



## 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:** 11 October 2012

**SUBJECT:** **APPEAL HEARING RESULT – JOCKEY: LUKE CURRIE**

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**Panel** Judge Russell Lewis (Chair), Mr Chris Enright, Mr Graeme Johnson.

**Appearances** Mr Sam Hyland appeared on behalf of Mr Currie.  
Mr Darren Triandafillou appeared on behalf of the Stewards.

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At Bairnsdale on Sunday, 7 October 2012 jockey Luke Currie was found guilty of a charge of careless riding on his mount *Miss Del Toro* in Race 1 the *Shadforth Financial Group Maiden Plate* (1000m).

The careless riding being that passing the 200 metres he permitted his mount to shift out when not sufficiently clear of *Back Red'N'Black* thereby taking that mare out off its course and being hampered.

Luke Currie had his licence to ride in races suspended for a period to commence at midnight on Sunday, 7 October 2012 and to expire at midnight on Sunday, 14 October 2012 – a total of 8 race meetings (2 metro, 6 country).

In assessing penalty Stewards took into account that whilst his degree of carelessness was high, the interference suffered was minimal, and in the circumstances Stewards deemed the incident to be in the low range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Tuesday, 9 October 2012. A stay of proceedings was not requested.

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**DECISION:** **Appeal dismissed**

**Tara Watson**  
**Acting Registrar - Racing Appeals & Disciplinary Board**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR C. ENRIGHT  
MR G. JOHNSON**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE SHADFORTH FINANCIAL GROUP  
MAIDEN PLATE OVER 1000 METRES AT BAIRNSDALE ON 7/10/12**

**JOCKEY: LUKE CURRIE**

**MELBOURNE**

**THURSDAY, 11 OCTOBER 2012**

MR D. TRIANDAFILLOU appeared on behalf of the RVL Stewards

MR S. HYLAND appeared on behalf of the Appellant

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CHAIRMAN: In this appeal, on the question of careless riding, the Board thinks that the appeal against conviction is frivolous and there is clear evidence of, in the Board's view, careless riding. The question is one of penalty. Any interference or the consequences flowing from the careless riding is but one of the matters which the Board would take into account. This case is the converse of perhaps careless riding where there is minimal interference but someone falls. When that occurs, the fall is one of the matters to be considered. By contrast, the slight interference which occurred here - very slight interference, minimal interference, as the Stewards would have - is but one of the consequences to consider.

Mr Currie's record was taken into account and it is a reasonable record for a jockey, but the Stewards thought that the penalty should be in the low range, which is seven to 10 days, so he got one more than the lowest of the low range.

The difficulty Mr Currie faces is that he pleaded not guilty, so he gets no discount for a plea of guilty. In the circumstances, to just tinker with the Stewards' decision by knocking off one meeting is not an option for the Board. We are not into tinkering. In the circumstances, it is unfortunate for Mr Currie, but we see no basis for interfering with the Stewards' penalty. Accordingly, the appeals against conviction and penalty are dismissed.

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