



New South Wales

**CORONER'S COURT
OF NEW SOUTH WALES**

Inquest: Inquest into the death of Marina Morel

Hearing date(s): 16 to 20 March 2026; 23 & 24 July 2026

Date of Findings: 21 August 2026

Place of Findings: Coroner's Court of New South Wales, Lidcombe

Findings of: Judge Derek Lee, Deputy State Coroner

Catchwords: CORONIAL LAW – manner of death, injury in racehorses, stress fracture, ligamentous injury, ruptured oblique sesamoidean ligament, injury management prior to training and racing, veterinary assessment, major orthopaedic injuries, Racing NSW, reintroduction to training following layup period, barrier trials, clipping heels, *Racing NSW Policy on Major Fractures or Other Major Orthopaedic Injuries*, *Racing NSW Policy on Notification of Veterinary Conditions*

File number: 2022/00008755

Representation: Dr D Kell & Mr J Harris, Counsel Assisting, instructed by Ms C Potocki (Crown Solicitor's Office)

Mr O Jones SC for Racing NSW & Racing Australia instructed by Mr P Sweney, General Counsel (Racing NSW) and Mr P Kite, General Counsel (Racing Australia)

Mr B Haverfield for BKB Racing, Mr B Thompson, Mr K Thompson & Ms E Theobold instructed by McGirr & Associates

Findings:

Marina Morel died on 12 February 2022 at Westmead Hospital, Westmead NSW 2145.

The cause of Marina's death was blunt force head, neck and chest injuries.

On 8 February 2022, Marina fell from a horse while performing trackwork at Gulgong Turf Club. The horse had developed stress fractures in her left humerus after returning to work from an extended period of rest following a previous injury. There is no evidence that the previous injury was associated with the stress fractures, and there had been no clear signs of lameness or evidence of stress fractures during the period of rest or upon the horse's return to training and racing. During ordinary training, the stress fractures resulted in a catastrophic humeral fracture resulting in the horse falling and rolling on top of Marina and causing her fatal injuries.

Recommendations made pursuant to section 82(1) Coroners Act 2009

See Annexure A

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1. Introduction

- 1.1 On 8 February 2022, Marina Morel, a 30-year-old French national and racehorse trackwork rider was riding *Lina's Choice*, a four-year-old bay mare, at Gulgong Turf Club. After trotting around the course, Marina began riding *Lina's Choice* on the main track.
- 1.2 Marina gradually increased the pace of *Lina's Choice* as they approached the finishing post, in accordance with instructions from the trainer of *Lina's Choice*, Brett Thompson. About 20 metres past the finishing post, *Lina's Choice* was seen to suddenly fall and crash heavily on the ground. Marina was thrown over the horse's head, also landing on the ground before being dragged underneath the horse.
- 1.3 Witnesses immediately came to Marina's aid and emergency services were contacted. Marina was unresponsive and had sustained critical head injuries. Attending paramedics airlifted Marina to hospital where she was admitted to the intensive care unit and placed on advanced life support.
- 1.4 However, Marina was found to have sustained a nonsurvivable injury and showed no meaningful neurological recovery. On 12 February 2022, Marina was tragically pronounced deceased.

2. Why was an inquest held?

- 2.1 Under the *Coroners Act 2009* (the Act) a Coroner has the responsibility to investigate all reportable deaths. This investigation is conducted primarily so that a Coroner can answer questions that are required to be answered pursuant to the Act, namely: the identity of the person who died, when and where they died, and what was the cause and the manner of that person's death.
- 2.2 Certain deaths are reportable to a Coroner. Some examples of reportable deaths are where the cause of a person's death is not due to natural causes, or where the cause or manner of a person's death may not immediately be known. In Marina's case, it was immediately apparent that she had died from traumatic injuries as a result of the fall from *Lina's Choice* on 8 February 2022. However, the reason for the fall was not immediately apparent in circumstances where Marina was performing trackwork on a horse as she had done on many occasions previously. During the course of the coronial investigation into the circumstances surrounding Marina's death, certain issues were identified regarding a previous injury suffered by *Lina's Choice*, management of the rehabilitation and training program for *Lina's Choice*, and oversight provided by Racing NSW and Racing Australia, the regulatory authorities for racing at the State and National level in Australia. For all of these reasons, an inquest was required to be held.
- 2.3 In this context it should be recognised at the outset that the operation of the Act, and the coronial process in general, represents an intrusion into what is usually one of the most traumatic events in the lives of family members who have lost a loved one. At such times, it is reasonably expected that families will want to grieve and attempt to cope with their enormous loss in private. That grieving and loss does not diminish significantly over time.

- 2.4 Therefore, it should be acknowledged that the coronial process and an inquest by their very nature unfortunately compels a family to re-live distressing memories several years after the trauma experienced as a result of a death, and to do so in a public forum. This is an entirely uncommon, and usually bewildering, experience for families who have lost a loved one. In Marina's case, navigating the unfamiliarity of the coronial system has been particularly challenging and burdensome for her family who reside in France.

3. Marina's life

- 3.1 Inquests and the coronial process are as much about life as they are about death. A coronial system exists because we, as a community, recognise the fragility of human life and value enormously the preciousness of it. Understanding the impact that the death of a person has had on those closest to that person only comes from knowing something of that person's life. Therefore, it is important to recognise and acknowledge Marina's life in a brief, but hopefully meaningful, way.
- 3.2 Marina was born on 17 December 1991 to Maria and Pascal Morel. She had a brother, Cyprien. Marina began riding at the age of five and progressed through her riding grades even before she could read. From a young age, Marina began competing in riding competitions. Marina's family describe her as falling under the spell of ponies and then horses, eventually devoting her entire life to them.
- 3.3 Marina was known to care deeply about the well-being of those around her, both human and animal. She brought happiness to everyone she encountered and had a gift for doing good to others.
- 3.4 Marina was talented creatively, particularly in drawing. She had a thirst for learning and knowledge. Reading was an important part of her life.
- 3.5 Marina's parents describe her as a young woman full of life, courage and determination with a strong will but also a passionate and loving nature. To everyone she met, Marina impressed with her strength of character and undeniable elegance. She strove to realise her dreams and to live her passion.
- 3.6 This passion, determination, and generous and loving nature makes Marina's sudden and unexpected passing all the more tragic. There is no doubt that Marina's untimely death has left a great void in the lives of her family and those who were privileged to know her. In the words of Marina's family, she left her indelible mark on this earth and on all who knew her. Marina's eternal smile remains in her family's memories, and she will remain forever in their hearts.

4. Marina's background

- 4.1 After moving to Australia in 2014, Marina worked in the racing industry in Sydney and Mudgee.
- 4.2 On 10 March 2021, Marina attained a Certificate III in Racing (trackwork rider) which entitled her to work as a trackwork rider.

- 4.3 On 7 June 2021, Marina began working for BKB Racing Pty Ltd (**BKB**) as a stable hand. BKB is owned by Mr Thompson's sons, Kurt Thompson (**Kurt**) and Ben Thompson (**Ben**). The company is based in Mudgee and keeps and trains horses at Gulgong Turf Club.
- 4.4 After completing a required period of practical work, Marina began an apprenticeship under Brett Thompson's supervision with a view to attaining a Certificate IV in Racing to become a jockey.
- 4.5 Marina had a good reputation as a competent rider who understood horses very well.
- 4.6 In October 2021, Marina injured her back during training after falling from horse. She was off work recovering until 7 January 2022.

5. **Background of *Lina's Choice***

- 5.1 *Lina's Choice* was a 4-year-old bay mare, foaled on 11 November 2017. Mr Thompson was listed as the breeder and trainer of the horse. Mr Thompson is the head trainer at BKB and has been a licensed professional trainer for almost 17 years.
- 5.2 On 29 June 2020, *Lina's Choice* was first registered as a racehorse with Racing NSW. On 14 July 2020 and 4 November 2020, stable returns were filed indicating that *Lina's Choice* was active.
- 5.3 Between July 2000 November 2000, *Lina's Choice* raced at five different NSW racing meets.

