

Appeal decision

Hearing Date: 23 February 2016

Decision Date: 1 March 2016

Code of racing: Thoroughbreds

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

Appearances: Mr M Tutt, Solicitors appeared on behalf of Apprentice Jockey Amelia Denby
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 one (1) month – AR135(b)

Appeal result: **Appeal dismissed**

This is an appeal to the Racing Disciplinary Board in respect of a decision by Racing Queensland Stewards to suspend the riding licence of Apprentice Jockey Amelia Denby for one (1) month 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 from the 500 metres to the 300 metres when racing in a rearward position you failed to ride with sufficient vigour or purpose to the outside of Decibel Dan when the opportunity existed and it was reasonable for you to do so and from the 300 metres until over the concluding stages you failed to ride with sufficient vigour when you had at all times clear running and the opportunity was there for you to do so.

This Board has read the transcript and viewed the film on a number of occasions at this appeal.

A viewing of the video coverage shows that: -

- (a) From the outside barrier the horse was not urged forward;
- (b) Although ample opportunity presented to contest mid-field positions the horse settled at the rear of the field back from the second last runner;
- (c) Approaching the turn into the home straight little if any improvement had been made in the position occupied, and clear running was available wider on the track;
- (d) On entering the home straight when many lengths from the leaders, unsuccessful endeavours were made to obtain runs through the body of the field;
- (e) Eventually when obtaining clear running the horse finished strongly;
- (f) Up until very late the rider did not ride aggressively or put the horse under pressure.

The Stewards' maintained that to be competitive, when everyone around seemed to be wanting to get closer to the leaders, the lack of vigour at any time from leaving the 600 metre mark to getting near the 200 metre mark, with what seemed a sheer lack of pressure to improve the position when everyone else was starting to try and improve, required some substantial explanation.

The Stewards' were also of the view that it was not obvious that the horse had a tendency to lay out.

Throughout the enquiry and again at the Appeal the explanation for the ride centered on the following: -

- (a) The instruction from the trainer "go back and ride for luck" – hoping for a run that didn't present;
- (b) The horse's tendency to button off;
- (c) The horse's tendency to lay out requiring it to be nursed to make sure it didn't lay out and lose ground around the turn;
- (d) The rider being an apprentice with very limited experience riding at Ipswich;
- (e) The horse being hampered by other runners at the home turn and when entering the home straight.

To the rider's credit she conceded that it was a very misjudged ride that didn't suit the course, and that she would have been helped with advice on how the course plays and that it was only from watching the replay of the race that she realised how far back from the leading division the horse was positioned.

The trainer's view was that the ride was way overly cautious more than anything.

We are mindful of the recent decisions in these cases and the need to weigh up all of the circumstances of the particular race so that objectively viewed the ride was culpable in the sense that it was deemed to be blameworthy.

This board is comfortably satisfied that from the rearward position that the horse occupied some initiative and aggression was warranted, and that the combinations of inaction over a considerable distance was indicative of a lack of the degree of attention expected of the rider in the circumstances of this race. Although an apprentice, Ms Denby is mature aged, and has had over 500 race rides and was recently upgraded to metropolitan status which negates any suggestion that some aspects of the ride were due to inexperience.

This Appeal is therefore dismissed.

Further right of appeal information: The Appellant and the Steward 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