



INTERNAL REVIEW DECISION
(Internal Review Decision Notice in response to an Application for Internal Review)

PART 1: Details of Internal Review

Internal Review Number:	Internal Review 0075-18
Applicant's Name:	Jackson Murphy

PART 2: Decision History

Original Decision:	Breach of Rule 137(a) of the Australian Rules of Racing
Original Decision Makers:	P Zimmermann, C Albrecht, J Williamson, B Connell
Date of Original Decision:	3 August 2018
Internal Review Decision:	Original decision of charge and penalty confirmed - Fifteen (15) day suspension
Internal Adjudicator:	Mr Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	22 August 2018

PART 3: Summary of Internal Review Application

The Applicant, Mr Jackson Murphy, rider of LICENCED TO WIN in Race 4 at the Lockyer Valley Turf Club meeting at Gatton on 3 August 2018, pleaded guilty to a charge under Australian Rule of Racing 137(a).

Australian Rule of Racing 137(a) states:

"Any rider may be penalised if, in the opinion of the Stewards, he is guilty of careless, reckless, improper, incompetent or foul riding."

At the stewards' inquiry conducted on 3 August 2018, the Applicant pleaded guilty to a charge of careless riding pursuant to Australian Rule of Racing 137(a) in that leaving the 1000 metre mark the Applicant permitted LICENCED TO WIN to shift inwards when not sufficiently clear of SPLASH OF CRISTAL, which resulted in SPLASH OF CRISTAL shifting in and causing tightening to SUGAR SIZZLE, which had to be checked. In this incident CRAFTY AQUILA was significantly checked and lost ground and SONA DANCER was also severely checked.

Stewards subsequently suspended the Applicant's licence for fifteen (15) days to commence at midnight on 12 August 2018 and to expire at midnight on 27 August 2018.

The Applicant sought a review of the penalty and submitted the following in support of his Application:

"To appeal the severity of the suspension at Gatton on a horse called Licenced to Win for trainer Lindsey Hatch, 1100m F&M Class 1."



The horse began well from the widest barrier, pressed forward, to take up the lead. On doing so the horses to my inside were beginning to slow and I was picking up more momentum to cross.

Upon crossing, the horses to my inside began to overace and came up quicker than I anticipated. Coming to the point of the corner my horse was on an inward path, that is when I recall receiving a call to my inside. Finding out before the race as it broke through the barrier pre-race it took a long time to pull it up as I had limited control on my left hand rein. As my horse was on an inward course I did my best to relieve the pressure to my inside but as my horse was on an inward path coming to the point of the corner, I was unable to relieve that pressure. ”

The outcome sought by the Applicant was a reduction in penalty.

PART 4: Reasons for Internal Review Decision

The Applicant's complete review submissions are outlined in Part 3 of this decision.¹ The Applicant pleaded guilty to the aforementioned careless riding charge and sought a reduction in penalty.

The reviewer finds the race footage compelling and demonstrates the Applicant, rider of LICENCED TO WIN, permitted his mount to shift in near the 1000m metre mark when not clear of SPLASH OF CRYSTAL, thereby tightening that horse in onto SUGAR SIZZLE, which in turn was tightened in across the running of CRAFTY AQUILA and SONA DANCER, resulting in SPLASH OF CRYSTAL, CRAFTY AQUILA and SONA DANCER having to be checked and SUGAR SIZZLE being inconvenienced. The reviewer rejects the Applicant's submissions, particular to the tractability of LICENSED TO WIN, and finds the Applicant commenced from the outside barrier and shifted in on an acute angle and, despite looking to his inside on several occasions, continued to shift in regardless when not clear of SPLASH OF CRYSTAL, which ultimately was the sole cause of the aforementioned interference. The reviewer finds the Applicant failed to make sufficient effort to protect his fellow riders and avoid causing the aforementioned interference. The reviewer finds the onus is on the rider, in this case the Applicant, to ensure prior to shifting ground he is sufficiently clear of other runners beforehand to avoid causing interference. The reviewer, in considering the evidence and aforementioned factors, is completely satisfied the charge is proven.

The stewards deemed the incident to be in the high-range. The standard penalty for a high-range offence is a seventeen (17) day suspension. The Applicant's disciplinary history notes one (1) careless riding suspension in the current calendar year.

In weighing up the evidence on penalty, consideration was provided to the Applicant's degree of carelessness, interference caused, guilty plea, penalty precedents and disciplinary history. The Applicant received a dispensation of two (2) days in penalty for a guilty plea and recent respectable disciplinary history. The reviewer finds the penalty imposed is consistent with a high-range offence and, considering the aforementioned factors and particularly the degree of carelessness and precarious position the Applicant's actions placed upon the aforementioned horses and their respective riders, is not satisfied a further reduction in penalty is proven and accordingly confirms the original decision on charge and penalty.

¹ Application for an Internal Review dated 6 August 2018



PART 5: Review Rights following Internal Review Decision

In accordance with section 246 of the *Racing Integrity Act 2016*, as the applicant for an internal review of the original decision, you are able to apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review of the internal review decision.

An external review is commenced by lodging the appropriate forms with QCAT. In accordance with section 33 of the *Queensland Civil and Administrative Tribunal Act 2009*, an application for an external review of an internal review decision is to be made within 28 days from the day this internal review decision notice is provided to the applicant.

For further information regarding the processes for an external review of the decision, please contact QCAT:

Queensland Civil and Administrative Tribunal

Registry Location: Level 9, 259 Queen Street, BRISBANE QLD 4001
Postal Address: GPO Box 1639, BRISBANE QLD 4001
Phone: 1300 753 228
Email: enquiries@qcat.qld.gov.au