March 2021 injury

- 5.4 On 8 March 2021, Mr Thompson observed that *Lina's Choice* appeared to be lame during training. Dr Jack Holman, a veterinarian from Mudgee Veterinary Hospital, assessed *Lina's Choice* and found soreness in the oblique sesamoidean ligament.
- 5.5 An ultrasound was performed and Dr Holman expressed the view that *Lina's Choice* had suffered a partially ruptured oblique sesamoidian ligament of the right foreleg (**Ligament Injury**). No images of the ultrasound were retained. Dr Holman also expressed the view that the injury was consistent with high paced trackwork where the limb has overextended, usually causing the horse to slow down and become lame after work is finished.
- 5.6 Dr Holman recommended to Mr Thompson that *Lina's Choice* have six weeks box rest, meaning the horse would be confined to her stable. Dr Holman also recommended that *Lina's Choice* be given phenylbutazone (known as "bute"), anti-inflammatory medication, followed by either nine to 12 months or 12 months paddock rest before returning to work.
- 5.7 According to Mr Thompson, after six weeks he reassessed *Lina's Choice* and moved the horse to a small spelling (resting) paddock for six to eight weeks. Following this, *Lina's Choice* was moved to a normal spelling paddock. Mr Thompson reportedly observed *Lina's Choice* every day, watching how the horse ran, and did not identify any lameness.

Return to work

- 5.8 On 30 September 2021, *Lina's Choice* returned to work. This included being placed on a treadmill for 10 minutes each day. Mr Thompson reportedly checked on *Lina's Choice* twice a day and saw no signs of lameness or felt any heat in her legs which might indicate an injury.
- 5.9 By 1 November 2021, *Lina's Choice* reportedly resumed full training some 7½ months following the injury and about 4½ months earlier than the period of paddock rest recommended by Dr Holman.
- 5.10 On 8 December 2021, Gary Christou, an equine chiropractor, assessed *Lina's Choice* and other horses at Gulgong for soundness. Mr Christou followed his usual practice of obtaining a history about the horse, palpating the horse's muscles and trigger points, observing the horse's movement and physically checking the range of movement of the horse's joints. Following his assessment, Mr Christou marked *Lina's Choice* as "OK" in his notes indicating that he considered that the horse could continue work.
- 5.11 On 15 December 2021, *Lina's Choice* was entered in a barrier trial at Scone (**Scone Barrier Trial**). As *Lina's Choice* had last raced on 20 November 2020, more than 12 months earlier, she was required to participate in a barrier trial before racing. *Lina's Choice* placed fifth in the barrier trial.
- 5.12 In the weeks after the barrier trial, *Lina's Choice* continues to train with no concerns raised about her progress.
- 5.13 On 7 January 2022, Marina returned to work after her back injury. She rode *Lina's Choice* during trackwork sessions a couple of times a week.
- 5.14 On 14 January 2022, *Lina's Choice* raced at Wellington (**Wellington Race**), finishing fifth out of 14 horses. Billy Cray, a jockey who rode *Lina's Choice* that day, reported that the horse ran well and he had no concerns about her fitness.
- 5.15 On 19 January 2022, Mr Christou assessed *Lina's Choice* at Gulgong. He found no issue and marked that *Lina's Choice* could continue work.
- 5.16 On 31 January 2022, *Lina's Choice* raced at Dubbo (**Dubbo Race**), finishing ninth out of 13 horses. Mr Cray was once again the jockey and reported that *Lina's Choice* had performed above his expectations but had been crowded in by another horse. The Stewards' Report for the race confirmed Mr Cray's views and indicated that the rider of another horse pleaded guilty to careless riding.

February 2022 assessment

- 5.17 On 2 February 2022, Mr Christou again assessed *Lina's Choice* at Gulgong and identified some stiffness in the horse's chest or pectoral. Mr Christou marked that *Lina's Choice* could continue work but recorded this note:

Lina's Choice OK BUT some stiffness O/S chest/pec. Could she be getting off her joint? Monitor [original emphasis]

5.18 Between 2 and 8 February 2022, *Lina's Choice* continue to train as usual. During this period, Elizabeth Theobald, a stable hand and trackwork rider at BKB, observed *Lina's Choice* for any signs of soreness or lameness and found none.

5.19 On 7 February 2022, Marina rode *Lina's Choice* for trackwork and did not report any concerns with the horse.

6. Events of 8 February 2022

6.1 On the morning of 8 February 2022, *Lina's Choice* and other horses were brought up on their boxes to a location called the "tie ups". There, *Lina's Choice* was fed and saddled by Mark Greenway who did not notice any issue with the horse. Marina checked the saddle and other equipment herself.

6.2 Between five and seven horses were ridden on the track, including two horses ridden by Marina, prior to *Lina's Choice* commencing trackwork. None of the persons present observed any concerns with the track.

6.3 Mr Thompson spoke with Marina about how she was to train *Lina's Choice*. He wanted *Lina's Choice* to be taken anticlockwise around the track, trotting then cantering. Marina was then to turn *Lina's Choice* and ride clockwise towards the finishing post, increasing her pace over that distance. A horse's pace is described by how quickly it covers a furlong (a distance of about 200 metres). Mr Thompson provided instructions for *Lina's Choice* to be ridden at "evens" (known as three-quarter pace and meeting 15 seconds per furlong) between the 1000 metre to 600 metre mark, then 14 seconds for the next furlong, and then 13 seconds for the final 400 metres.

6.4 At around 7:10am, Mr Thompson took up a position near the winning post. He reportedly saw *Lina's Choice* trotting around the track and saw no signs of lameness. Kurt was at the wash bay where he could see the track and reportedly saw that *Lina's Choice* was working well.

6.5 At about 7:20am, Marina began riding *Lina's Choice* on the main track. There were no other horses on the track at the time. Consistent with Mr Thompson's instructions, Marina rode *Lina's Choice* towards the finishing post gradually increasing the horse's speed.

6.6 Approximately 20 metres past the finishing post, Mr Thompson reported hearing a "*really loud steel sound*" which she believed was the horseshoes clipping together. Kurt also describes hearing a "*clinking*" noise which he recognised as a sound when a horse's back feet come forward and connect with the front foot.

6.7 *Lina's Choice* came down onto her nearside shoulder and crashed heavily on the ground. Marina was propelled over the horse's head and *Lina's Choice* slid along the ground causing Marina to be dragged underneath the horse.

- 6.8 Mr Thompson and Kurt ran towards Marina. *Lina's Choice* was thrashing about with her legs coming into contact with Marina's helmet. Kurt dragged Marina out from underneath the horse.
- 6.9 At 7:21am, Kurt called Triple Zero. Police and ambulance personnel arrived within about 10 minutes. *Lina's Choice* was still thrashing around on the ground. Mr Thompson saw that the horse had sustained a serious injury to her left foreleg. He sedated *Lina's Choice* with Xylazine (a common veterinary drug used for sedation, anaesthesia and muscle relaxation) before obtaining a rifle and euthanising the horse.
- 6.10 An emergency physician examined Marina and found she had sustained a critical brain injury, with a low level of consciousness, increase heart rate and low blood pressure. Marina was placed in a helicopter and airlifted to Westmead Hospital where she arrived at 10:25am. Investigations revealed subdural and subarachnoid haemorrhage, haemorrhage of the left anterior temporal part of the brain and a blow out fracture of the right orbit. There were features of raised intracranial pressure and hypoxic-ischaemic change with the swelling of the brain, tonsillar herniation, and decreased cerebral blood flow.
- 6.11 Marina developed hypoxic respiratory failure secondary to pulmonary contusion, Takotsubo cardiomyopathy causing pulmonary oedema and trauma-induced coagulopathy. Given the extent of Marina's injuries it was considered that surgical intervention would not be beneficial. Marina was admitted to the intensive care unit and provided advanced life support.
- 6.12 Further testing showed that Marina had sustained a non-survivable brain injury. Her mother travelled from France to be with her.
- 6.13 On 12 February 2022, Marina was tragically pronounced deceased.

7. Post-mortem examination

- 7.1 Marina was later taken to Forensic Medicine Sydney where Dr Marna du Plessis, forensic pathologist, performed a post-mortem examination on 18 February 2022. This identified the following relevant findings:
- (a) subgaleal haematoma of the left vertex and right parietal area of the head;
 - (b) subdural, subarachnoid and parenchymal haemorrhage;
 - (c) raised intracranial pressure with cerebral oedema;
 - (d) avulsion fracture of the left occipital condyle of the skull and blow out fracture of the right orbit; and
 - (e) fractures of the thoracic spinal column and undisplaced fracture of the cervical spinal column.
- 7.2 In the post-mortem examination report dated 30 June 2022, Dr du Plessis opined that the cause of Marina's death was blunt force head, neck and chest injuries.

