



APPEAL OF TROY WALSH - AR 137 (a)

Appeal Committee: Mr John Stewarts (Chairman) and Mr Charles Burkitt
Date of Hearing: 13 July 2009
Date of Decision: 14 July 2009

Reasons for Decision

On 27 June 2009 Stewards found Jockey Troy Walsh guilty of a charge of careless rising under AR137 (a). The charge related to the ride on "ABRUTZO" in the 3yo class handicap over 1100 metres on 27 June 2009.

The particulars of the charge were that after passing the 1000 metres jockey Walsh permitted his mount to shift in when not sufficiently clear of "TAKALUA" resulting in "TAKALUA" being tightened onto "CONFOUNDED" and having been checked. Consequent of the finding of guilt, Jockey Walsh was suspended from riding in races until midnight on 11 July 2009 (a suspension for two race meeting.)

In his Notice of appeal jockey Walsh stated that he was not guilty of the charge that the penalty imposed was excessive and he applied for a stay of proceedings which was granted. He acknowledged that "ABRUTZO" shifted in and tightened "TAKALUA". However, he felt that "TAKALUA" and/or the rider of that horse, Damien Robinson, overreacted, making the incident appear worse then it was in fact. He submitted the he had no control over how another horse and rider will react and felt that it was unnecessary for the other rider to grab hold of "TAKALUA" thereby causing it to throw its head back.

We viewed the film of the race. We heard submissions from Jockey Walsh and Mr Lane, chairman of stewards. We also viewed the film of the Maiden Plate held on Jan 1 2009 at jockey Walsh's request. That race provided some evidence of "TAKALUA" getting stirred up when approached closely in running and we were prepared to accept (a conclusion not contested by the stewards) that "TAKALUA" does tend to overreact. Nevertheless, a more fundamental point is that in the film of the race in question "ABRUTZO" was observed to be only a length or a little more in front of "TAKALUA" when it comes across "TAKALUA'S" running line. Jockey Robinson was left with no alternative but to take some sort of evasive action.

The object of the rule is to provide safe and fair racing for both horse and jockey as jockey Walsh freely acknowledged. The appeal committee concluded that there was sufficient evidence to support the charge and the finding of guilt is confirmed.

We heard submissions on penalty at the same time. Even allowing for some degree of overreaction, the interference was, in our view, reasonably serious. On the other hand jockey Walsh has a relatively good record. He was last suspended for careless riding 2 years ago on 14 July 2007. Taking all factors into account, we are of the view that the standard penalty of 2 race meetings was correctly applied in this instance.

The appeal deposit will be retained.

Signed on behalf of the Appeal Committee
John Stewart
Chairman
Thoroughbred Racing NT