

## DECISION

***Racing Integrity Act 2016, sections 252AH, 252BM***

<b>Review application number</b>	RAP-152	
<b>Name</b>	Lacey Jayne Morrison	
<b>Panel</b>	Mr K J O'Brien AM (Chairperson) Mr J McCoy OAM (Panel Member) Mr K Waller (Panel Member)	
<b>Code</b>	Thoroughbreds	
<b>Rule</b>	Australian Rules of Racing 129(2) <i>A rider must take all reasonable and permissible measures throughout the race to ensure that the rider's horse is given full opportunity to win or to obtain the best possible place in the field.</i>	
<b>Penalty Notice number</b>	PN-011616	
<b>Appearances &amp; Representation</b>	Applicant	L Collins (South Geldard Lawyers)
	Respondent	E Ballard Queensland Racing Integrity Commission
<b>Hearing Date</b>	11 June 2025	
<b>Decision Date</b>	11 June 2025	
<b>Decision</b>	Pursuant to 252AH(1)(b) the Racing Decision is Varied <i>(delivered ex tempore)</i>	
<b>Case References</b>	<i>Nathan Fazackerley v Queensland Racing Integrity Commission</i> RAP-33, 20 February 2025 <i>The matter of Jockey Damien Brown</i> [unreported] Qld Racing Disciplinary Board 18 March 2014 <i>Racing Queensland v Cassidy</i> 2012 QCAT 31 <i>Grylls v Queensland Racing Integrity Commission</i> 2017 QCAT 49	

## Reasons for Decision

- [1] This is an application by licenced jockey Lacey Morrison for the review of a racing decision made by Stewards on 30 of May 2025 to suspend her licence to ride for a period of one calendar month, commencing on 31 May 2025 and ending on 29 June 2025.
- [2] The suspension order was made following an inquiry conducted by Stewards into the Applicant's ride on the horse Injada in Race 8 at the Cairns Jockey Club meeting of 10 April 2025.
- [3] The Applicant was found to be in breach of Australian rule of Racing 129(2), which provides that:
- A rider must take all reasonable and permissible measures throughout the race to ensure that the rider's horse is given full opportunity to win or to obtain the best possible place in the field.*
- [4] The charge levelled against the Applicant alleged that she had failed to take reasonable and permissible measures to position Injada in clear running to the outside of the horse Guapo from the 200-metre mark when it was reasonable and permissible to do so, resulting in Injada not being fully tested at any point in the home straight.
- [5] The Applicant had pleaded not guilty at the Stewards hearing and maintains in this Application that she is not guilty of the offence alleged, and that in any event the penalty imposed was excessive in the circumstances.
- [6] The Steward's report, which is exhibited, indicates that following the running of Race 8, Stewards interviewed both the Applicant and the trainer of Injada Mr Bodine Bailey in relation to the way in which the gelding had been ridden, particularly in the home straight. After hearing initial submissions, the hearing was adjourned to enable further enquiries and betting activity to be examined. Ultimately, the hearing resumed on 30 April 2025. The Stewards determination in the matter was delivered on 30 May 2025.
- [7] In her evidence at the Steward's Hearing the Applicant did not dispute that she did not ride her horse with her usual vigour<sup>1</sup>. She maintained however, as she does in her argument before this Panel, that the horse was doing "its absolute best"<sup>2</sup>, that it was "hitting the line as best it could, and that she "didn't feel the need to pull the stick"<sup>3</sup>.
- [8] There were several reasons, she said, for the absence of her usual riding aggression. One was that an inside horse had "come out on (her) at the turn and that she "felt no need to come out further<sup>4</sup> because she "hate(s) coming out wide when horses aren't hitting the line" She was "happy just to sit there, click him up and nurse him to the line"<sup>5</sup>.

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<sup>1</sup> Transcript of Audio 1, lines 26-28 and 45-46