8. Necropsy of *Lina's Choice*

8.1 On 9 February 2022, Dr Neil Horadagoda, pathologist, performed a necropsy of *Lina's Choice* at the University Veterinary Teaching Hospital Sydney. This examination identified the following relevant findings:

- (a) severe comminuted fracture of the left humerus with the bone fracture commonly into two major fragments by an oblique, slightly spiral line extending from below the humeral head in the caudoproximal region to a point above the coronoid fossa in the craniodorsal aspect;
- (b) a nodular periosteal thickening below the humeral head, just above the fracture but contiguous with the line to indicate pre-existing pathology;
- (c) the presence of woven bone within the nodular thickening of the humerus indicating a bone healing process with new bone formation or bony callus formation in response to a previous fracture or breach in structural continuity of the bone cortex;
- (d) the presence of osteoclast support remodelling within the body callus “which could span from around 18 days onwards lasting months to years”; and
- (e) no pathology in contralateral limb which was unremarkable.

8.2 Dr Horadagoda noted that the periosteal callus in this humerus “*closely corresponds to the location of the periosteal callus*” described in the literature in humeral fractures which “*apparently indicated the presence of a pre-existing stress fracture*”.

8.3 Dr Horadagoda ultimately expressed this view regarding the necropsy findings:

The bone sections presented with highly irregular collagen fibres reflect woven bone present within a callus. There is osteoclast activity indicating remodelling is in progress. These findings indicate a bone response to a fracture, likely a stress fracture which is known to occur in this location of the bone in the humerus of race horses (Stover et al 1993) and it is also contiguous with the fracture line noted in this horse.

9. What issues did the inquest examine?

9.1 Before the inquest commenced, a list of issues was circulated amongst the sufficient interested parties, identifying the scope of the inquest and the issues to be considered. That list identified the following issues for consideration:

- (1) Did BKB Racing adequately treat and manage *Lina's Choice*, following the injury she sustained on 8 March 2021?
- (2) Did BKB Racing have a reasonable and appropriate system for assessing whether its horses were fit to return to training and/or racing?

- (3) Should *Lina's Choice* have been assessed by a veterinarian prior to returning to training and/or racing following the injury she sustained on 8 March 2021?
- (4) Did the timing and manner in which *Lina's Choice* returned to training and/or racing predispose her to stress fractures?
- (5) Was there any indication that *Lina's Choice* had developed a stress fracture in the period between 1 November 2021 and 8 February 2022? If so:
 - (a) Would it have been reasonable and appropriate, during that period, to undertake further action or investigation - and, if so, what?
 - (b) What would the likely result have been of such further action or investigation?
- (6) What was the cause of the injury *Lina's Choice* sustained on 8 February 2022? Did the injury she sustained on 8 March 2021 cause or contribute to the later injury?
- (7) Is there an adequate system of regulation in NSW to determine whether horses are fit to return to training and/or racing following injury? In particular:
 - (a) Do barrier trials provide an adequate basis for assessing a horse's fitness?
 - (b) Was the process for notification of injury in 2021 adequate?
 - (c) Do rule AR 88B of the Australian Rules of Racing and the relevant Racing Australia Codes of Practice provide an adequate system for managing a horse's return to training and racing?

9.2 For convenience, some of the issues have been dealt with together and re-ordered chronologically below.

9.3 To assist with consideration of some of the issues, opinions were sought from the following independent experts as part of the coronial investigation:

- (a) Distinguished Professor Emerita Susan Stover, professor of surgical and radiological science at the University of California, Davis, and an expert in clinical equine surgery and lameness, on behalf of the Coroner's Court; and
- (b) Dr Jonathan Lumsden, specialist equine surgeon, on behalf of BKB.

10. Did BKB have a reasonable and appropriate system for assessing whether its horses were fit to return to training and/or racing?

10.1 Mr Thompson gave evidence of how *Lina's Choice* was managed during her spelling period which followed the usual way in which horses at BKB were managed and reintroduced to work following an injury:

- (a) *Lina's Choice* was placed in a stable at Mr Thompson's farm at Gulgong for box rest (in a 4 x 4 metres box) for six weeks. During this time, *Lina's Choice* was exercised by hand with light walks in a small day yard and given bute if needed;
- (b) after six weeks, *Lina's Choice* was moved to a larger day yard for about 4 to 6 weeks for being placed into a spelling paddock;
- (c) Mr Thompson observed *Lina's Choice* daily for signs of lameness and found none;
- (d) On 30 September 2021, *Lina's Choice* was brought back to training at Gulgong;
- (e) Upon her return, *Lina's Choice* was initially worked on a treadmill daily for about 4 to 6 weeks and checked twice daily;
- (f) *Lina's Choice* was then given light work at first and so we built up until her first barrier trial on 15 December 2021.

10.2 Mr Thompson gave evidence that once a horse is moved into a paddock "*they run around flat out*". He explained that he would "*wait till they settle down*" and then observe a horse when trotting for any signs of lameness. If any such signs were observed the horse would be placed back into a box and arrange for a vet "*to come and recheck*" the horse.

10.3 **Conclusions:** The evidence indicates that BKB followed an appropriate graduated program for the management of horses returning to work after injury. Horses were given appropriate spelling periods before being introduced to low intensity work and then being stepped up to higher intensity work. During this injury management period, horses were appropriately observed and checked for signs of lameness.

11. Did BKB adequately treat and manage *Lina's Choice* following her injury?

11.1 Mr Thompson gave evidence that he noticed something about *Lina's Choice's* gait in around March 2021. He told Dr Holman that he thought the *Lina's Choice* had "*done a slight tear to one [of] her tendons*" and was "*minimally lame*" and asked him to attend to assess the horse.

11.2 On 8 March 2021, Dr Holman assessed *Lina's Choice*. Dr Holman gave evidence that he did not have a particular recollection of the assessment but that his usual practice was to take a horse' history from a trainer, trot the horse up to identify whether there was lameness in a particular leg, palpate all the joints and tendons to localise any pain, conduct a flexion test to identify any soreness in a particular joint and consider whether any diagnostic imaging was required.

- 11.3 Dr Holman performed an ultrasound on *Lina's Choice* and found that she had suffered the Ligament Injury. Dr Holman gave evidence that he thought this was the first time that he had seen this particular injury in clinical practice.
- 11.4 An invoice issued from Dr Holman's veterinary practice regarding his attendance on 8 March 2021 records the following:
- Visit, Attend and Examine Re tendon scan off forelimb. Ruptured oblique sesamoidon [sic] ligament – recommend 12mths rest, 6 weeks box rest with bute
- 11.5 In his statement to the New South Wales Police Force (**NSWPF**) dated 15 March 2022, Dr Holman stated his treatment recommendation to Mr Thompson for *Lina's Choice* was “6 weeks box rest with anti-inflammatory's [sic] followed by paddock rest for 12 months”.
- 11.6 Mr Thompson was not present during the assessment. However, an entry in a BKB stables diary written by Ben Thompson records the following for 8 March 2021 (**Diary Entry**):
- Lina's Choice* – medial suspensorial – small yard 6 weeks
Then out for 9-12 months
- 11.7 Dr Holman gave evidence that it was possible he may have told one of Mr Thompson's sons at the stables that he recommended nine to 12 months rest for *Lina's Choice*. Dr Holman attributed this to the “time lag between [him] doing the job and writing it down”, meaning that he may have spoken about nine to 12 months rest in person at the stables but noted 12 months rest when preparing his notes and invoice at a later stage.
- 11.8 Mr Thompson gave evidence that he could not recall speaking with Dr Holman after *Lina's Choice* had been assessed but presumed he did so because that was his usual practice a vet examined one of his horses. Mr Thompson gave evidence that he could not “remember anyone ever saying” to him that *Lina's Choice* needed 12 months off and that this is what Dr Holman had told him. However, later in his evidence, Mr Thompson conceded that whilst he could not recall seeing the Diary Entry, he would have spoken to him about it on 9 March 2021. Mr Thompson gave evidence that from this conversation his understanding was that the six weeks of box rest for *Lina's Choice* was included in the nine to 12 months off work.
- 11.9 By 30 September 2021, *Lina's Choice* had been off work for six months and 22 days. This was contrary to Dr Holman's recommendation of between nine to 12 months off work. Mr Thompson agreed in evidence that he did not adhere to Dr Holman's recommendation. Mr Thompson sought to draw a distinction between a return to training and rehabilitation. He considered that *Lina's Choice* was in rehabilitation but acknowledged that *Lina's Choice* was engaged in “very light work”.

