

# **Media Release**

## **Racing Appeals & Disciplinary Board**

Result of the appeals held before the HRV Racing Appeals and Disciplinary Board on 23 April 2018.

### **Joshua Duggan**

Against decision and a 7 day suspension imposed by the stewards under Rule 163 (1)(a)(iii) at Kilmore on 17 March 2018.

### **Appeal upheld.**

HRV RAD Board Panel: Alanna Duffy (Chairperson), Kevin Carson.

Appellant Representative: Rob O'Connell

HRV Representative: Brett Day

# **TRANSCRIPT OF PROCEEDINGS**

**RACING AND DISCIPLINARY BOARD**

**MS ALANNA DUFFY, Chairperson**

**MR KEVIN CARSON**

## **EXTRACT OF PROCEEDINGS**

**JOSHUA DUGGAN**

**DECISION**

**23 April 2018**

**Mr BRETT DAY appeared on behalf of the HRV Stewards**

**Mr ROB O'CONNELL appeared on behalf of JOSHUA DUGGAN**

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After careful consideration of this matter, we have found Mr Duggan, not guilty of the charge. The reason for that is we're not comfortably satisfied that Mr Duggan has contributed to the interference in all the circumstances of the race. Our view is that, at the point shortly before the interference occurred, we consider that Mr Duggan was entitled to be in the position that he was in. Those are our reasons.

***Harness***

**Racing Appeals & Disciplinary Board**

# **Media Release**

## **Racing Appeals & Disciplinary Board**

Result of the appeals held before the HRV Racing Appeals and Disciplinary Board on 23 April 2018.

**Rhys Nicholson**

Against decision and a \$500 fine imposed by the stewards under Rule 168(1)(e) at Cranbourne on 3 March 2018.

**Appeal dismissed.**

HRV RAD Board Panel: Alanna Duffy (Chairperson), Kevin Carson.

HRV Representative: Brett Day

The Racing Appeals & Disciplinary Board (RADB) is established under section 50B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

# **TRANSCRIPT OF PROCEEDINGS**

**RACING AND DISCIPLINARY BOARD**

**MS ALANNA DUFFY, Chairperson**

**MR KEVIN CARSON**

## **EXTRACT OF PROCEEDINGS**

**RHYS NICHOLSON**

**DECISION**

**23 April 2018**

**Mr BRETT DAY appeared on behalf of the HRV Stewards**

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Mr Nicholson appeals the charge under rule 168 (1) (e) and pleads not guilty. The charge of improper driving is based on Mr Nicholson's right foot coming out of the foot rest whilst (in our view) the horse was still in the race, at least for a place. The stewards' case is regardless of whether Mr Nicholson's foot came off the foot rest accidentally or intentionally, it is the movement of his foot immediately after that is the issue. In the stewards' opinion, that movement was improper. Our task is to decide if the stewards' opinion is reasonably held. We consider in this case that the stewards' view was reasonably held because we're of the view that the movement of Mr Nicholson's foot towards the horse after his foot had come off the foot rest was deliberate, and not accidental. If Mr Nicholson had been trying to get his foot back on the foot rest there was no need for his foot to move towards the horse. They're the reasons for our decision Mr Nicholson, so we find you, based on that, guilty of the charge.

In relation to penalty, Mr Nicholson, we understand that it is a significant penalty, a \$500 fine, and we've heard what you've said about that. But we do think that this type of action is potentially dangerous action that could cause harm and there is a need for specific and general deterrence and some consistency with the penalties handed down by the board for this kind of offence. Taking all of that into account, we consider that a \$500 fine is the appropriate penalty.

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***Harness***  
**Racing Appeals & Disciplinary Board**

# Media Release

## Racing Appeals & Disciplinary Board

Result of the appeals held before the HRV Racing Appeals and Disciplinary Board on 23 April 2018.

### **Derrick Krafft**

Against a 6 week suspension imposed by the stewards under Rule 168(1)(e) and a \$500 fine under rule 156(3) at Maryborough on 5 April 2018.

**Appeal as to penalty varied to a 3 week suspension and a \$200 fine.**

HRV RAD Board Panel: Alanna Duffy (Chairperson), Kevin Carson.

Appellant Representative: Lance Justice  
HRV Representative: Brett Day.

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# **TRANSCRIPT OF PROCEEDINGS**

## **RACING AND DISCIPLINARY BOARD**

**MS ALANNA DUFFY, Chairperson**

**MR KEVIN CARSON**

## **EXTRACT OF PROCEEDINGS**

**Derrick Krafft**

### **DECISION**

**23 April 2018**

**Ms BRETT DAY appeared on behalf of the HRV Stewards**

**Mr LANCE JUSTICE appeared on behalf of DERRICK KRAFFT**

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We're dealing with two charges in relation to Mr Krafft today. The first under rule 156 and the second under rule 168. It was initially accepted by Mr Justice on behalf of Mr Krafft that Mr Krafft had used the whip in an unapproved manner and pleaded guilty to the charge under rule 156. Leave was granted to change his plea to guilty under rule 168 as well and we thank Mr Justice for his assistance with dealing with these matters. In the circumstances, we've taken into account the guilty pleas, Mr Krafft's good record over sixty years in the industry and the fact that it was a trial rather than a race. We think in all the circumstances, that the appropriate penalty for the breach of rule 156 (3) is a \$200 fine and for the breach of rule 168 (1) (e) a three week suspension.