<sup>2</sup> Ibid line 48

<sup>3</sup> Ibid lines 58-59

<sup>4</sup> Ibid line 13

<sup>5</sup> Ibid lines 14-15

- [9] Other reasons the Applicant advanced for her lack of aggression in her ride, were the horse's previous racing experience, his disrupted preparation due to the wet weather, and that this was his first run in North Queensland<sup>6</sup>.
- [10] She said that she rode according to her instructions, although it is not entirely clear what those instructions may have been. Mr Bailey said that he had just told her to "go the easiest way possible"<sup>7</sup> and elsewhere he said that the horse had "had five starts... I haven't changed the instruction"<sup>8</sup>. In any event, the Applicant maintained that although she was not applying aggressive pressure, "there was pressure there and the horse was doing the best he could with the preparation he had"<sup>9</sup>.
- [11] She accepted that she had erred in her judgement by not taking Injada to the outside in the straight, but she had been mindful of not disrupting the horse's momentum<sup>10</sup>, and also mindful of his previous racing pattern<sup>11</sup>. She said "I erred in my decision, that's the only thing I could have done better, is coming to the outside"<sup>12</sup>. She added "I had anticipated a run to the inside. Yes, you can clearly see on the film that I probably should have let hm come out earlier, but in my head live on the day, that's the track that I was wanting to go"<sup>13</sup>.
- [12] The following passage from the hearing is also of relevance:<sup>14</sup>
- [Steward]: It may have made a difference if you made a different decision the previous 300 metres...*
- Lacey Morrison: Oh, 100 per cent.*
- [Steward]: ...just to shift the horse one horse wider and give it every chance in open ground.*
- Lacey Morrison: Exactly right, but I don't ride like that, and I choose not to because I think it's ridiculous. Even though horses come down the outside here all the time and win. I don't ride like that. I never have. I think it's counterintuitive to make ground sideways than to go forward.*
- [13] We have not endeavoured to set out all of the evidence given in the Stewards' Hearing, but simply to refer to certain relevant passages. We note also that there was evidence before the stewards of a post-race veterinary inspection of Injada which found the horse to be "bright and

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<sup>6</sup> Transcript of Audio 3, lines 30-48

<sup>7</sup> Transcript of Audio 2 lines 4-5

<sup>8</sup> Transcript of Audio 3 lines 138-139

<sup>9</sup> Transcript of Audio 3 lines 65-66

<sup>10</sup> Ibid lines 93-94

<sup>11</sup> Ibid lines 386-392

<sup>12</sup> Ibid lines 390-391

<sup>13</sup> Ibid lines 488-491

<sup>14</sup> Ibid lines 411-419

alert", (with) "vital parameters within normal limits, not lame and no significant findings detected on physical examination"<sup>15</sup>

[14] The application of Rule AR 129(2) has been considered in a number of previous hearings, most recently, at least in the case of this Panel, in the matter of Nathan Fazackerley<sup>16</sup> The Panel in that matter gave some consideration to the relevant principles applicable to the application of the rule. We don't intend here to repeat those in full. We adopt them of course, as the approach appropriate to cases of this nature. Reference there that was made to the decision of the Queensland Racing Disciplinary Board in the matter of Damien Brown<sup>17</sup>, where the Board observed that it is necessary to make an objective assessment of a jockey's ride given all the relevant circumstances in the particular case. The Board identified a number of principles as being relevant:

1. The quality of the ride in the circumstances of the particular case that is to be judged.
2. The judgement must be based on an objective assessment of the jockey's ride in a particular case,
3. A mere error of judgment by the jockey is not a sufficient basis for an adverse finding that AR 129(2) has been breached, and
4. The rider's conduct must be culpable in the sense that objectively viewed, it is found to be blameworthy.

[15] The Panel also made reference to the decision in *Racing Queensland v Cassidy*<sup>18</sup> where the tribunal observed:

*However, AR 129(2) does not exist to punish a rider simply because he does not win or does not achieve a place consistent with the trainers, bookkeepers or betting public's expectations. Even a decision which appears poor with the benefit of hindsight will not offend the rule without more.*

*What is needed to offend AR 129(2) is the availability of a measure to improve the horse's success in the race and an unreasonable failure to take that measure. The question is whether measures such as moving Trump up on the field earlier or taking the early lead may have been available and, further whether the decision not to take those measures was unreasonable.*

[16] It must be kept firmly in mind that the interpretation of the rule is not designed to punish a jockey unless, on the whole of the evidence in the case the Tribunal considering a charge under the rule is comfortably satisfied that the person charged was guilty of conduct that in all the

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<sup>15</sup> Index to Documents Document No. 5

<sup>16</sup> *Nathan Fazackerley v Queensland Racing Integrity Commission* RAP-133, 20 February 2025

<sup>17</sup> The matter of Jockey Damien Brown [unreported] Qld Racing Disciplinary Board 18 March 2014

<sup>18</sup> *Racing Queensland v Cassidy* 2012 QCAT 31 at paragraph [7]

relevant circumstances fell below the level of objective judgement reasonably to be expected of a jockey in the position of the person charged in relation to the particular race<sup>19</sup>.