11.10 Mr Thompson described the process for *Lina's Choice* from 30 September 2021 in this way:

And when you bring a horse back from a long spell, you've got to start them off really lightly and the idea of the treadmill is to trot them away lightly for week after week after week and check them twice a day when they go on the machine, when they come off the machine to make sure that they're handling it all. There's no heat in any bones or heat, heat in the area where they've had the injuries. No lameness. She was back in, in rehab. She wasn't back in for work.

11.11 Mr Thompson gave evidence that from the time that *Lina's Choice* was placed in the smaller day yards where she "*trotted around*" she never showed any sign of lameness. As for his observations of *Lina's Choice*, Mr Thompson gave this evidence:

She was running around in the paddock that fast, I, I remember saying to my boys, we've got to bring that horse back in soon or she's going to go through a fence [...]

11.12 The following factors should be noted regarding the return to work for *Lina's Choice*:

- (a) Dr Holman gave evidence that he was unconcerned about *Lina's Choice* return to work on 30 September 2021 because "*the literature states that adequate time is six months for [...] An injury of this type as long as it's not a [...] complete rupture*". Dr Holman referred to a veterinary textbook (Adams and Stashak's *Lameness in Horses*) which he consulted after 8 March 2021 which recommended six months treatment for the type of injury which *Lina's Choice* suffered.
- (b) Dr Lumsden gave evidence that the injury management program for *Lina's Choice* was "*not an uncommon rehabilitation scenario for a ligament injury*". However, this is dependent on the severity of the injury (whether there is a partial or complete ligament tear) and the horse's response to controlled exercise and healing time. Dr Lumsden explained that the nature of the injury made it susceptible to strain and that the reintroduction of work resulted in recurrence of the original presenting signs (monitor major tearing, inflammation, swelling and pain).
- (c) Mr Thompson gave evidence that he regularly observed *Lina's Choice* during this period and did not observe any signs of lameness.
- (d) Similarly, BKB staff, including Marina who rode *Lina's Choice* during trackwork, also observed no signs of lameness in *Lina's Choice* during this period.
- (e) Professor Stover gave evidence that Dr Holman's recommendation (of either 12 months or nine to 12 months paddock rest) was a matter for clinical judgement and that the appropriateness of the management plan for *Lina's Choice* depended on how she responded. Professor Stover explained that whilst there was no evidence of any recorded issue with *Lina's Choice* during her period of rehabilitation, it is not possible to know whether in fact *Lina's Choice* was displaying any symptoms during that time and that there is "*a lot we don't know about what was happening with the horse at that period*".

11.13 **Conclusions:** There is some degree of uncertainty regarding the period of rest for *Lina's Choice* recommended by Dr Holman. However, it appears most likely that Dr Holman recommended that *Lina's Choice* be rested for nine to 12 months given the contemporaneous Diary Entry and Dr Holman's concession that he may have specified one period of time whilst at the BKB stables and subsequently recorded a different period of time in his own records. Notwithstanding, it is evident that by 9 March 2021, Mr Thompson was aware of the recommendation of 9 to 12 months rest for *Lina's Choice*.

11.14 It is equally evident that *Lina's Choice* returned to work six months and 22 days following her Ligament Injury which was earlier than either of the periods of rest which Dr Holman possibly recommended. As already noted above, Mr Thompson followed his usual practice for the management of horses returning to work from injury for *Lina's Choice* which was appropriate. The evidence given by Mr Thompson of his observations of *Lina's Choice* running in the paddock provided a degree of reassurance that management of her return from injury was progressing adequately. Further, the period of rest which *Lina's Choice* had was consistent with that described in academic literature for injuries similar to the Ligament Injury.

11.15 Whilst Professor Stover and Dr Lumsden both acknowledged this consistency, both experts emphasised that the appropriateness of the return from injury management plan for *Lina's Choice* depended upon how the horse responded to rest periods and controlled exercise. Whilst there is no evidence of every observation made of *Lina's Choice* during her return from injury or every aspect of her management program, the evidence that is available does not demonstrate any indication that *Lina's Choice* was showing any signs of lameness. Overall, the evidence therefore indicates that *Lina's Choice* was managed appropriately following her injury.

12. Should *Lina's Choice* have been assessed by a veterinarian prior to returning to training and/or racing following her injury?

12.1 Dr Holman gave evidence that if a horse suffered the type of injury that *Lina's Choice* had suffered he would typically recommend that repeat imaging be performed "*to get an idea, of, of degree of healing and timeframe*". However, Dr Holman gave evidence that he could not recall whether he gave such advice for *Lina's Choice*, noting that even if it had been given it would have been limited to a recommendation only and not a requirement.

12.2 Dr Holman also gave evidence that he could not recall whether he made a recommendation for a further vet examination for *Lina's Choice* prior to her returning to work. However, Dr Holman gave evidence that there would be utility with such an examination to identify any lameness and to ensure that the horse was "*completely sound*". Notwithstanding, Dr Holman described Mr Thompson as "*a very good operator and a very good trainer*" and gave evidence that he held Mr Thompson in high regard in relation to "*his ability to locate lameness*". Dr Holman also gave evidence that he was confident in Mr Thompson's judgement regarding how a horse was progressing with its rehabilitation and that if "*he thought there was a justification to get a vet out then he would be on the phone to me*".

- 12.3 Dr Lumsden gave evidence that whilst not obligatory, it would be “*ideal*” for an injured horse to be assessed by a vet prior to returning to training, and for there to be veterinary follow-up depending on how the horse responds to appropriate rest.
- 12.4 Professor Stover gave evidence that it would have been “*reasonable and appropriate*” for *Lina’s Choice* to be assessed by a vet before she returned to training. Professor Stover agreed that if *Lina’s Choice* was displaying no signs or symptoms and appeared to be responding well to her reintroduction to training this might reduce the need for further veterinary assessment, whilst if *Lina’s Choice* was not progressing as expected, this would be a factor in favour of veterinary assessment.
- 12.5 Mr Thompson accepted that, in hindsight, he probably should have obtained an updated veterinary assessment given that he brought *Lina’s Choice* back to training earlier than Dr Holman had recommended. Mr Thompson gave evidence as to the current practice at BKB regarding the management of horses following an injury:

[...] I do have things in place these days now that every horse that has an injury now gets a full veterinary report sent to me by email, we keep a record in our things every - for any vets or any Racing New South Wales to come and look at, we've put in place that every horse that comes back from an injury, they get - the vet comes in and goes over them and if they need a scan, they get a scan, if they need an X-ray, they get an X-ray to make sure everything's okay. That's all been put in place and we do that now, we never used to do that [...].

- 12.6 **Conclusions:** It is unclear whether any recommendation was made to Mr Thompson for *Lina’s Choice* to be assessed by a vet before returning to training and racing. If such a recommendation had been made, there was no obligation on Mr Thompson to follow it. However, the evidence indicates that Mr Thompson would have regarded such a recommendation seriously and not hesitated to have such a veterinary assessment performed.

- 12.7 The expert evidence establishes that such an assessment would have been reasonable, appropriate and ideal. However, it should be noted that staff at BKB observed no sign of lameness in *Lina’s Choice* before she returned to training and racing. Therefore, there was no clear indication that a veterinary assessment was required.

- 12.8 Consistent with Dr Holman’s description of Mr Thompson as a good trainer and operator, since February 2022, Mr Thompson has appropriately established practices at BKB for a veterinary assessment to be performed for every horse returning to training and racing from injury.

13. Did the timing and manner in which *Lina’s Choice* returned to training and/or racing predispose her to stress fractures?

- 13.1 Professor Stover gave evidence that the highest risk factor for catastrophic humeral fracture in a horse is where the horse is “*coming back from a layup*”. Professor Stover described a layup being a period of more than 60 days without high-speed training or racing. The highest risk period is 21 days after a layup. Although *Lina’s Choice* was beyond this period, she remained at risk for

catastrophic, complete humeral fracture by virtue of her previous layup, regardless of the cause of the layup.

