



INTERNAL REVIEW DECISION

(Internal Review Decision Notice in response to an Application for Internal Review)

PART 1: Details of Internal Review	
Internal Review Number:	Internal Review 0057-17
Applicant's Name:	S Lacy
Original Decision:	Breach of rule 135(b) of the Australian Rules of Racing
Original Decision Makers:	J Williamson, N Boyle, C Albrecht, C Fedrick
Date of Original Decision:	23 July 2017
Internal Review Decision:	Original decision of charge and penalty confirmed
Internal Review Decision-Maker:	Mr Kane Ashby, Internal Adjudicator, Queensland Racing Integrity Commission
Date of Internal Review Decision:	7 August 2017
PART 3: Summary of Internal Review Application	
<p>The Applicant, Ms Stephanie Lacy, rider of KULABA in race 7 at the Sunshine Coast Turf Club on 23 July 2017, was found guilty of a charge under Australian Rule of Racing 135(b).</p> <p>Australian Rule of Racing 135(b) states: <i>"The rider of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is given full opportunity to win or to obtain the best possible place in the field."</i></p> <p>The stewards report stated: <i>"After taking evidence from apprentice S. Lacy and trainer and master J. Symons and viewing the videos, apprentice S. Lacy was charged under AR. 135(b) for failing to take all reasonable and permissible measures when riding the gelding in that at a point near the 400m when TYCOON TYKE had improved forward of her mount, when an opportunity presented itself, she failed to pressure her mount to improve into the race and failed to make sufficient effort until after the 300m to pressure her mount into the race. And further that after passing the 200m she again ceased riding her mount along and used insufficient vigour from that point to the winning post to ensure that her mount was given full opportunity to win or be placed in the best possible position in the event. After hearing submissions, apprentice Lacy was found guilty of the charge as laid. Apprentice Lacy's licence to ride in races was suspended for a period of 4 weeks, to commence at midnight on Sunday 30 July and expire at midnight on Sunday 27 August 2017. The applicant sought a review on the basis of a non-guilty plea to the charge and excessive penalty. The applicant maintained EKKESTONE was sore."</i></p> <p>The Applicant sought a review of charge and penalty.</p>	
PART 4: Reasons for Internal Review Decision	
<p>The Applicant, rider of KULABA, was subjected to a stewards' inquiry following her ride on the horse in race 7 at the Sunshine Coast Turf Club on 23 July 2017. The stewards' concerns in summary allege the Applicant displayed a distinct lack of vigour from the 500m when opportunity existed to improve her position.</p>	



During the stewards' inquiry the Applicant in summary stated *"Um, well, he laid out the majority from the – he was worse from about the 400, from the top of the straight. Each time I went to go for him he's wanted to keep boring out to the outside and I've tried to straighten him and it's used up a lot of my energy trying to keep — keep him in straight. And by the time we've got them – by the time I've got him taking straight, we were in the last 70 metres and, to be quite frankly honest, I was completely flat out on my feet trying to keep him straight."* When questioned you accept you displayed a lack of vigour the Applicant stated *"yes I was completely flat on my feet and I could feel – like, I know it's not an issue, but I feel if I had really ridden him right out it would have brought on a pretty bad asthma attack. As it was, I was sort of a bit shaky pulling up."*¹ When further questioned *"you say your asthma was an issue, are you okay"* the Applicant replied *"Yeah, I'm okay. I had about six puffs on the inhaler when I got back into the jockeys' room."*²

Mr John Symons, co-trainer of KULABA and employer of the Applicant, in summary confirmed the Applicant advised him on return to scale the horse hung out. Mr Symons further stated *"Steph's probably got to learn to satisfy you guys to ride the horse out probably more. Other than that, you can clearly see that it was running onto the heels of Kendrick's horse, and you can see that when she straightened back up and to the inside, it didn't really let down until it got to the inside because it was laying. He was probably never going to have any chance at all winning from where he is right now. The sectionals, he couldn't run them that fast. It's pretty straight arithmetic. That doesn't mean that Steph doesn't have to show more vigour going to the line."*³ Mr Symons added *"Mind you, I don't know anything about the asthma attack--- That's the first I've heard of it, okay. Stephanie didn't tell me that when she came back in. She just said the horse hung, okay. I didn't know that she was an asthmatic until just – she mentioned it then."*⁴ Mr Symons stated KULABA shows no early speed and gets back in his races and advised the riding instructions were *"I said to Steph, 'If you can position up better today, try and do it.' It didn't work that way. Then it is what it is. You've got to do it the best you can."*⁵

The Applicant did not seek any medical treatment from the club doctor subsequent to the ride. Further, no medical reports were provided as part of this review.

