

APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTERS OF THE APPEAL OF
LICENSED JOCKEY LEE MAGORRIAN

Appeal Panel: **Mr L Gyles SC – Principal Member; Mr J Murphy;
Mr P Losh**

Representatives: **Racing NSW – Mr Moxon
Appellant – Self Represented**

Date of Decision: **17 November 2025**

REASONS FOR DECISION

L GYLES SC: Principal Member

This Appeal concerns a careless riding charge imposed by the Stewards on Licensed Jockey Mr Lee Magorrian in relation to his ride on ‘*Yabby Pump*’ in Race 8 at a meeting at Hawkesbury Race Club on 8 November 2025.

The Appeal came before the Panel on 13 November 2025. Mr Moxon appeared for the Stewards and the Appellant appeared in person, by Audio Visual Link. Races.

The only issue for consideration was the severity of the penalty imposed by the Stewards, and the Appellant did not challenge the charge of careless riding.

The Appellant essentially raised two points in support of the Appeal, the first being that Emma Ly who was riding ‘*Pretty Tavi*’ was not *checked* as a consequence of the interference caused by the careless riding, and second that another rider at a different meeting had received a lower penalty despite the race being more significant and the level of carelessness being at least the same if not greater.

In giving evidence before the Stewards Emma Ly was categorical in her description of the Appellant going straight across her when he was not clear. Her estimate was that he was within three quarters of a length of her. The

Appellant before the Stewards admitted that he was within about one length of her when he crossed so there is no doubt that he was well within the two lengths that would generally be required by way of clearance in such circumstances.

Whilst before the Stewards the Appellant said that he did not see Ms Ly on his outside, but before the Panel he said that he did see her but he felt that his horse was going so well in comparison to hers that it was safe to cross in the way that he did.

The Panel does not agree. That is not in its view a reasonable excuse for coming across so close to Ms Ly's mount, and by doing so the Panel finds that the Appellant unnecessarily created a highly dangerous situation. Whilst the Stewards characterised the carelessness at a grade 2, the Panel would see it at the highest end of that, or perhaps at the lower end of a grade 3. In any event, it was a plainly unsatisfactory situation and a matter of good luck that an injury did not occur.

A main role of this Panel is to seek to bring about a safe working environment for jockeys and by the imposition of appropriate sanctions to discourage conduct which puts their health and well-being unnecessarily at risk. It is for that reason that penalties are preventative rather than punitive.

In the present case the Panel firmly believes that an initial penalty of seven meetings was more than justified, subject to the mitigation factors applied by the Stewards. A lesser penalty would not sufficiently discourage the taking of such risks by jockeys generally.

How another jockey was dealt with by the Stewards in another race is, in the view of the Panel, of no probative value. Not only did the Panel not see the footage of the other race, it may not have mattered even if there had been an inconsistency in approach because the Panel may well have concluded that the penalty imposed by the Stewards in that race was insufficient. Mr Moxon pointed out that the jockey in question was also an Apprentice which would have likely had an impact on the penalty imposed. That argument can therefore be put to one side.

The Appeal is dismissed and the deposit is retained.

13 November 2025