13.2 Professor Stover explained that through the process of adaptation, a horse's skeleton continually adapts to the loads that are applied to it. Training incrementally increases these loads gradually over a long enough period so that the skeleton is not damaged by these loads. However, if these loads are "*too high too often in a short period of time*", such as returning to training following a layup, the damage does not have a chance to recover and the bone becomes weaker leading to a stress fracture. Professor Stover gave evidence that during this transient period the bone is weaker and "*susceptible to fracture under otherwise completely normal training and racing conditions*". Professor Stover explained that when a horse goes into layup it also loses bone mass and when a horse that has compromised bone mass resumes a normal training program this can "*result in a circumstance that promotes a stress fracture*".

13.3 Professor Stover also gave evidence that the type of injury which *Lina's Choice* suffered is a relatively uncommonly recognised injury and that the amount of information available regarding this type of injury is "*small*". However, Professor Stover explained:

[I]n general, the recommendation is minimising the ability of the horse to move around and further injure the ligament by either stall rest or confinement for a period of time, and then assuming that healing is progressing, to gradually reintroduce loads on the ligament by gradually walking the horse, giving it opportunity to have larger freedom of movement in a larger area, and ultimately returning it to some level of training in a gradual manner.

13.4 However, Professor Stover emphasised that the period of rest and rehabilitation is "*not as black-and-white as one month here, two months there, then four months*". Professor Stover gave evidence that the period of rest and need for gradual introduction to training depends on the original severity and type of injury and that "*there are many things where clinical judgement plays a role in each of these time points*".

13.5 Dr Lumsden describes the management program for *Lina's Choice* to be "*a very broad and very conservative framework*" because it was beyond the upper level of what he himself has identified as common advice. Dr Lumsden also gave evidence that in his experience, humeral stress fractures are relatively common and associated with "*increase forces on the bone from repetitive exercise associated with training and galloping*". Dr Lumsden similarly noted that thoroughbred horses are at increased risk for complete humeral fracture in the early period of training following an extended period of rest.

13.6 **Conclusions:** There is no evidence that the manner in which *Lina's Choice* returned to training or racing predisposed her to stress fractures. As already noted above, the management program that was followed at BKB for the horse's return from injury was appropriate and no clear indication of lameness was observed or demonstrated.

13.7 Instead, the period of layup for *Lina's Choice* following her Ligament Injury was itself a risk factor. This is due to the skeletal disuse and bone loss which accompanies inactivity and is inherent in any layup period, regardless of whether the layup is due to injury or not.

14. Was there any indication that *Lina's Choice* had developed a stress fracture between 1 November 2021 and 8 February 2022?
- 14.1 Professor Stover expressed the view that the images from the necropsy showed “*quite a substantial callus*” associated with the complete humeral fracture in *Lina's Choice*. Professor Stover speculated that this meant that *Lina's Choice* could have been “*dealing with it for a month or more*”. Professor Stover gave evidence that observation of a clinical sign of a stress fracture would have provided the indication for imaging investigations to be performed (including a bone scan radiograph or ultrasonography) which would have visualised the callus depending on its size.
- 14.2 There are three discrete matters relevant to consideration of whether there was any indication prior to 8 February 2022 that *Lina's Choice* had developed a stress fracture:
- (a) whether any lameness had been observed in *Lina's Choice* following the Dubbo Race;
 - (b) the previous race performance of *Lina's Choice*; and
 - (c) the finding by Mr Christou of stiffness in the offside chest/pectoral of *Lina's Choice* on 8 February 2022 (**Christou Finding**).

Dubbo race on 31 January 2021

- 14.3 Detective Senior Constable John Sturman, the NSWPF Officer-in-Charge, stated that he contacted Sarah Connell, a stable hand at BKB, on 21 July 2022. Ms Connell reportedly said she had “*heard from Elizabeth Theobald that Lina's Choice had pulled up lame*” after the Dubbo Race and “*should not have been in training at the time of the accident*” on 8 February 2022.
- 14.4 In her statement to the NSWPF on 11 December 2024, Ms Connell stated that on the afternoon or evening of 8 February 2022, she spoke to Ms Theobald who told her, “*I don't think the horse should have been worked today*”. According to Ms Connell, Ms Theobald did not give any reason for the apparent statement.
- 14.5 During the inquest, Ms Connell gave this evidence:
- I don't know if it's what actually happened or not. It's just what I thought had happened, I don't know who would have told me or who I would have picked it up from. Like, I don't remember being told that specifically by a particular person. It's just my memory from that period of time [...]
- 14.6 Ms Connell acknowledged during her evidence that anything she might have heard about *Lina's Choice* having an injury could have been related to the Ligament Injury.
- 14.7 In her statement to the NSWPF on 21 July 2022, Ms Theobald denied ever having a conversation in which she described *Lina's Choice* “*as being lame between her last race and when the accident happened*”. Ms Theobald stated that she “*may have said to someone that if someone that didn't know about horses was looking at the notes made by Gary Christou they could interpret them as being bad*”.

- 14.8 Ms Theobold gave evidence that she had never observed any lameness in *Lina's Choice* and had never had a conversation in which she referred to *Lina's Choice* as being lame. Ms Theobold also gave evidence that she spoke to Ms Connell on the afternoon or evening of 8 February 2022 about what had happened that day. Ms Theobold initially denied speaking about *Lina's Choice* and saying that the horse should not have been worked on 8 February 2022.. However, Ms Theobold later acknowledged the possibility that she had said to Ms Connell that Mr Christou had assessed *Lina's Choice* and indicated the horse should be monitored.
- 14.9 The Stewards Report for the Dubbo Race found that another horse had crossed into the path of *Lina's Choice*, hampering her and preventing her from getting a clear run. As a result, a penalty was imposed on the jockey of the other horse.
- 14.10 Professor Stover gave evidence that if Ms Theobold (or anyone else) had ever reported seeing lameness in *Lina's Choice* following the Dubbo Race that would be an “*important observation if it were true*”. Conversely, Professor Stover agreed that if no such observation had been made this would eliminate one of the potential clinical signs of a stress fracture in *Lina's Choice*.

14.11 **Conclusions:** Information provided to the NSWPF shortly after 8 February 2022 suggested that a sign of lameness may have been observed in *Lina's Choice* following the Dubbo Race. If true, such a sign would have been of critical relevance to potential detection of stress fractures in *Lina's Choice*. However, the evidence given by both Ms Connell and Ms Theobold during the inquest establishes that no such lameness was either observed or reported at any time. There is also similarly no evidence of any report being made that *Lina's Choice* should not have been training on 8 February 2022.

Performance of Lina's Choice

- 14.12 On 15 December 2021, *Lina's Choice* ran a barrier trial and finished fifth out of five horses. On 14 January 2022, *Lina's Choice* had her first race back at the Wellington Race and finished fifth out of 14 horses. Then at the Dubbo Race, *Lina's Choice* finished ninth out of 13 horses. Mr Thompson was asked about his impression of each of these races and gave this evidence:

[S]he's run fifth out of 14 at Wellington after having a long time off with one trial. I thought it was a super run, and I can remember watching the race. I remember Col Hodges, the caller, calling - she's a mile or 2000 metre horse in an 1100 metre race. Got back in the field at Wellington where you just do not make ground at short tight tracks like Wellington. You've got to be up in the first three or four to be able to very competitive and Col called her in the race as rattling home, which is a really good sign for a horse that gets over ground. You want to see them hitting the line really hard.

That's what she was doing on that day, and then when she went and went to the 1300 at Dubbo, Billy Cray said to me, “We should have definitely won a place today, Thomo, or won. I want to be on her next start.” Yes, she's run ninth, but as a trainer and a person that knows horses and races, you watch the race. She got buffered around. She got pushed around in the race. Couldn't get a run when she needed to get the run. Got held up and hampered. If she would have got clear going, I believe she would have won the race. So I was very happy with both. So there was definitely not a decline in the horse's racing ability.

- 14.13 Mr Thompson described the Wellington Race and the Dubbo race as “*both really top runs*” and that he saw progress by *Lina’s Choice* in both races rather than a decline in performance.
- 14.14 In his statement to the NSWPF dated 8 May 2022, Mr Cray stated the following:
- (a) at the Wellington Race *Lina’s Choice* was “able to make up some ground and finish well, which is a good sign for the horse at a track like Wellington”;
 - (b) he was impressed with *Lina’s Choice* asked Mr Thompson to keep in mind the next time *Lina’s Choice* raced;
 - (c) he rode *Lina’s Choice* in the Dubbo Race and she performed above his expectations;
 - (d) he thought *Lina’s Choice* should have finished in the top three if she had not been blocked by another horse; and
 - (e) he told Mr Thompson he wanted to ride *Lina’s Choice* again the next time she raced and that he had no concerns about the fitness of the horse.
- 14.15 Professor Stover gave evidence that if *Lina’s Choice* had been demonstrating a decline in her race performance, this would have been an important indicator that pointed to the need for veterinary assessment. Professor Stover again agreed that if *Lina’s Choice* was not declining in her race performance this would also eliminate one of the potential clinical signs of a stress fracture.