KULABA's disciplinary history shows no evidence of any unruly racing manners.

The Applicants review submissions in summary state: *"I am not guilty of failing to give Kulaba all reasonable and permissible chance to attain the best position in the race."* The Applicant added *"I have ridden Kulaba in most of his work as well as his last start and recently I won on a trial on him. I know the horse very well and I rode him how I was instructed to by Mr Symons, which was because he has no real early pace to let him find his feet and be comfortable where he is in the run. Coming to the 500 he did dip slightly and on straightening he began to hang out off the rail and it was difficult to keep him on a straight path. At this point he did not feel right to me and I was mindful that something was wrong with him. I began to push him and he continued to hang all the way down the straight and I was attempting to keep him straight and ride him where there was clear running closer the rails. In the final 150 metres I knew I couldn't catch the third horse but was always confident he was going to comfortably get to fourth and keep that position. At all times in the race I was endeavoring to ensure Kulaba finished in the best position while ensuring his welfare was paramount and the safety of my fellow jockeys. I reported to Mr Symons that Kulaba did not feel right to me and hung out in the straight before going to the scales area."*

¹ Transcript of stewards' inquiry, 23 July 2017, page 2 and 3

² Transcript of stewards' inquiry, 23 July 2017, page 9

³ Transcript of stewards inquiry, 23 July 2017, page 5

⁴ Transcript of stewards inquiry, 23 July 2017, page 9

⁵ Transcript of Stewards Inquiry 23 July 2017 page 7



“On returning to scale I reported to Mr Williamson (Chairman of Stewards) that Kulaba hung all the way down the straight and that he did not feel right to me, although I could not pinpoint an exact cause at the time. The stewards did not have the horse vetted to check his condition and Mr Symons and Ms Laxon’s vet have examined the horse on Monday morning and I have included a vet report provided by them regarding his findings. On arriving at the stables on Monday morning Mr Symons and Ms Laxon instantly discovered that Kulaba had suffered a horrific eye injury that required immediate treatment to his off side eye.” “I cannot recall how the eye injury happened but it appears as though the horse may have been hit with a shoe or clod at some point, which I can now pinpoint as to why the horse was acting in the way he was.”⁶

Dr Tony Doherty (Mr Symons’ stable vet) on 24 July 2017 at the request of Ms Sheila Laxon examined Kulaba. Dr Doherty provided a report which stated *“The presenting signs was that the horse was found to have a sore right eye this morning and had raced the previous day. On examination the right eye was partially closed with blepharospasm and the eye was painful to examine. The conjunctiva was inflamed and there was a distinct punctate ulcer close to the medial canthus. The ulcer was stained and there was uptake of the fluorescein stain revealing vas moderately deep corneal ulcer. Treatment with both logical ointments and systemic anti inflammatories has been commenced. Subsequent to my examination and diagnosis I was informed by Ms Laxon that the horse had raced erratically and had tended to veer outwards. Based on the severity and location of the lesion and the fact that it was the right eye, it may well have accounted for the horse’s wayward behaviour and untractability during the race. All other clinical parameters were within normal limits and the horse was sound when trotted in hand. This report is issued at the request of Ms. Sheila Laxon.”*

The reviewer acknowledges any inquiry into a riders handling of a particular horse, such horse in question is subjected to a veterinary examination. However, due to another inquiry commencing following race seven involving an altercation between two riders, the inquiry subject of this review was delayed until prior to race eight. As a consequence, the reviewer is advised by stewards that KULABA had exited the race course and was unable to be vetted. Notwithstanding, as a general practice, all horses post-race are visually examined by an on-course vet on return to the mounting yard. There is no evidence provided by the on-course vet or Mr Symons indicating any issues with KULABA post-race.

Subsequent to reviewing the race footage, the reviewer finds from the 400m until the winning post the Applicant failed to ride with sufficient vigour and purpose when it was reasonable and permissible to do so in the circumstances. The Applicant stopped riding her mount prior to the 100m for several strides for no apparent reason. The reviewer finds the race footage compelling, in particular the rear angle and footage from the inside the track, that shows KULABA raced extremely tractable throughout the race and the Applicants distinct lack of vigour when opportunity presented to improve her position.

The reviewer in fairness to the Applicant, viewed her ride on KULABA at its previous start at the Sunshine Coast Turf Club on 9 July 2017, when first up from a spell, to compare riding styles. The reviewer finds the Applicants riding style, particularly her vigour in the straight was in total contrast to the ride subject of this review.

