

## **APPEAL PANEL OF RACING NEW SOUTH WALES**

### **IN THE MATTER OF THE APPEAL OF LICENSED JOCKEY SERG LISNYY**

Heard at Racing NSW Offices

Appeal Panel: **Mr L. Vellis - Convenor; Mr P. Losh; Mr J. Murphy;**

Representatives: **Racing NSW - Mr T. Moxon, Chairman of Stewards**

**Appellant – Self-represented**

Date of Hearing: **16 June 2025**

Date of Reasons and  
Orders: **16 June 2025**

### **REASONS FOR DECISION**

#### **Introduction**

1. This is an appeal by licensed jockey Mr Serg Lisnyy against the sanction imposed upon him by the Stewards on 6 June 2025 for excessive use of the whip under AR 132(5) when riding *Song For Rosie* in Race 2, the Kings Hall Jewellers Showcase Silver Goblet 2 Year Old Handicap over 1,100 metres at a meeting at Dubbo Racecourse.
2. AR 132(5) is in the following terms:  
  
*In a race, official trial, jump-out or trackwork, or elsewhere, a rider must not use his or her whip in an excessive, unnecessary or improper manner.*
3. *Four Degrees* won the race, and *Song For Roise* finished 3<sup>rd</sup>. The sanctions imposed were a suspension of one week and a fine of \$300. Mr Lisnyy has appealed against the severity of the penalty.
4. At the appeal Racing NSW Stewards were represented by Mr T. Moxon, Chairman of Stewards. Mr Lisnyy was self-represented. An appeal book containing the transcript of the Stewards' Inquiry was tendered in evidence. Film of the race from multiple angles was also shown to the Panel, and tendered as an exhibit.
5. Mr Lisnyy accepted that he used the whip 21 times in the home straight, which was three in excess of the maximum permitted, which is 18. The Stewards for their part accepted that Mr Lisnyy has a decent record with respect to whip use, but nevertheless said that the penalty was necessary and reasonable as a general deterrent for jockeys to not excessively use the

whip. The Stewards also submitted that the penalty imposed was consistent with recent penalties issued by Stewards for breaches of the same rule, which have included suspensions and fines.

6. Further, the Stewards submitted that excessive use of the whip is an important issue for racing, is a very bad look from an animal welfare perspective and is also inconsistent with the social licence that thoroughbred racing operates under. The general public expects the industry to police rules related to whip use stridently.
7. Mr Lisnyy submitted that the horse was balanced in the last 100 metres and responded to his riding. He also felt that he did not endanger the horse and submitted that he was doing his best for connections to win the race. Mr Lisnyy also referenced his prior breaches of AR 132(7)(ii), where he had only received fines and thought that the penalty in this case was inconsistent with his prior actions and also with his actions on the day.
8. While the Panel had some sympathy for Mr Lisnyy, his submissions cannot be accepted. All jockeys are expected to ride competitively and do their best within the rules of racing to win their races, and breaches of this rule. The whip rules are a critical part of racing and breaches of such rules are actively monitored and scrutinised by the public and the horse racing industry.
9. Having considered the evidence and watched the film, the Panel generally accepts the submissions of the Stewards and believe the penalties are appropriate in this matter and are also consistent with precedent, The Panel believes there is no reason to disturb the original decision of the Stewards.

## **Orders**

10. The Panel makes these orders:
  - a. Appeal against severity of penalty dismissed.
  - b. Penalty of a one week suspension and a \$300 fine is confirmed.
  - c. The one week suspension commences on Monday, 16 June 2025, and expires on Monday, 23 June 2025, on which day the appellant may resume riding in races.
  - d. Appeal deposit is forfeited.

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