

Non Raceday Inquiry Request for Ruling S O'Malley v RIU - Written Decision dated 26 January 2019 - Chair, Mr P Williams

Rules:

Repondent(s)/Other parties:

Name(s):

Decisions:

BEFORE THE JUDICIAL CONTROL AUTHORITY

UNDER THE RACING ACT 2003

AND IN THE MATTER of the New Zealand Rules of Thoroughbred Racing

BETWEEN

Sam O'Malley (Apprentice Jockey) - Informant

AND

Racing Integrity Unit - Respondent

Judicial Committee: Mr Paul Williams (Chairman), Mr Noel McCutcheon (Committee Member)

Appearing: Mr S O'Malley – Apprentice Jockey, as the Informant

Mr G Haigh – Licensed Trainer and assisting Mr O'Malley

Mr D Balcombe – Stipendiary Steward

Mr N Goodwin – Stipendiary Steward

Venue: Trentham Racecourse

Date of Hearing: 26 January 2019

Date of Decision: 26 January 2019

DECISION OF JUDICIAL COMMITTEE

1] Mr O'Malley has filed an Information under Rule 918 (1) (c) of the New Zealand Rules of Thoroughbred Racing seeking a ruling from the Judicial Committee in relation to the period of suspension imposed on him at the Otaki-Maori RC meeting on Monday 21 January 2019.

2] Specifically he has stated that incorrect dates of his suspension were entered by NZTR into the "suspended jockeys" section of the NZTR website which has resulted in him losing a number of rides at the Wellington RC meeting today – 26 January 2019. He has further requested that the starting date of his suspension be amended.

3] Rules 918 (1) states:- *"The following persons may file an Information to which there is no defendant but which seeks a ruling from the Judicial Committee on a matter referred to in the Information:*

(c) any person with the leave of the Judicial Committee"

4] The background to this matter is as follows.

5] Mr O'Malley was suspended for 5 National Riding Days for a breach of Rule 638(1)(d) – careless riding – at the Otaki Maori RC meeting on Monday 21 January 2019. The effective dates of the suspension were from the close of racing on Saturday 26 January 2019 to the close of racing on Wednesday 6 February 2019. These dates were correctly recorded in the Stipendiary Steward's report for the race meeting and in the decision of the Judicial Committee published on the JCA website the following day.

6] On Wednesday 23 January 2019 during a conversation with fellow trainer Mr Meadows Mr Haigh – Mr O'Malley's employer – was told that it was unfortunate Mr O'Malley was suspended for the 26 January 2019 Wellington RC meeting at Trentham as he had intended getting him to ride the horse "Du'Blues". Mr Meadows also said he was aware of at least one other trainer who had intended getting Mr O'Malley to ride for him at Trentham but that trainer had also seen that Mr O'Malley was suspended and so had engaged

another jockey. Mr Meadows told Mr Haigh that the listing of “suspended jockeys” on the NZTR website showed Mr O’Malley was suspended from 22 January 2019 to 6 February 2019.

7] Mr Haigh knew the information on the NZTR website was wrong and contacted the RIU and JCA who advised Mr Haigh that he needed to contact NZTR direct to get the information regarding the dates of Mr O’Malley’s suspension corrected. After initially contacting Mr Aldridge at NZTR Mr Haigh received a call from Mr Watson from NZTR who allegedly said to Mr Haigh that “he understood the situation but he was not able to assist as it was only the JCA who would be able to rectify the matter and it appears they were not prepared to do so”.

8] Mr Haigh then sought further advice on how the situation could be rectified and, as a result, Mr O’Malley has filed this request for a Ruling specifically asking for the starting date of his suspension to be amended to reflect the fact that he has not been able to ride at Trentham today through no fault of his own. Mr O’Malley added that, if his request is approved, he would be allowed to ride at Tauherenikau on Wednesday 6 February 2019 which would compensate him for not being able to ride at Trentham today.

9] To a question from the Committee Mr Balcombe said the RIU had no objections to Mr O’Malley’s request being given favourable consideration by the Committee.

REASONS FOR DECISION

10] The Committee has considered a detailed written submission from Mr Haigh on behalf of Mr O’Malley. It is clear that, through no fault of his own, Mr O’Malley has been denied the opportunity to ride at the Wellington RC meeting today where he was expecting to have at least 3 or 4 rides. At the hearing into his careless riding breach on Monday 21 January 2019 he sought, and was given approval, to defer his suspension until the close of racing of Saturday 26 January 2019 with the suspension set to finish at the close of racing on Wednesday 6 February 2019. Those dates were correctly recorded in the Stipendiary Steward’s report for the race meeting and in the decision of the Judicial Committee published on the JCA website the following day. However, when that information was being entered into the NZTR website an error was made by NZTR and the suspension was recorded as starting at the close of racing on Monday 21 January 2019 and finishing at the close of racing on Wednesday 6 February 2019. It is noted the error was subsequently corrected by NZTR but it is unclear why Mr Watson from NZTR when advised of, and acknowledging, the error allegedly said the JCA was not prepared to rectify the problem.

DECISION

11] After considering all of the above the Committee approves the request by Mr O’Malley to have the starting date of his suspension amended.

12] Mr O’Malley is now suspended from the close of racing on Friday 25 January 2019 to the close of racing on Sunday 3 February 2019 – 5 National Riding Days.

Dated at Wellington this 26th day of January 2019.

Paul Williams

Chairman

Penalty: