



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 26 September 2013

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: MICHELLE PAYNE**

Panel Judge Russell Lewis (Chair), Dr June Smith, Mr Ron Taylor.

Appearances Mr Des O’Keeffe appeared on behalf of Ms Payne.
Mr Corie Waller appeared on behalf of the Stewards.

At Ballarat on Sunday 22 September 2013, jockey Michelle Payne pleaded guilty to a charge of careless riding on her mount *Bia Diamond* in Race 6 the *Scott Petroleum Gold Nugget Handicap* (1600m).

The careless riding being that she allowed her mount to shift in near the 1200m when insufficiently clear of *Rememba Howe (NZ)* which was tightened for room and had to be restrained, losing its rightful running.

Ms Payne had her licence to ride in races suspended for a period to commence at midnight on Sunday, 22 September 2013 and to expire at midnight on Sunday, 29 September 2013 – a total of 8 race meetings (3 metro, 5 provincial).

In assessing penalty Stewards took into account M Payne’s guilty plea, the careless riding was in the low range, the racing manners of *Rememba Howe (NZ)* and her upcoming significant engagements.

A Notice of Appeal against **the severity of the penalty** was lodged on Monday, 23 September 2013. A stay of proceedings was not requested.

DECISION: **Appeal allowed.**

Penalty varied – the period of suspension to now expire at midnight on Friday, 27 September 2013 (6 race meetings).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
DR J. SMITH
MR R. TAYLOR**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE SCOTT PETROLEUM GOLD NUGGET
HANDICAP OVER 1600 METRES AT BALLARAT ON 22/9/13**

JOCKEY: MICHELLE PAYNE

MELBOURNE

THURSDAY, 26 SEPTEMBER 2013

MR C. WALLER appeared on behalf of the RVL Stewards

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

CHAIRMAN: In this appeal, which has been extensively argued, the Board has come to the view that the circumstances are such that the degree of carelessness was, in the Board's view, properly characterised in the middle of the low range. With the discounts which the Stewards correctly applied, a period of suspension less than that imposed by the Stewards is appropriate.

The penalty is varied to a suspension of six race meetings, which will mean that the period of suspension will expire at midnight on Friday, 27 September 2013.
