

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-76	
Name	Jake Molloy	
Panel	Mr Kerry O'Brien AM (Chairperson) Mr Daryl Kays (Panel Member) Ms Lyndsey Hicks (Panel Member)	
Code	Thoroughbreds	
Rule	Australian Rules of Racing 131(a) <i>A rider must not, in the opinion of the Stewards engage in careless, reckless, improper, incompetent or foul riding</i>	
Penalty Notice number	PN-009447	
Appearances & Representation	Applicant	Self-represented
	Respondent	Queensland Racing Integrity Commission Joshua Adams
Hearing Date	23 January 2023	
Decision Date	23 January 2023	
Decision	Pursuant to 252AH(1)(a) the Racing Decision is confirmed <i>(delivered ex tempore)</i>	
Case References	Racing Appeals Panel decision Andrew Mallyon, RAP-62, 6 November 2023	

Reasons for Decision

- [1] The Applicant in this matter is Apprentice Jockey Jake Molloy who seeks a review of a racing decision made by Stewards on 17 January 2024 when the Applicant was found guilty of an offence of careless riding contrary to Australian Rule of Racing 131(a).
- [2] He received a licence suspension of nine days commencing midnight on 24 January 2024 and ending at midnight on 2 February 2024.
- [3] The charge against the Applicant related to his riding of the horse Picador in Race 5 at Doomben Racecourse on the 17 January 2024.
- [4] The relevant penalty notice provides the following particulars of the charge;
- Apprentice J. Molloy as the rider of PICADOR was found guilty of careless riding pursuant to AR131(a) in that when riding his mount along and placing it under pressure rounding the home turn, he made insufficient effort to prevent his horse from shifting outwards, which resulted in PICADOR shifting into the rightful racing of WINUSA STAR (apprentice jockey Ceejay Graham), causing that rider to become severely unbalanced after being steadied to avoid PICADOR'S heels. As a consequence, AMERICAN PHIREBALL (jockey Martin Harley), which was awkwardly placed behind WINUSA star, was also checked as a result of the incident.*
- [5] At the Stewards Inquiry conducted into the running of the race, evidence was heard from Steward K Daly, who had been stationed in a tower near the home turn, as well as from the Applicant and the other two riders involved in the incident.
- [6] As noted, the Applicant is an Apprentice Rider, and the Stewards permitted Master of Apprentices Mr Shane Scriven, to assist him in making submissions. A similar latitude has been extended to the Applicant for today's hearing.
- [7] The race footage was also available for the Stewards viewing and all of this material is before this Panel as part of the present hearing.
- [8] In his Application for Review the Applicant contends that he did not breach the rule of racing and that, in any event, no greater penalty than a reprimand was warranted. He provides the following detail;
- The horse of Ceejay Graham's was tiring and wobbling around at the time of the incident which she stated to the stewards. The severely interfered jockey Martin Harley stated to stewards that there was slowing horses in front of him and he was checking 6 strides before the incident I have been charged with.*
- My horse didn't really handle the corner as he is big and gangly and I moved out only about half a horse to obtain clear running, but I never pointed his head in an outward direction. The reason that Ceejay Graham suffers some interference is due to her horses wobbling action and it is quite evident as the horse slows significantly and runs a distanced (sic) last.*
- [9] At the Stewards hearing Steward K Daly described having had a lateral view of the incident which occurred near the tower in which he was stationed at the home turn. Mr Daly described seeing the Applicant on his mount Picador riding in a one-off position, looking to come out to improve that shift (he) took apprentice Graham on Winusa Star out with Jockey Martin Harley awkwardly placed at the heels of Winusa Star (having) to steady at the point where the Applicant was seeking to improve.

- [10] Apprentice Jockey Ceejay Graham described her mount, Winusa Star, as “weak and tiring”, It was, she said, “wandering around and wobbling everywhere”. Her impression was that the Applicant’s horse moved out only a fraction.
- [11] I would here observe that it is the Panel’s view that Ms Grahams’s description of events is not entirely consistent with the race footage which we have viewed. We do however accept that her mount was most certainly tiring.
- [12] In his submissions to the Inquiry, the Applicant argued that he had not deliberately shifted his running, that his horse was inexperienced (“green”) and simply did not handle the corner.
- [13] Mr Scriven, who, as we have indicated, provided assistance to the Applicant at the hearing, expressed the view that the Applicant’s movement was minimal and that as far as Jockey Harley’s mount was concerned, it “already had nowhere to go” and Jockey Harley had checked his horse long before any movement from the Applicant’s horse. Any carelessness Mr Scriven submits was within the low range.
- [14] The Stewards found the Applicant guilty of the charges as particularised. They found that the Applicant’s horse had shifted due to the Applicant placing pressure on the horse under riding, and that the Applicant had made insufficient efforts to prevent that shift.
- [15] They accepted that Halley’s mount American Phireball was awkwardly placed at the heels of Winusa Star but that the movement of the Applicant’s mount had the consequential effect of causing further difficulties for American Phireball.
- [16] The Stewards however did acknowledge that Jockey Harley’s mount was already awkwardly placed and they were not prepared to find any further “checking of that horse” for the purposes of the application of the careless riding template. In applying that template, the Stewards determined the careless riding to be within the mid-range with the consequences being at the low range of “hampering or crowding” another runner or runners. This led, under the template, to the application of a suspension of 10 days. The Applicant was not entitled to any discount, nor was he to suffer any premium given his record, but he was entitled to a discount of one day by reason of him being an apprentice rider. The result was, through application of the template, a suspension of nine days.
- [17] This Panel, of course, must form its own view of the riding in question. We have found the video footage to be of the greatest assistance, although we have considered carefully all of the material that was before the Stewards and have had regard to the submissions that have been made to us this morning.
- [18] The Applicant has stated that he was aware of the racing manners of his horse. He described that horse as being big, green and gangly. The video footage to the Panel’s satisfaction establishes that the Applicant was riding his mount vigorously and riding in that manner at a time when there was no clear running directly to his front.
- [19] The incident in question occurred at the turn into the straight and that is always a critical point in any horse race when minimal shifting can have the consequence of major effect.
- [20] As this Panel observed in the case of Mallyon RAP 62, Jockeys are required to exercise due care. The Panel acknowledges that horses do shift, however, it is the obligation of jockeys to at all times make every effort to ensure their horse is under control and that they do not interfere with the rightful running of other competitors in the race.

- [21] As we have observed, the Applicant here was clearly riding his mount vigorously and was doing so at the point of the turn when there was no clear running to his immediate front. He had the option of taking hold of his horse, rather than allowing any problems to transfer to the outside runner or runners. As the Stewards properly found, the shift here occurred as a consequence of a lack of control and the horse being placed under pressure. In the Panels view the Applicant took insufficient effort to take control of his horse to prevent it shifting.
- [22] The Panel is satisfied that the riding of the Applicant in this case did constitute careless riding in terms of the particulars. We also accept the submission made by Mr Adams for the Respondent that it falls within the mid-range, given the level of vigour involved and the particular point in the race at which it had occurred.
- [23] It follows in our view that the Application should be refused. The order of the Panel pursuant to section 252AH of the *Racing Integrity Act 2016*, is to confirm the racing decision.

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