

## DECISION

*Racing Integrity Act 2016, sections 252AH, 252BM*

<b>Review application number</b>	RAP-14	
<b>Name</b>	Jackson Murphy	
<b>Panel</b>	Mr. Kerry O'Brien AM (Chairperson) Ms Dianne Condon (Deputy Chairperson) Ms Lyndsey Hicks (Panel Member)	
<b>Code</b>	Thoroughbreds	
<b>Rule</b>	Australian Rules of Racing 131(a)  A rider must not, in the opinion of the Stewards engage in careless, reckless, improper, incompetent or foul riding;	
<b>Penalty Notice number</b>	PIN8008	
<b>Appearances &amp; Representation</b>	Applicant	Self-represented
	Respondent	Mr Kym Daly Anna Rettke
<b>Hearing Date</b>	23 May 2023	
<b>Decision Date</b>	23 May 2023	
<b>Decision</b> <i>(delivered ex tempore)</i>	Varied	
<b>Panel Penalty</b>	Pursuant to section 252AH(1)(b) of the <i>Racing Integrity Act 2016</i> , the racing decision is varied to provide a penalty of nine days suspension commencing at midnight on 19 May 2023 and ending at midnight on 28 May 2023.	

## Reasons for Decision

- [1] The panel has reached its decision in the matter and will now provide these extempore reasons for that decision.
- [2] The applicant in this matter is jockey Jackson Murphy. On the 12th of May 2023 he was riding the horse Albert's In Charge in race 7 at Gatton.
- [3] Following a stewards inquiry conducted after the race the applicant was found guilty of an offense of careless riding contrary to Rule 131(a) of the Australian Rules of Racing.
- [4] His transgression was deemed to be within the mid range for careless riding and he received a penalty of 12 days suspension of license commencing at midnight on the 19th of May 2023 and ending at midnight on the 31st of May 2023.
- [5] He now seeks a review of that determination of guilt,
- [6] The charge against the applicant arose from the checking of another runner in the race, Aurora Dancer, at approximately the 900 metre mark.
- [7] The summary of the reasons provided by the stewards is as follows;

“At a subsequent inquiry, jockey Jackson Murphy, rider of Albert’s In Charge was found guilty of a charge of careless riding under the provisions of AR131(a) in that after initially allowing his mount to shift in at an acute angle approaching the 1000m he then made insufficient effort to prevent Albert’s In Charge to shift in resulting in Klinsmann being taken inwards crowding Jaameelati which in turn shifted in crowding and causing tightening to both Luz Long and Aurora Dancer which were checked as a consequence”.
- [8] The applicant sets out his reasons for seeking this review as follows;

“I believe myself and my horse were not a contributing factor to this incident. You can see that I correct my mount with plenty of room to my inside for the other runners to have space for racing and I believe the horse to my inside causes the incident by racing greenly away from my horse putting pressure on the runners to the inside. I correct my mount well before the incident had happened and I crossed the runners to my inside safely”.
- [9] In support of his case the Applicant has tended a number of still photographs from the race and expands on his argument in these terms.

“My horse Albert’s In Charge, jumped slowly away from the barriers and I gave my mount a good push along to take up a leading position. In doing so I came across quickly to take the lead, in doing so I received a call from the rider inside of me Michael Murphy rider of Klinsmann, you can see on the stewards footage I clearly straighten my mount with plenty of room for the runners to my inside to continue racing in a safe manner without encroaching on them. As I straighten my mount, Klinsmann the horse inside me continued to run away from my mount after the fact which put pressure onto the runner to his inside which in turn cause the incident, although my horse began on an inward shift, I was quick to straight and continue on a forward path before I crossed any runner. I made sure they had plenty of room to do it in a safe manner. I believe if Klinsmann didn’t race greenly away from my horse the incident doesn’t happen. There was also a protest from Jaameelat it was also dismissed. T

- [10] Aside from the still photographs tendered by the applicant, the panel has before it a film footage of the race as well as the recordings of the hearing which was conducted by the stewards”.
- [11] We have considered all of this material and the submissions made by the applicant on his own behalf and Mr. Daly who chaired the Stewards meeting on that day.
- [12] The panel is satisfied that the acute angle, which was adopted by the applicant in his manoeuvre caused a reaction from the horse Klinsmann.
- [13] Had the applicant stayed on a straight path he could have in the panels view, alleviated pressure on the inside runners.
- [14] In that sense, the panel is satisfied that the riding of the applicant on this occasion constituted carelessness.
- [15] We are satisfied that he does bear some culpability and he's failure to give more space in the circumstances thus constitute carelessness.
- [16] However, after carefully reviewing the footage of the race, the panel is not persuaded that the racing manners of the horse Klinsmann did not contribute to or play some part in the crowding of the inside runners.
- [17] Weighing these matters and being mindful, of course, of the experience of the stewards involved in this matter, the panel is of the view that the carelessness of the applicant should more properly be classified as falling within the low range.
- [18] The Penalty Guidelines for low range careless riding provides a starting point of 10 days suspension. Given the applicants generally good record, this period should be reduced to one of nine days suspension.
- [19] The racing order made by the Stewards will be varied. Although commencing at midnight on the 19th of May 2023 the penalty of nine days suspension will now conclude at midnight on the 28th of May 2023.