

## Appeal decision

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**Hearing Date:** 23 February 2016

**Decision Date:** 1 March 2016

**Code of racing:** Thoroughbred

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**Appeal panel:** Mr P James (Chair) and Mr D Kays

**Appearances:** Mr L Cassidy, Jockey, appeared on behalf of Apprentice Jockey Michael Murphy  
Mr D Aurisch, Thoroughbred Deputy Chief Steward appeared on behalf of Racing Queensland

**Decision being appealed:** Suspension of licence to ride in races for a period of three (3) weeks – AR135(b)

**Appeal result:** Appeal upheld

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This is an appeal to the Racing Disciplinary Board in respect of a decision by Racing Queensland Stewards from an inquiry into the manner Apprentice Jockey Michael Murphy rode Fast Focus in Race 3 at the Rockhampton meeting on 2 January 2016 when the rider was charged and found guilty for an alleged breach of AR135(b) which reads as follows: -

*“the rider of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is given full opportunity to win or obtain the best possible place in the field.”*

The specifics of the charge being ....after beginning well shortly after the start you commenced to restrain your mount until near the 800 metres when you were positioned at the rear of the field.....

At the commencement of the inquiry the Chairman announced at page 2, line 22:

“Apprentice Murphy, Mr McConachy has expressed some dissatisfaction with your ride on Fast Focus. The Stewards’ probably do have some concerns as well.”

Although the Trainer, Mr McConachy, was highly critical of aspects of apprentice Murphy’s ride at various sections of the race, as also were submissions on behalf of the Stewards’ at the Appeal, the specifics of the charge were restricted to from shortly after the start until near the 800 metres (page 13, lines 4 to 9).

The criticisms of the ride at sections other than from shortly after the start to near the 800 metres may well have had some bearing however the Board's assessment must be restricted to the specified section. The distance of the race being 1100 metres, that section is approximately 300 metres.

The Board accepts that from the inside barrier the heavy restraint of the horse soon after the start to a clear last position, when positions closer were contestable, was not beneficial to the race prospects of the horse, however, is that fact sufficient to establish that, if only a mistake, as submitted strongly on behalf of the Appellant, is it such as to be culpable to a high degree.

Many authorities cite the unacceptability of a rider being punished simply for making a mistake. What is cited is that a perceived mistake must be of considerable significance and for which a rational explanation cannot be offered. Summarised recently by the Board in the case of *Browne –v- Racing Queensland 18 March 2014*.

The riding instructions to the jockey by the trainer summarized below: -

“The horse will jump, you just hold him up as long as you can and let him go at the 200” and “Most horses just track into the race but I said don't – he is a horse that you have to hold onto as long as you can because he will let down about the last 200” in the view of the trainer were not carried out, complaining that the rider had the horse too far back.

It is clear that Michael Murphy is a promising apprentice with little experience (182 rides – 17 provincial wins and 33 country wins) and only riding for a period of nine months. He is 18 years of age, it was his first ride at Rockhampton, just obtained his provincial licence, and with a virtual unblemished record to date.

His ride certainly resulted in the horse not being competitive. His explanation being that as he had been told by a Senior Jockey in the Jockeys' room to snag the horse from the start, and he probably overreacted and done it a bit too much. Taking riding advice regarding a mount from other than the trainer is not wise, and the Board can appreciate that a youthful rider may be influenced by a senior rider.

In all the circumstances the Board is satisfied that the ride involved poor misjudgement, and was not of the expected standard, but being influenced to some degree by the inexperience of the rider, is not satisfied that the level of culpability is such that the serious charge can be sustained and we therefore uphold the Appeal.

Further right of appeal information: The appellant and the stewards may appeal to the Queensland Civil and Administrative Tribunal (QCAT) within 28 days of the date of this decision. Information in relation to appeals to QCAT may be obtained by telephone on (07) 3247 3302 or via the Internet at [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)