The reviewer acknowledges it’s a regular occurrence horses hang and race intractable during a race. This does not detract from the rider’s obligation to make every attempt to ride their horse in a manner that leaves no room for query. The reviewer accepts there are times a horse’s intractability may impact a rider’s ability to ride a horse in their normal manner. Notwithstanding, the reviewer does not accept the Applicants evidence, KULABA was hanging out, or to any degree, that impeded her ability to ride the horse out in her normal manner. The reviewer finds the race footage compelling and supportive that KULABA raced true and tractable throughout the race and answered the bit at all times, most notably prior to the 100m when directed in by the Applicant.

⁶ Internal Review application dated 25 July 2017



Although not included in the Applicants review submissions, the reviewer is not convinced an alleged asthma attack, as described by the Applicant in evidence during the stewards' inquiry, was authentic in the circumstances or impacted her ability to ride KUBLABA out in her normal manner. The reviewer relies on the evidence the Applicant informed Mr Symons and the Chairman of Stewards immediately following the race that KUBLABA hung out. The Applicant failed to advise either at such time an alleged asthma attack or tightening of her airways further impacted her ability to ride KULABA out in her normal manner. The Applicant did not seek any medical assistance from the on-course doctor following the race. When questioned you seemed well on the scales, following the race, were you having any difficulty breathing, the Applicant stated "*Yep— Because I had been standing out with John and the owners---outside for a while. I was able to---regain my breathing and get it back down under control.*"⁷ The official race results show the Applicant had four rides on the program.

The reviewer is unable to determine on the evidence when the eye injury occurred. There is no evidence from the stable or their representatives of any injury immediately following the race, or at any time during the post-race recovery activities, on course or subsequent to the horse's arrival back at the stable premises. The reviewer finds it's reasonable to conclude an injury of this nature is likely to be evident at some stage during the aforementioned post-race recovery period, if it occurred during the race. The reviewer acknowledges Dr Doherty's veterinary examination on the day subsequent to the race found KUBLABA presented with signs that the horse had a sore right eye. The examination report, in part, stated "*I was informed by Ms Laxon that the horse had raced erratically and had tended to veer outwards. Based on the severity and location of the lesion and the fact that it was the right eye, it may well have accounted for the horse's wayward behaviour and untractability during the race. All other clinical parameters were within normal limits and the horse was sound when trotted in hand.*" The report provided no indication when the eye injury was likely to have occurred. Notwithstanding, the reviewer finds there is no evidence that KUBLABA hung out or raced intractable that would prevent the Applicant riding the horse in her normal manner.

The reviewer finds unless there is compelling evidence to the contrary, riders have an obligation under the rules, to place their horse under sufficient pressure at vital stages of the race, to ensure each horse is given every opportunity to win or obtain the best possibly placing in the field.

In weighing up the evidence and entire circumstances of the race and quality of ride, the reviewer is satisfied the Applicant failed to ride with sufficient vigour and purpose when it was reasonable and permissible to do so in the circumstances. The reviewer does not accept the Applicants reasons, in particular, KUBALA hung out or a potential asthma attack prevented her from riding KUBALA out in her normal manner in the straight. The reviewer finds on the evidence; it is likely the eye injury occurred at some stage between the time the horse was bedded down on race night and the following morning when it was identified on arrival at the stables by Mr Symons and Ms Laxon. This is based on the evidence, that if the injury occurred during the race, it would be more than likely evident to the stable or their representatives at some stage following the race or on return to the stable premises. Therefore, in the circumstances confirms the original decision on charge.

In considering the matter of penalty, the reviewer considered the Applicants submissions, precedents for similar related offenses, the Applicants disciplinary history and race riding experience. The Applicant currently holds a metropolitan riders licence.

The precedents for an offence under rule 135(b) in Queensland have incurred penalties between three (3) weeks and four (4) months suspension. The Applicant has no related prior offence on her disciplinary history.

The reviewer acknowledges the serious nature of the rule and the effect it has on the racing industry. Racing is a sport that survives on wagering and punters and connections are entitled to obtain a fair run for their money invested.

⁷ Transcript of stewards' inquiry, 23 July 2017, page 13



The reviewer finds in the circumstances, the original penalty imposed is consistent with a first time offender and therefore confirms the original decision on charge and penalty.

PART 5: Review Rights following Internal Review Decision

In accordance with section 246 of the *Racing Integrity Act 2016*, as the applicant for an internal review of the original decision, you are able to apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review of the internal review decision.

An external review is commenced by lodging the appropriate forms with QCAT. In accordance with section 33 of the *Queensland Civil and Administrative Tribunal Act 2009*, an application for an external review of an internal review decision is to be made within 28 days from the day this internal review decision notice is provided to the applicant.

For further information regarding the processes for an external review of the decision, please contact QCAT:

Queensland Civil and Administrative Tribunal

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