

APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF LICENSED JOCKEY CONNOR MURTAGH

Heard at Racing NSW Offices

Appeal Panel: **Mr L. Vellis - Convenor; Mrs J. Foley; Mr C. Tuck**

Representatives: **Racing NSW - Mr T. Moxon, Deputy Chairman of Stewards**

Appellant – Mr T. Crisafi, Chief Executive Officer of the NSW Jockeys Association

Date of Hearing: **20 January 2025**

Date of Reasons and Orders: **20 January 2025**

REASONS FOR DECISION

1. On Thursday, 9 January 2025, licensed jockey Mr Connor Murtagh (**Appellant**) pleaded not guilty to a breach of AR 131(a) of the Australian Rules of Racing (the **Rules**). The particulars of the charge alleged were that the Appellant engaged in "careless" riding "in Race 2 at Wagga Wagga Racecourse, the Ron Crouch Transport F&M Maiden Plate over 1,200 metres in that:

"Connor Murtagh, the rider of Darn Hot Miss did, approaching the 400 metres, direct his mount outwards when insufficiently clear of Silverzeta causing that runner having to be checked".
2. Applying the Careless Riding Penalty Template (**Template**), the Appellant was penalised with a suspension of 7 meetings. The penalty imposed by the Stewards resulted from their assessment that the grade of carelessness involved was "medium". The consequences of the carelessness were assessed as "checked and/or lost rightful running".
3. The Appellant has appealed against guilt and the severity of the penalty imposed upon him. He was represented at the appeal hearing by Mr T. Crisafi of the NSW Jockeys Association. The Racing NSW Stewards were represented by Mr T. Moxon, Deputy Chairman of Stewards. An appeal book containing the transcript of the Stewards' Inquiry, and the Template as completed by the Stewards, was tendered in evidence. Film of the race from multiple angles was also shown to the Panel, and tendered as an exhibit.
4. Mr Moxon submitted that Mr Murtagh was insufficiently clear, being no more than one length clear when shifting out in front of Ms Frater's mount, *Silverzeta*, which caused Ms Frater's

mount to be checked. Mr Moxon also pointed to Ms Frater's evidence from the inquiry whereby she said that she had to check her mount, and that Mr Murtagh was only half a length in front when shifting out in front of her mount.

5. Mr Moxon also noted that Mr Murtagh did not look before making his move and instead assumed that he had enough room to make his move when he did so. With respect to Mr Murtagh's evidence that the horse ridden by Ms Frater shifted in a little rather than being dictated to by Mr Murtagh, Mr Moxon submitted that this was not borne out by the film and that it was Mr Murtagh that was insufficiently clear when he made his move, which caused the incident to occur.
6. Mr Crisafi's submissions and Mr Murtagh's evidence can summarised the follows:
 - a. Mr Murtagh is a jockey of 7 years' experience and has been riding in Australia for approximately nine months;
 - b. Mr Murtagh was sufficiently clear when shifting out despite not being two lengths clear of Ms Frater's mount, with Mr Murtagh having safely taken the gap when it was presented.
 - c. The evidence did not support guilty finding as Ms Frater's mount itself was shifting in at the bend of its own volition and this incident was not caused by Mr Murtagh.
 - d. It was also submitted that if guilty, the degree of carelessness was low rather than medium.
7. Having carefully considered the evidence and viewed the film, the Panel is of the unanimous view that there is a breach of AR 131(a) in that Mr Murtagh was insufficiently clear of *Silverzeta* when shifting out and it was this shift that caused Ms Frater's mount to be checked. There were steps Mr Murtagh could have taken before shifting out, such as looking around and adhering to the two length rule. These steps were not taken.
8. It is also the opinion of the Panel that it is the ultimate responsibility of the jockey to discharge his or her duty of care towards other jockeys in the race and they need to take responsibility for being aware of where the other jockeys are. It is not sufficient to make assumptions or to wait for a call from another jockey - they should look themselves.
9. Where the Panel differs with the Stewards is that the Panel has determined that the carelessness to be low grade rather than a medium grade. Applying the careless riding template, this will instead result in a suspension of 5 meetings.

Orders

10. The Panel makes these orders:
 - a. Appeal against guilt dismissed.
 - b. Finding of a breach of AR 131(a) confirmed.

- c. Penalty of a 7 meeting suspension reduced to 5 meetings. Such penalty commenced on Friday, 17 January 2025, and expires on Saturday, 25 January 2025, on which day the Appellant may resume riding in races.
- d. Appeal deposit refunded.