14.16 **Conclusions:** The evidence establishes that *Lina’s Choice* was not showing declining race performance in the period leading up to 8 February 2022. Rather, the observations of Mr Thompson and Mr Cray were to the contrary; that is, the horse was performing well and above expectations. This meant that there was no performance-based clinical sign of any stress fracture in *Lina’s Choice* prior to 8 February 2022.

Examination on 2 February 2022

- 14.17 On 2 February 2022, Mr Christou performed a routine assessment of *Lina’s Choice* in the same way that he had done so previously on 8 December 2021 and 19 January 2022. Mr Christou gave evidence that whilst palpating *Lina’s Choice* he identified stiffness or muscle spasm in the right chest or pectoral. Mr Christou gave evidence that the “*immediate thought*” on his part was whether the stiffness was “*a direct trauma injury to the muscle or [...] a compensatory sign coming from somewhere else in the body*”. Mr Christou gave evidence that he then:
- (a) performed a range of movement test but did not identify any heat or swelling;
 - (b) put *Lina’s Choice* in the field behind the stables and gave her “*a good walk*” and “*a good trail including straight line and semi circles*” to identify any lameness or issue with her gait, but found none; and

(c) noted that there was nothing reported from the stable to indicate that *Lina's Choice* had experienced any soreness or lameness before or after any race.

14.18 Mr Christou gave evidence that “*if all the boxes have been ticked and the horse is not showing anything obvious*” then his findings on 2 February 2022 may have been related to the Ligament Injury. Mr Christou also gave evidence that someone in his position performing an assessment of a horse “*cannot be a hundred percent sure that there isn't something else going on*”. Mr Christou explained that this is why he recommended that *Lina's Choice* be monitored in a number of other domains including any changes in her appetite, reluctance to work, any change in her gait, or any soundness issues.

14.19 However, about 6 to 8 hours after his assessment, Mr Christou spoke with Mr Thompson. Mr Christou described the conversation in this way:

[L]ater in the day when I reported back to Brett Thompson that we had found the ascending pectoral stiffness, what were his views, and he said, well, I can only say to you that she had caught, she had been subject to some interference in a previous race start, I think it was at Dubbo, which was only a few days before, and I was happy to believe at the time that that was the most significant contributing factor to the pectoral strain.

14.20 Mr Christou gave evidence that “*it made a lot more sense*” to him that the pectoral stiffness he had identified on 2 February 2022 could have been associated with one of several musculoskeletal issues was due to a minor injury that *Lina's Choice* had sustained in the Dubbo Race when she was interfered with “*rather than coming from the joint*”. Mr Christou also gave evidence that if he had been aware of this information at the time he wrote his notes, he “*most likely would've put nothing down about monitoring the joint*”.

14.21 During his oral evidence, Mr Christou accepted the possibility that the symptoms could have been a sign of a number of musculoskeletal issues, including a compensatory sign for a stress fracture in the opposite limb. Mr Christou also gave evidence that if *Lina's Choice* “*had trotted up lame or had shown any clinical signs of palpable pain, swelling, soreness, range of motion deficit*”, then she should have had a “*full vet work up*”. However, the absence of such symptoms, Mr Christou considered that it was “*quite reasonable to proceed on with her preparation and to monitor the one known pathology that we knew existed which was in the opposite leg in joint*”.

14.22 **Conclusions:** Following the Christou Finding, appropriate consideration was given to the cause of this finding and whether any further investigation was required. After being told of the circumstances of the Dubbo Race when *Lina's Choice* had been interfered with by another horse, it was not unreasonable for Mr Christou to consider that his finding was likely related to this event. Notwithstanding, Mr Christou recommended an appropriate course of action for *Lina's Choice* to be monitored, with veterinary assessment to follow if any clinical signs of pain was identified.

Would it have been reasonable and appropriate to undertake further action or investigation?

14.23 Professor Stover gave evidence that if the only clinical sign which existed was the Christou Finding then this was not a sufficient indication for *Lina's Choice* to undergo veterinary assessment.

Professor Stover gave evidence that whilst such an assessment would have been optimal, it was not unreasonable to follow Mr Christou's recommendation which was to monitor *Lina's Choice* for any further signs or symptoms to determine whether the identified issue was persisting.

What would the likely result have been of such further action or investigation?

14.24 Professor Stover explained that further investigations by a vet could have included a physical examination, gait assessment, limb manipulation, localisation of pain and then, depending on the approach taken by the vet, imaging.

14.25 Professor Stover also explained that if imaging investigations had been performed this would have identified the extensive callus (from radiographs and ultrasound) and/or active bone remodelling (from scintigraphy) associated with the presence of a chronic humeral stress fracture.

14.26 **Conclusions:** Prior to 8 February 2022, the only clinical sign which could have provided the indication for a pre-existing stress fracture in *Lina's Choice* was the finding from Mr Christou's assessment six days earlier. However, the expert evidence establishes that an appropriate course of monitoring was recommended and that this finding alone did not provide an indication for *Lina's Choice* to undergo veterinary assessment.

14.27 If such assessment had been performed, it is likely that this would have led to imaging investigations which, depending on the extent of callus formation and the imaging modality used, would have identified pathology associated with a stress fracture.

15. What was the cause of the injury that *Lina's Choice* sustained on 8 February 2022? Did the 8 March 2021 injury cause or contribute to the 8 February 2022 injury?

15.1 Mr Thompson gave evidence that on 8 February 2022, he "heard a couple of clinking noises" after *Lina's Choice* ran past the finishing post which to him "*sound like shoes clipping together when the back one comes front through and hits, clips the front one*". In his statement to the NSWPF on 22 February 2022, Kurt Thompson stated that after the finishing post, heard "a noise which was a clinking noise [he] recognised" which occurs "when the back feet come forward and connect with the front foot and the two issues connect together".

15.2 Mr Thompson gave evidence that it remained his belief that:

(a) *Lina's Choice* clipped heels which caused her to fall;

(b) the fall and impact with the ground caused the fracture to the humerus; and

(c) neither the fall nor the fracture to the humerus was caused by any pre-existing stress fracture.

15.3 Ultimately, Mr Thompson gave this evidence:

And I, I know the horse clipped heels. It clipped its heels, bang, bang, it just went down straight away. Whether - I know the - a couple of the experts think that the fracture happened, and that's

what caused it to clip heels, whether that was the case or not, we'll never know. We know that there's a break there once it hit the ground. But my belief is, when it hit the ground, that's when it broke its shoulder or the - whatever that bone is that it broke.

- 15.4 Dr Lumsden gave evidence that he could not rule out a sequence of events on 8 February 2022 involving *Lina's Choice* having clipped heels which caused her to fall and the humeral fracture occurring as a result of the fall. However, Dr Lumsden expressed the view that the most likely scenario is that that *Lina's Choice* had a pre-existing stress fracture in her left humerus which fatigued when normal force was exerted during galloping. This resulted in the catastrophic fracture causing *Lina's Choice* to change gait, lose her stride and fall. Dr Lumsden considered that any clipping of heels as a result of the change in gait would have been secondary and was not the primary cause of *Lina's Choice* falling.
- 15.5 In oral evidence, Professor Stover agreed that the catastrophic injury sustained by *Lina's Choice* is observed only when the cause is the result of a stress fracture being present in the limb even where there has not been any change in gait or a clipping of heels. Professor Stover expressed the view that the presence of the humeral stress fracture alone was sufficient to cause the catastrophic humeral complete fracture. Professor Stover also expressed the view that whilst *Lina's Choice* may have experienced the clipping of heels, which could have occurred before or after the fall, it is highly unlikely that this was the cause of the accident, and only incidental if it in fact occurred. Professor Stover explained that it "*is known that major catastrophic bone fractures can be accompanied by a loud sound*". Ultimately, Professor Stover opined that the catastrophic injury to *Lina's Choice* would not have occurred but for the presence of stress fractures in the left limb.
- 15.6 In addition, Professor Stover considered it "highly unlikely" that the Ligament Injury contributed to the catastrophic injury on 8 February 2022. Professor Stover gave evidence that "*there's just no clear evidence that a lesion in a distal sesamoidean ligament leads to catastrophic humeral fracture*", and that she is unaware of any "*concrete evidence*" that "*indicates that an injury in a specific other location in the horse is a risk factor for [the] particular fracture*" suffered by *Lina's Choice*.

