

## DECISION

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

<b>Review application number</b>	RAP-130	
<b>Name</b>	Jackson Murphy	
<b>Panel</b>	Mr K J O'Brien AM (Chairperson) Mr D Kays (Panel Member) Mr K Waller (Panel Member)	
<b>Code</b>	Thoroughbreds	
<b>Rule</b>	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>	
<b>Penalty Notice number</b>	PN-011138	
<b>Appearances &amp; Representation</b>	Applicant	Self-represented
	Respondent	E. Tickner Queensland Racing Integrity Commission
<b>Hearing Date</b>	6 February 2025	
<b>Decision Date</b>	6 February 2025	
<b>Decision</b>	Pursuant to 252AH(1)(a) the Racing Decision is Confirmed <i>(delivered ex tempore)</i>	
<b>Case References</b>		

## Reasons for Decision

- [1] This is an application by licenced jockey Mr Jackson Murphy for the review of the decision made by Stewards on 30 January 2025 finding him guilty of an offence of careless riding contrary to Australian Rule of Racing AR 131(a) and suspending his licence to ride for a period of eight days, commencing at midnight on 8 February 2025 and ending at midnight on 16 February.
- [2] The Stewards' decision followed an Inquiry conducted into the Applicant's riding of the horse King Jester in Race four on the Rockhampton Jockey Club meeting held on 30 January 2025. The allegation against the Applicant was that he had exercised insufficient effort in preventing his mount from shifting in when not clear of another runner near the 800-metre mark, resulting in that runner being checked and losing ground. The Applicant had pleaded not guilty to the charge, but the Stewards were satisfied of his guilt and the penalty referred to above was imposed.
- [3] Penalty was determined through the application of the Careless Riding Template which appears as Annexure A in the Queensland Racing Integrity Commission's Thoroughbred Racing Penalty Guidelines. The degree of carelessness was assessed as falling within the low range with category two consequences of causing the checking or loss of rightful running to another runner. This produces the starting point penalty of a 10-day suspension of licence which was then reduced by a period of two days to reflect the Applicant's good riding record.
- [4] The Applicant now seeks a review of the Stewards' decision on the ground that he was not in breach of the racing rule. His argument is well summarised in the following extract from his application<sup>1</sup>:

*I believe, my horse never crossed or interfered with the runner to my inside. I held my mount in a tight one-off position, as I approached the corner my horse laid in so I took action and turned my mounts head outwards, unfortunately cause (sic) we were on a corner the momentum of my horse shifting inward made it tighter but I believe I did what I could considering the circumstances.*

- [5] He goes on to provide the following detail<sup>2</sup>:

*The views we have are inconclusive, Miss Apel (the rider of Just Super) never gets my heels cause she is always inside me, I never cross to the back of Justin Stanley (the rider of Hellish), if I do cross to the back of Justin Stanleys mount I put myself in a dangerous position on his heels and Risk myself falling. My horse does lay in on the corner but as you can see, I have my mounts head turned out, my momentum is shifting on the corner to go in but I correct it, so I'm unsure what more they wanted me to do. I think that Miss Apel's mount over reacted and blundered due to feeling anticipation of becoming tighten further and with the blinkers on I believe the horse couldn't see a way out and panicked, I never crossed her line or dictate her line I was always in a one of position to the rail and she never hits the rail as it does not move and being so flimsy and plastic you would see the rail move if she made contact. The footage of the incident from the stewards' towers supports my findings.*

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<sup>1</sup> Application for review – RAP-130

<sup>2</sup> Ibid

- [6] The Stewards Inquiry heard evidence from Mr Ethan Suli, a Steward who had close observation of the incident. He gave the following account<sup>3</sup>:

*I was located in the stewards' tower at approximately 850 metres, which gives me a head on view of the start, and when runners come by me, a side on lateral view. Nearing the 200 metres – [in my opinion] – King Jester, ridden by Jackson Murphy, was racing in [a one-off position] to the - [off the rail, with one back. On the] rail, was Just Super, ridden by Apprentice McKenzie Apel. In the vicinity of the 850 metres, it looked as though King Jester appeared to have shifted in for a stride when insufficiently clear, which resulted in Just Super having to check and lose its rightful run.*

- [7] There was also evidence by Apprentice rider Ms McKenzie Apel, the rider of Just Super, the horse said to have been impeded. Her account, at least at the outset, appeared to be somewhat vague, although she did agree that she had been forced to “take hold” of her mount when the horse to her outside, the Applicant's mount “stepped in a little bit”<sup>4</sup>.

- [8] The Applicant's account, initially at least, was as follows<sup>5</sup>:

*Yeah. I remember [jumping]. I noticed McKenzie's horse did step slow. I pressed on to be on the back of Hellish. As I looked, I was moving away from McKenzie [and started, obviously, at my end on the course] on that corner there. My horse wanted to had a tendency to lay in little bit its head [unclear] a little bit. I tried to keep pressing for it on the back of Hellish. I had another look as I was coming across and I noticed that McKenzie's horse [in the race] [unclear]. That's when I tried to take my horse out. Obviously, my horse already had its momentum going inwards, but I did what I could when I knew she was there, probably a little late.*

*[Steward]: ...Mr Murphy, did you receive any call from Ms Apel at any stage?*

*Not till very late. Not until she did – I was pretty much probably half a horse off the rail. That's when I opted to take action and try [to move out] [unclear] she was there. Once she got that bit of interference, she fell away quite quickly so that's when I opted to [unclear] on the rail.*

- [9] After watching the race footage, the Stewards adjourned the Inquiry to allow the jockeys to attend to their riding commitments in the next race on the programme. When the Inquiry resumed Ms Apel suggested that her horse had “sort of stood in a hole or something” when the Applicant was “not quite in front of (her)”, and as it dipped had thrown its head back, making the incident look worse than it really was<sup>6</sup>. When asked if the Applicant had got into her line of running, she replied “It has gotten tight. Yes.”<sup>7</sup>

