

## DECISION

*Racing Integrity Act 2016, sections 252AB*

<b>Review application number</b>	RAP-24	
<b>Name</b>	Lacey Morrison	
<b>Panel</b>	Mr Kerry O'Brien (Chairperson) Mr Edwin Wilkinson (Panel Member) Ms Skye Bogenhuber (Panel Member)	
<b>Code</b>	Thoroughbreds	
<b>Rule</b>	Australian Rules of Racing 131(a) A rider must not, in the opinion of the Stewards engage in careless, reckless, improper, incompetent or foul riding;	
<b>Penalty Notice number</b>	PN-008207	
<b>Appearances &amp; Representation</b>	Applicant	Self Represented
	Respondent	Anna Rettke
<b>Hearing Date</b>	16 June 2023	
<b>Decision Date</b>	16 June 2023	
<b>Decision</b> <i>(delivered ex tempore)</i>	Confirmed	
<b>Panel Penalty</b>	13 Day Suspension to commence at midnight 15 June 2023.	

## Reasons for Decision

- [1] On the 10 of June 2023 Ms Lacey Morrison was the rider of the horse Trajic Friends in race three at Townsville.
- [2] Following that race a Steward's Inquiry was conducted into an incident at the home turn entering the straight when another horse, Nonno Joe, ridden by Jockey D'Avila was checked.
- [3] Ms Morrison was charged with an offence of careless riding under AR131(a). She pleaded not guilty to that charge but was found guilty of the offence of mid range careless riding and a penalty of 13 days suspension of licence operative from midnight on the 15th of June 2023 was imposed.
- [4] Pursuant to section 252AB of the *Racing Integrity Act 2016*, Ms Morrison seeks a review of the decision of the stewards.
- [5] Particulars of the charge against her are set out in the penalty information notice as follows,
- Charged for mid range careless riding under the provisions of AR131(a) in that at the 400 metres she shifted back across the heels of Sonofthebeast (J Taylor) when not clear of Nonno Joe (W D'Avilla) resulting in Nonno Joe being severely checked
- [6] There are two grounds on which Ms Morrison seeks this review.
- [7] The first is that she now wishes to amend her plea to one of guilty to the charge. As to that ground, the benefit of a plea of guilty is one available at the time of the original hearing, there is no benefit to be had by now changing the original plea before this panel, in an endeavour to seek perhaps some retrospective effect, or benefit.
- [8] The second ground of her application is based upon her belief that the Stewards had failed to consider all of the relevant circumstances. As to this ground, the Applicant has filed a statement which includes the following.

I request to put forward further mitigating factors for consideration as outlined below.

I am of the belief that I am partially responsible for the interference caused to NONNO JOE (W. D'Avila), however not wholly responsible.

Leaving the 450m, SONOFTHEBEAST (J Taylor) commenced to improve forward and shift ground outwards to the inside of TRAJIC FRIENDS (L Morrison). SONOFABEAST continued to shift outwards to a three wide position dictating to TRAJIC FRIENDS a four wide position approaching the turn.

Approaching the 400m, I have verbally called to Jockey Jason Taylor (SONOFTHEBEAST) and steadied my mount for approximately six strides as a result of his outward shift. Shortly after I have called to Jockey Taylor, he has looked to his outside and continued his outwards shift to a three wide position. Both of these actions are clearly evident on the Stewards' patrol footage.

As a result of TRAJIC FRIENDS limited race experience (second race start), I have elected to ease my mount after steadying it and allow it to follow through behind SONOFTHEBEAST to give it the opportunity to get back on to the bit and attempt to improve and hit the line.

Additionally, my mount has overreacted to my efforts to shift in as a result of its limited racing experience. At this point I can be seen cocking my left elbow in a manner to arrest the horse's inwards overreaction and steer it outwards maintaining a three wide position.

Concurrently, at the point of the turn, when I have obtained the position behind SONOFTHEBEAST, IMPERIUM (G Kliese) has commenced a run, shifting ground outwards from an on the fence position, to a 'loose two horse's wide position' to the inside of NONNO JOE, slightly shifting that horse outwards. It should be noted that NONNO JOE had travelled three wide for the majority of the race and was tiring at this point. This movement has occurred simultaneously to my slight shift inwards, into the position behind SONOFTHEBEAST which has resulted in the interference. I am of the belief that only NONNO JOE was interred with it and the degree of interference caused was Low Range.

- [9] The Applicant has acknowledged that she is in fact guilty of careless riding and the sole issue for this Panel is a determination of penalty.
- [10] The Penalty Guidelines of the Queensland Racing Integrity Commission set out the considerations that are relevant to determination of penalty, and acknowledge of course that each case falls to be considered according to its particular circumstances.
- [11] That said, in general terms, the starting point in determining penalty should include matters such as an early plea of guilty, the nature and type of the offence, the degree of interference involved, whether any other event contributed to the interference which might exculpate. The jockey, whether the chances of any other horses have been affected and other factors such as the type of race and the riding record of the applicant.
- [12] In this case, the Applicant's argument seems to focus on the degree of interference involved, which she submits is low range and on the fact that the conduct of the horse Nanno Joe, contributed to the interference.
- [13] Her argument before the stewards was essentially as outlined in her statement here.
- [14] She maintained that she had been dictated to by the horse on her inside, Sonofabeast, and forced to shift out.
- [15] She tried to correct her horse and returned to her original line by shifting in behind Sonofabeast, being unaware as she did so of Nanno Joe being behind her.
- [16] The stewards were of the view that she was not sufficiently clear of Nonno Joe at the time of that manoeuvre and that she should have been aware of the presence of that horse.
- [17] This Panel has had the opportunity to consider the arguments, and we have also been able to examine the race footage which is part of the material before us.
- [18] We must of course form our own opinion as to the events that occurred during this race.
- [19] The race footage reveals that Jockey Taylor on the horse, Sonofabeast, settles in fourth position on the fence with the Applicant on Trajic Friends to his outside. Jockey D'Avilla on the horse Nonno Joe is back behind Jockey Morrison.
- [20] Approaching the 400 metre mark Jockey Taylor rides forward and out, easing the Applicant on Trajic Friends out.
- [21] Jockey D'Villa in our view maintains his line behind those two runners.
- [22] On approaching the straight Jockey Taylor races clear of Jockey Morrison, and the Applicant where she elects to shift back in behind Jockey Taylor on Sonofabeast.

- [23] At this point, Jockey D'Avilla has improved to a point of one to one and quarter lengths tracking Jockey Taylor.
- [24] Jockey D'Avilla has to severely check off the heels of the Applicant's mount and switch to her outside.
- [25] That manoeuvre in those circumstances and at that point in the race, when the applicant should have been aware that horses were improving into the race, constitutes, in our view, mid range careless riding.
- [26] The penalty guidelines provide for a starting penalty of 13 days suspension.
- [27] The Applicant's record is a poor one, it includes a some five suspensions and three reprimands for careless riding in the past 12 months.
- [28] In those circumstances, the penalty of 13 days of suspension of license is in the Panel's view appropriate.
- [29] Pursuant to section 252AH(1) of the Act, the racing decision the subject of the application is affirmed.

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