- [17] Against this background we turn now to the circumstances of this particular case. It is incumbent upon this Panel of course to form its own view of the race and the ride of the Applicant. We have examined the race footage on numerous occasions. The critical part is as the horses approach the straight. Approaching the 200-metre mark the Applicant is trailing the horse Guapo, a \$41 chance in the race, and it must have been clear that no run was available to the inside of that horse. On the other hand, it was clearly open to the Applicant to take her mount one horse wide to the outside where clear running was available. It is clear to this Panel that the Applicant failed to position her horse in that clear running. Thereafter, the Applicant for the most part rides passively down the straight, displaying no urgency in her riding. She is an experienced jockey, a senior rider known for her aggressive riding skills. The incident did not involve a spur of the moment decision, but it is clear that she continued in a direct line behind Guapo even as the opportunity was available.
- [18] The explanations advanced by the Applicant and the suggested tendency of the horse to apparently over race at an earlier point do not in the Panel's view provides sufficient reason for the lack of vigour in her ride or for her failure to seek clear running from the 200-metre mark. Her horse ultimately finished in seventh position but was no more than .68 of a length behind the horse which finished in fourth position.
- [19] It is the Panel's view that there was an opportunity available to the Applicant to improve her horse's position in this race. Indeed, it is clear that towards the end of the race, when some pressure is applied to the horse through a slapping motion, the horse improves onto the heels of Guapo.
- [20] We are satisfied that the opportunity was available for the Applicant to improve the horse's position in the race and her failure to take that opportunity was unreasonable in the circumstances. In our view, it fell below the level of objective judgement reasonably to be expected of a jockey in the Applicant's position and of her experience. It was culpable error in the relevant sense.
- [21] So far as the issue of penalty is concerned, the penalty guidelines provide for this offence a starting point of six weeks suspension of licence. The guidelines identify a number of factors, although not providing an exhaustive list of matters relevant to determining penalty. They include:
1. The circumstances of the offence,
  2. The degree of culpability involved,
  3. Whether there had been an early plea of guilty or acknowledgement of guilt,
  4. The frequency of participation in the racing industry of the offender and

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<sup>19</sup> *Grylls v Queensland Racing Integrity Commission* 2017 QCAT 49 at paragraph [24]

5. The disciplinary record of the offender.

- [22] The Applicant has no prior entries for breaches of this particular rule. She is, as we have said, a jockey of considerable experience. There is no suggestion of any wagering consequences being attached to the ride, and that would undoubtedly represent a serious aggravating feature had they existed.
- [23] The penalty guidelines identify the purpose of the penalty as being to maintain standards of integrity and animal care in the Thoroughbred code, to provide general deterrence to the industry, to discourage other offenders, and to provide specific deterrence to the individual contravening the rule.
- [24] It goes almost without saying that Rule 129 is a most important rule any breach of which necessarily impacts upon the integrity of the racing industry, and the confidence which participants, including the wagering public are entitled to have in the industry.
- [25] Reference has been made to a number of so-called comparable cases. It is the Panel's view that these cases demonstrate, without referring to them individually, that a suspension of one month, or four weeks, is not inappropriate for a breach of this nature.
- [26] It is the Panel's view that a suspension in of four weeks would indeed be an appropriate outcome for this particular breach of the AR 129(2).
- [27] The racing decision the subject of the application was delivered on 30 May 2025, that being the date of the resumed hearing. On 27 April 2025 the Applicant suffered a race fall at the Townsville race meeting. She suffered not insignificant injuries, including a fracture to her ankle and damage to the ligaments in her left knee. She has not been able to work since that time, and the Panel is informed that a suspension incurred whilst in receipt of Workcover suspends any Workcover payments that she would otherwise receive.
- [28] The consequence of this is that because of her injury, the Applicant is unable to ride track work as would otherwise be the case whilst suspended, and she is without the income provided by Workcover because of the fact of the suspension. The consequence is that the penalty of four weeks suspension, although this Panel is clearly of the view that would ordinarily be the appropriate outcome, represents for her a harsher penalty than would otherwise be the case and probably a harsher penalty than was envisaged by the Stewards, who do not appear to have been fully apprised of the situation in that regard. Therefore, for that reason, and for that reason only, the Panel is of the view that the order of the subject of the application should be altered slightly, and that the period of suspension should be reduced to three weeks.
- [29] In the result then it is the order of this Panel that pursuant to section 252(1)(b) of the *Racing Integrity Act 2016* the racing decision the subject of this application is varied to a suspension of three weeks to commence from midnight 11 June 2025 and ending midnight 2 July 2025.

DRAFT