- [10] At the resumed hearing the Applicant said he agreed with Ms Apel<sup>8</sup>. Although it was tight, he did not believe that he ever really got to the back of Jocky Stanley (Hellish) “until further down”<sup>9</sup>. The Applicant's evidence was that his mount had rolled in, and, although it was reasonably tight, he did not believe that the inside leg of Apprentice Apel's mount was ever outside or between his mount's legs and further that Apprentice Apel's mount was inside his mount's back legs<sup>10</sup>. The Applicant gave further evidence that he believed that Apel's mount had gotten a squeeze, panicked, and bounced into the rail,

<sup>3</sup> Transcript of Stewards' Hearing lines 15-23

<sup>4</sup> Ibid, lines 48-68

<sup>5</sup> Ibid, lines 77-95

<sup>6</sup> Ibid, lines 126-130

<sup>7</sup> Ibid. lines 137-139

<sup>8</sup> Ibid, line 177

<sup>9</sup> Ibid, lines 177-182

<sup>10</sup> Ibid, lines 190-193

and that he had done what he could by turning his mouth's head outwards, once he realised that Apprentice Apel was on the rail<sup>11</sup>. When questioned as to whether Apprentice Apel had "copped a bit of a squeeze", the Applicant replied: "Yeah, like I said, I never crossed, but she's tight. I made it. It was a tight run, but I believe I never crossed her" and further that he believed Apprentice Apel was clear, with running room<sup>12</sup>

[11] When entering his plea of not guilty, the Applicant further said<sup>13</sup>:

*I just believe I never crossed. You can see my horse's heels are outside of Hellish's the whole time. She was obviously tight for a bit of room, but I never crossed the line. She never bumps the rail. I had my horse's head turned out throughout, until obviously the incident was over when I was able to cross, but before that, I believe I did sufficient things to keep her comfy. Although be it tight, I don't believe I ever really crossed her line.*

[12] As indicated above the Stewards' found the Applicant guilty of the charge. In making that finding, they said:<sup>14</sup>

*By your initial own evidence and then throughout the inquiry, you do acknowledge that you have given Apprentice Apel a squeeze, or that in your initial evidence, that you did have her tight. We are acknowledging, we're not saying that you've crossed fully into her line, but we do feel that your efforts were insufficient throughout the incident. We do note your horse's head has been turned out but those efforts overall, from our opinion, were insufficient.*

[13] As noted, in determining penalty the Stewards applied the careless riding template, providing, somewhat generously perhaps, a discount of two days to reflect the Applicant's good riding record.

[14] It is of course a matter for this Panel to form its own view of the incident. We have regard to the evidence, some of which we have made reference to. We also have regard to the footage of the race which we have viewed on numerous occasions. We are of course, mindful of the submissions which have been made. The evidence of Mr Suli set out above should be granted, in our assessment, considerable weight. Stewards are experienced in observing incidents such as this and their observations, particularly when made from the position Mr Suli was in, should not be likely discounted. There are several additional aspects of the matter which have been highlighted by the Respondent to which we have a regard:

- The initial evidence of Apprentice Apel was that she was required to "take an action" heading into the first turn, that action being that she was required to take hold of her mount at the point where the Applicant's mount shifts in, which conduct is evident in the footage of the race where the head of Apprentice Apel's mount is in the air as a result of her being forced checking. There is no suggestion in her first account, nor is there any evidence from the video footage, to suggest that there had been any form of stumbling of the type she subsequently and belatedly referred to.
- The footage of the race at the point of the incident shows little room between the front legs of her Apprentice Apel's mount and the hind legs of the Applicant's mount resulting in Apprentice Apel having to check to avoid clipping heels.

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<sup>11</sup> Transcript of Stewards' Hearing lines 193-197

<sup>12</sup> Ibid, lines 201-206

<sup>13</sup> Ibid, lines 333-339

<sup>14</sup> Ibid lines 351-358

- The Applicant gave evidence of the racing room being tight at the point of the incident, with evidence from Apprentice Apel being that the Applicant was one length or maybe one and a quarter length, at best, in front of her. This is the most favourable view to be taken of the distances involved, but it is clear that even on that evidence, there is very little margin for error and the distance is well short of the so-called two length golden rule.
- By his own conduct, the Applicant has acknowledged that he was not sufficiently clear of Apprentice Apel's mount in that he had attempted to direct his mount outwards once Apprentice Apel has made a call to his inside
- The Applicant gave evidence that at the point of the incident he was half a horse off the rail, thereby indicating that there was insufficient room for a runner to his inside and his action in turning his mount's head outwards at that point was therefore an insufficient remedial measure relieving any pressure and preventing any interference to Apprentice Apel's mount on his inside.
- The consequences of Applicant's actions were that Apprentice Apel was required to check her mount, and she lost her rightful running. So much is clear from the race footage and the evidence of the Applicant where he said "once she got that bit of interference she fell away quite quickly. So that's when I opted to remain on the rail after that".

These several points are made by the behalf of the respondent, and we find them to be in the circumstance of this case compelling.

- [15] Having considered all of these matters, the Panel considers any attempt to alleviate the situation on the part of the Applicant was, to use the phrase of Ms Tickner who appears for the Respondent, too little, too late. In our view, the Applicant's riding did amount to careless riding as charged.
- [16] There is no complaint as to the penalty imposed in these circumstance, but at any event it is entirely consistent with the application of the template and we would not consider any interference with that suspension.
- [17] In the result, the order of the Panel pursuant to section 252AH1A, is that the racing decision the subject of the application is confirmed.