

RACING APPEAL PANEL OF NSW

APPEAL OF JACKSON MORRIS

REASONS FOR DECISION ON STAY APPLICATION

Date of Reasons 31 December 2019

1. On 23rd December 2019 licensed jockey Jackson Morris was charged with and found guilty of an offence against AR 115 (1) (a) and an offence against AR 232 (b). In relation to the first charge his licence to ride was suspended for 1 month. In relation to the second charge he was fined \$1,000 but that fine was stayed for 12 months, on terms.

THE CHARGES

2. AR115 (1) (a) provides that a jockey 'must not engage in misconduct'. The particulars of the charge were that: *"[At] the Wyong Race club on Thursday 19 December 2019 the Appellant did engage in misconduct by saying words to the effect to Stipendiary Steward Tilan Lee, "Go and get fucked and the Stewards can also go and get fucked", as we are always picking on him"*
3. AR232 (b) provides that a person must not "fail or refuse to comply with an order, direction or requirement of the Stewards or an official". The particulars of that charge were that the Appellant was *"provided with a reasonable direction by Steward Mr C. Albertch on the day to return to the Wyong Race Club for the purpose of commencing an inquiry into your conduct and you failed to comply with that direction"*.

APPEAL LODGED

4. The appellant appeals against the decision of the Stewards. The appeal is now listed for hearing on Thursday 9th Jan 2020.

APPLICATION FOR A STAY OF PROCEEDINGS

5. On 27th December 2019 the Appellant made application for a stay of the penalty, pending determination of the appeal. The sole ground in support of the stay was: *"Loss of income and the loss of future rides if unable to commit to horses I have ridden."*
6. The Stewards oppose the application for a stay and on grounds set out in their detailed submissions dated 27 December 2019.

7. On 29 December 2019, I gave the appellant until 9am today, 31 December 2019, to make any further submission he would wish to make in support of his application for a stay. I also gave the appellant the option of giving oral submissions today in support of his application. The appellant's representative Mr Crisafi has advised that the appellant does not wish to take up either opportunity. He relies on the content of his application form, namely the ground set out above.
8. As a consequence, I must determine the application for the stay upon the current submitted materials that I have before me.
9. In the circumstances I consider that the stay should not be granted. I reach that conclusion having regard to LR107 (1) of the Rules of Racing NSW, which provides that a stay of proceedings may be granted in circumstances where the appeal body considers that a substantial injustice may be caused to the appellant if the stay were not granted.
10. Firstly, the appeal is listed for hearing on the 9th Jan 2020, which is only 10 days away.
11. Secondly, the charges, if established, are serious. I have no information which enables me to form a view as to whether Mr Morris has any prospect of success on his appeal. This is relevant to the issue of substantial injustice and to the exercise of my discretion as to whether or not to grant a stay. The only information I have in this respect is from the written submissions of the Stewards.
12. Thirdly, I don't have any evidence to assess the extent of the potential loss of income and future rides to which the appellant refers, although it may be assumed there would have been available to him some opportunity to commit to ride had it not been for the suspension.
13. In these circumstances I decline Mr Morris's application for a stay.

Dated 31 December 2019

Tim Hale SC, Presiding Member