15.7 **Conclusions:** Whilst the clipping of heels was likely heard at the time that *Lina's Choice* fell on 8 February 2022, this did not cause the fall. The expert evidence establishes that instead, the presence of a humeral stress fracture in *Lina's Choice* alone was sufficient to cause the catastrophic humeral fracture which led to the fall. Any clipping of heels that may have occurred before or after the fall was secondary to, and not the primary cause of, the fall.

16. **Is there an adequate system of regulation in NSW to determine whether horses are fit to return to training and/or racing following injury?**

- 16.1 This has been considered in the context of a number of sub-issues.

Regulatory framework

- 16.2 Racing Australia is the peak body for Australian racehorse breeding and racing. The Principal Racing Authority (PRA) for each State and Territory are members of Racing Australia. The

Australian Rules of Racing (**Australian Rules**) are rules by which horse racing is conducted nationally. Racing Australia adopts and administers the Australian Rules.

16.3 However, horse racing regulation occurs primarily at the State and Territory level. The Australian Rules are supplemented by Local Rules adopted by each State and Territory (**Local Rules**). The PRA for NSW is Racing NSW which adopts and administers the Local Rules of Racing.

16.4 Local Rule 41 provides:

LR 41

- (1) Every horse must have competed in an official barrier trial to the satisfaction of the Stewards before being eligible to race, unless otherwise determined by the Stewards.
- (2) Any horse trialling for the purpose of obtaining a permit to start in a race must carry the gear in which it is to race, unless otherwise specifically authorised by the Stewards.
- (3) Except with the permission of Racing NSW (or the Stewards exercising powers delegated to them) a horse that has
 - (a) not started in a race or Official Trial for 12 months or more, or
 - (b) is returning from a major fracture or major orthopaedic injury (as determined by the Racing NSW policy on major fractures or other orthopaedic injuries) or other injury as determined by Racing NSW,

shall not be permitted to start in a race until it has competed in an Official Trial to the satisfaction of the Stewards.

16.5 On 7 November 2021, Racing NSW issued the *RNSW Policy on Major Fractures or Other Major Orthopaedic Injuries* (**Major Fractures Policy**) which relevantly provided the following:

Pursuant to the power vested in the Rules of Racing, RNSW directs and requires all trainers to adhere to the following policies regarding the return to training and to racing of a horse which has sustained a major fracture or other orthopaedic injury regardless of whether or not surgery was conducted to repair the fracture/injury.

Major Fractures or Other Orthopaedic Injuries

These include fractures that are repaired with placement of surgical implants but also includes those that are managed conservatively. Major fractures/orthopaedic injuries include, but are not limited to:

- Front and hind cannon bone fractures
- Pastern bone fractures
- Carpal (knee) slab fractures
- Midbody and basal fractures of the proximal sesamoid bones
- Long bone stress fractures

Timing of Requirement for Trainers to Report

A trainer must give notification to the Stewards, together with a veterinary certificate of clearance from specialist veterinary practice which performed such examination/surgery, prior to the horse returning to training subsequent to the injury. Such clearance must testify that the horse is suitable to train and to perform fast work. [original emphasis]

- 16.6 The Major Fractures Policy also provides that a trainer must lodge a further veterinary certificate clearance with the stewards before an official trial, that after competing in an official trial the horse will be examined by the Racing NSW Official Veterinarian who may request further tests or examinations of a horse, and a trainer and stable veterinarian must monitor any lameness or musculoskeletal issues with a horse.
- 16.7 Several witnesses were asked whether the Ligament Injury was a major orthopaedic injury for the purposes of the Major Fractures Policy:
- (a) Mr Thompson gave evidence that as at February 2022, he was aware that the Major Fractures applied to fractures but not to other orthopaedic injuries and that he only became aware “of the orthopaedic part of it” only shortly before March 2026. As a result, Mr Thompson did not report the injury to *Lina’s Choice* prior to her returning to training.
 - (b) Dr Holman gave evidence that if the Ligament Injury affected both branches of the sesamoidean ligament it would be regarded as a high-grade lesion and would be classed as a major orthopaedic injury. However, Dr Holman also gave evidence that he had “no recollection of it being a high-grade lesion” and that given it was “*probably the first of this type of injury [he had] seen*” he would have remembered if it was a major orthopaedic injury. However, later in his evidence when cross-examined by Senior Counsel for Racing NSW, Dr Holman acknowledged that he was not entirely familiar with the Major Fractures Policy and did not make any assessment at the time whether the Ligament Injury fell within the scope of the Major Fractures Policy.
 - (c) Dr Lumsden gave evidence that ligamentous and tendon injuries are common, slow to heal, and not typically associated with a high level of assessment when a horse returns to training or work. Dr Lumsden explained that horses with such injuries “*have a relatively predictable outcome*” when they return. Dr Lumsden gave evidence that in contrast major orthopaedic injuries “*are more severe injuries that [require] a surgical fixation or have the potential to reinjure*”. Dr Lumsden gave evidence that whilst tendons may be susceptible to reinjury, it was not his understanding that such injuries are captured by the Major Fractures Policy.
 - (d) Dr Toby Koenig, former Racing NSW Chief Veterinary Officer, acknowledged that the Major Fractures Policy did not specifically identify a ruptured sesamoidean ligament as falling within the terms of the policy. However, noting that *Lina’s Choice* may have potentially sustained complete ligament rupture which would be a complete loss of integrity of that associate ligament, Dr Koenig explained that he considered the “*broader intent*” of the Major Fractures Policy is to capture musculoskeletal injuries even though this term is not used in the policy.

(e) Dr Carly Garling, current Racing NSW Chief Veterinary Officer, gave evidence that she considered a partial rupture of an oblique sesamoidean ligament to be captured by the Major Fractures Policy. Dr Garling explained that without a veterinary report identifying the area or length of the ligament that is affected, such an injury may be a full rupture and therefore be considered a major orthopaedic injury. Dr Garling gave evidence that *“it would take an extensive time to recuperate and to come back”* from such an injury with a horse requiring *“an extended layoff which is far greater than the average for a minor injury”*.

16.8 Dr Garling gave evidence that the rationale for considering a tendon injury to be a major orthopaedic injury is because:

- (a) such an injury may be a partial or full rupture with the potential to affect a horse in a serious way;
- (b) it is important for Racing NSW as part of its regulatory functions to have visibility of such injuries; and
- (c) there needs to be a managed return of horses with such injuries given the potential for the injury to adversely affect the horse’s welfare or performance.

16.9 In evidence, Dr Garling acknowledged the challenge in defining or limiting the various types of injuries that may be regarded as a major orthopaedic injury for the purposes of the Major Fractures Policy. However, Dr Garling agreed that some further guidance would be useful for trainers and owners to understand what types of injuries are captured by the Major Fractures Policy so that reporting obligations can be complied with. Dr Garling gave evidence that the following recommendation would be worth exploring in consultation with various relevant stakeholders.

16.10 **Conclusions:** Evidence given during the inquest highlighted differences in opinion amongst experienced equine healthcare practitioners about whether the Ligament Injury, and similar injuries, constitute orthopaedic injuries for the purposes of the Major Fractures Policy. Dr Garling’s evidence identifies that whilst there are challenges associated with defining the injuries that fall within the scope of the Major Fractures Policy, it is equally important for clear guidance to be given to industry so that the policy has its intended effect. It is therefore necessary to make the following recommendation.

16.11 **Recommendation 1:** I recommend to the Chief Executive, Racing NSW that Racing NSW develop and publish further guidance on the meaning of *“major orthopaedic injury”* for the purpose of rule LR 41, the *Policy on Major Fractures or Other Orthopaedic Injuries* and any other existing guidance, regarding the types of injury that will meet that definition, including by reference to the nature and extent of the injury, the treatment required, and the length of time (actual or recommended) a horse is unable to train or race as a result of such injury.

