20 May 2022

**DECISION**

**RACING VICTORIA**

**and**

**MICHAEL POY**

**Date of hearing:** 17 May 2022

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Simon Carey appeared on behalf of the Stewards.

Mr Matthew Hyland represented Michael Poy.

**Charge:** Australian Rule (AR)227(a) states

Without limiting any other powers, a PRA or the Stewards may penalise any person who:

(a) commits any breach of the Rules, or engages in conduct or negligence which has led or could have led to a breach of the Rules;

**Particulars of charge:** Michael Poy (Dente) - Pleaded guilty to a charge under the provisions of AR227(a) in that he negligently: (a) failed to satisfy himself of the 2828 metres distance of the race, (b) from the 2200 metres to the winning post on the first occasion he rode his mount out vigorously in a manner consistent with a 1200 metre race, (c) in the aforementioned section of the race he used his whip on 8 occasions, (d) eased his mount down passing the winning post on the first occasion before then rejoining the race near the 1400 metres. It was the opinion of the Stewards that such negligence on behalf of Michael Poy could have led to a breach of AR129(2). Michael Poy had his license to ride in races suspended for a period of 2 months, to commence midnight Monday 9th of May 2022 and to conclude at midnight Saturday 9th July 2022. In assessing penalty, Stewards took into account his guilty plea, forthright evidence, good record and remorse for his actions.

**Plea:** Guilty

**DECISION**

Mr Michael Poy, you have pleaded guilty to a breach of AR 227(a), which could be summarised as engaging in conduct or negligence which led or could have led to a breach of the Rules. You are appealing against the severity of the penalty of 2 months suspension that was imposed on you.

The offence occurred in Race 7 over 2828 metres at Kyneton on Monday, 9 May 2022. You were riding Dente, a $13 chance. This was a “pick-up” ride apparently due to the unavailability of Mr Declan Bates. Your agent had been informed of this before 10.00am that morning, although you only became aware of it somewhat later. You were attending the Kyneton meeting for one ride only, later in the day. You had intended to restrict yourself to that one ride for personal reasons.

However, you did have ample time to familiarise yourself with the distance of Race 7. As stated, it was 2828 metres, which meant that, in very broad terms, there was a run of about 1200 metres to the winning post on the first occasion and then a lap of the course.

I would add that jockeys were warned by the starter and those in the starting area of the race as to its distance.

You either did not familiarise yourself with the distance of the race, did not take on board the warnings given or had a brain fade. Whatever the reason, you rode Dente from the starting stalls, sat on the outside of the leader, Dancing Duck, which was short in the betting, and then, using the whip, dashed to the front, drawing away by lengths near the winning post. It is apparent from the video that, nearing the 1400 metre mark, you eased your mount and looked around and then realised that the race was still on and re-joined it. Both your mount and Dancing Duck dropped out markedly towards the end of the race, finishing in excess of 19 lengths from the winner.

As the subsequent Stewards enquiry, you were completely frank and open. You said that it was a very bad mistake. You rode Dente as if was a 1200 metre race. You said frankly that, when you got the pick-up ride, you were lazy and did not do the form, although time pressures may also have played a part.

The Stewards took into account such things as your plea of guilty, your complete co-operation and the way you handled yourself throughout the enquiry. As stated, the penalty imposed was 2 months suspension.

I have taken into account all that was said by you and by Mr Matthew Hyland on your behalf. I note your good record and the fact that you outrode your claim and finished your apprenticeship early. You are a jockey in considerable demand. I also appreciate that you are under financial pressure in relation to a house purchase. I further note how embarrassing this has been for you and the impact of the dreaded social media.

On the other hand, I must also take into account that this was a race at a TAB meeting and a leg of the quadrella. Apart from the loss associated with the performance of Dente, the behaviour of your horse could well have affected Dancing Duck, which subsequently compounded. A lot of money may have been lost and a lot of punters disgruntled at what occurred.

Your case does seem to me to be a parallel to that of Mr Rhys McLeod back in 2002, when he mistook the laps at Moonee Valley in a distance race, although he was then an apprentice and not a senior jockey. He received a 2 month suspension. That is the penalty which the Stewards, having weighed up many factors, imposed in this case.

It is hard not to feel sympathy for you. I take into account all that Mr Hyland has said. However, the penalty imposed by the Stewards seems to me to be a fair and reasonable one in all the circumstances and the appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal