only basis on which it is prepared to vary the fine is simply that, that is the means and ability of Ms Bradley to pay, and the other matters that have been raised are not persuasive so far as the Board is concerned. In the circumstances the fine will be reduced to \$500 and that amount is to be paid on or before the 31st August 2011.

MR JURKOVSKY: Thank you Mr Chairman, thank you to the Board.

CHAIRMAN: Thank you.

END OF EXTRACT