Do barrier trials provide an adequate basis for assessing a horse's fitness?

16.12 Local Rule 41 provides:

LR 41

- (1) Every horse must have competed in an official barrier trial to the satisfaction of the Stewards before being eligible to race, unless otherwise determined by the Stewards.
- (2) Any horse trialling for the purpose of obtaining a permit to start in a race must carry the gear in which it is to race, unless otherwise specifically authorised by the Stewards.
- (3) Except with the permission of Racing NSW (or the Stewards exercising powers delegated to them) a horse that has
 - (a) not started in a race or Official Trial for 12 months or more, or
 - (b) is returning from a major fracture or major orthopaedic injury (as determined by the Racing NSW policy on major fractures or other orthopaedic injuries) or other injury as determined by Racing NSW,shall not be permitted to start in a race until it has competed in an Official Trial to the satisfaction of the Stewards.

16.13 LR41(3)(a) therefore required that *Lina's Choice* participate in barrier trial as she had not raced for over 12 months.

16.14 An official race day veterinarian was present at the barrier trial which *Lina's Choice* participate in on 15 December 2021. The veterinarian did not examine *Lina's Choice* on that day and there is no suggestion that such an examination ought to have occurred given that the veterinarian was unaware of the previous ligament injury sustained by *Lina's Choice*.

16.15 Dr Garling gave evidence that she acknowledged the views expressed by Professor Stover that horses returning from long layup periods are at particular risk of developing stress fractures. In relation to whether a barrier trial is an effective mechanism for detecting pathology in a horse, Dr Garling acknowledged the following:

- (a) a barrier trial can only ever be a snapshot of how a horse is performing at the time of the trial;
- (b) whilst a barrier trial may identify issues at the time of the trial it cannot determine a horse's fitness when the horse returns to high intensity work and racing;
- (c) a barrier trial is but one method used to detect issues in a horse returning from a layup; and
- (d) other methods, such as educating trainers and owners about signs and symptoms of stress fractures and how they might affect a horse's performance, should be used in conjunction with barrier trials.

16.16 **Conclusions:** The evidence establishes that whilst barrier trials can assist with assessing a horse's fitness, there are certain limitations with their use in this regard. They are a moment-in-time method of assessment centred on a barrier trial itself and unable to be meaningfully utilised during training and other racing. Therefore, use of barrier trials is one method of assessing a horse's fitness but should not be the only method. The evidence given by Dr Garling appropriately acknowledges these limitations and recognises that other methods such as trainer and owner education about matters relevant to fitness assessment ought to be used together with barrier trials.

Was the process for notification of injury in 2021 adequate?

16.17 Australian Rules 105 relevantly provides the following:

AR 105

The trainer of a horse, or any person that is in control of a horse, that is nominated for a race must:
[...]

by nomination time, report to the Stewards any occurrence, condition, surgery or treatment that may affect the horse's performance in the race where the occurrence takes place, condition is present, surgery is performed or treatment is administered before nomination time [...]

16.18 The *Racing NSW Policy on Notification of Veterinary Conditions* (approved on 16 April 2020) (**Notification Policy**) reminds trainers of their obligation under AR 105 to report to stewards “*any occurrence, condition, surgery or treatment may [sic] affect the [sic] horse's performance*”. The Notification Policy sets out conditions that trigger mandatory reporting which include the following:

- If a horse is required to have a long period of rest to heal an injury sustained during racing training (e.g. tendon/ligament strain)
- Lameness or musculoskeletal pain/inflammation
- Injury to any part of the body which could potentially adversely impact on the horse's performance or constitute a welfare or public perception issue of race day, or have resulted in interrupted preparation
- Any condition or occurrence that has resulted in the horse missing consecutive days of normal exercise, or that has sufficiently interrupted and thus adversely impacted a horse's preparation for its next race

16.19 The available evidence established that it is unclear whether the injury suffered by *Lina's Choice* was an “*occurrence that has [...] sufficiently interrupted and thus adversely affected [her] preparation for [her] next race*”.

16.20 Dr Koenig gave evidence that even where a horse has fully recovered from injury, there is the potential that a horse's performance in a race will be affected by the original injury. Dr Koenig explained that a degree of oversight is required from a regulatory perspective to ensure that a horse is suitable to race under such circumstances. The injury sustained by *Lina's Choice* therefore had the potential to affect her performance even after the injury resolved. Dr Koenig therefore considered that the Notifications Policy required a notification be made regarding the injury.

- 16.21 Dr Lumsden gave evidence that ligamentous injuries of the kind sustained by *Lina's Choice* “*don't ever go back to normal*”. He explained:

The question is, is whether the repair tissue is sufficient to withstand the forces that it's going onto and that maybe, and so the potential for recurrence may be either one of two factors; (1) there's not complete healing or there's imperfect, or there's inadequate healing to maintain that, that - the forces involved with returned exercise.

- 16.22 Dr Garling gave evidence that the Notification Policy should be interpreted to apply to any scenario where a horse “*has suffered an injury or had some sort of condition which has interrupted its preparation*” meaning that “*the horse needed a spell or an extended layup which would in turn affect its next race*”. Dr Garling also gave evidence that she felt that such a scenario “*is spelled out in the policy*”. However, Dr Garling acknowledged that there would be no drawback in having owners and trainers report any occurrence that might affect a horse's performance regardless of the timing of such an occurrence. Dr Garling gave evidence that she perceived no difficulty with the volume of data that would be provided to Racing NSW with such reporting requirements, and that such requirements would not unduly burden trainers and owners.

Do AR 88B and the relevant Racing Australia Codes of Practice provide an adequate system for managing a horse's return to training racing?

- 16.23 On 1 June 2023, Racing Australia adopted Australian Rules 88B which relevantly provides:

AR 88B

- (3) Where a horse has sustained a major fracture and/or undergone major orthopaedic surgery, the trainer and any other person in charge of the horse must comply with the Racing Australia Code of Practice: Compulsory reporting of major fractures, orthopaedic surgery and approval of affected horses to return to racing (as amended from time to time) in respect of reporting such events and any future training of the horse and/or running of the horse in a race, official trial or jump-out. For the purposes of this subrule, “major fracture” and “major orthopaedic surgery” have the meanings given to them in the Code of Practice.

- 16.24 Whilst LR 41 and the Major Fractures Policy refers to major or other orthopaedic injury, AR 88B refers to major orthopaedic surgery.
- 16.25 Dr Garling stated that the Major Fractures Policy was intended to be a precursor to the Racing Australia *Code of Practice* on the compulsory reporting of major fractures, orthopaedic surgery and approval of affected horses to return to training introduced on 1 June 2023. Dr Garling noted that the Code of Practice does not refer to “other major orthopaedic injuries” and to address this Racing NSW is intending to propose to the other PRAs and Racing Australia that the Code of Practice be amended to ensure that it expressly refers to orthopaedic trauma. Dr Garling explained that it is intended this will reflect the wording of the Major Fractures Policy.
- 16.26 Dr Garling gave evidence that at the next meeting of the Chief Veterinary Officers of the different PRAs in Australia the above proposals will be discussed. Following this, it is intended that the Chairman of Stewards Conference will consider any proposed rules and then make

recommendations to the Board of Racing Australia for consultation. Dr Garling gave evidence that she again did not see any drawback with what is occurring in NSW under the Major Fractures Policy and Notification Policy. Being replicated at the national level.

16.27 **Conclusions:** The evidence again establishes differences in interpretation of the Notification Policy. However, Dr Garling's evidence also establishes that adopting a more expansive regulatory and policy framework with no drawbacks. It is likely that such a more expansive framework will increase its efficacy. Having regard to the matters set out above, and the fact that consistency of language between this framework and that the Racing Australia *Code of Practice* is already under active consideration it is necessary to make the following recommendation.

16.28 **Recommendation 2:** I recommend to the Chief Executive, Racing NSW that Racing NSW seek to work together with other Principal Racing Authorities to consider implementing the following changes to the *Australian Rules of Racing*. (a) expanding the scope of Rule AR 105, the *Policy on Notification of Veterinary Conditions* and any other guidance, to impose a requirement on trainers to report matters that may affect a horse's performance, even where the horse appears to have recovered prior to being nominated for a race; and (b) amending Rule AR 88B(3) to include "*major orthopaedic injuries*" and develop guidance regarding the types of injury that will meet that definition.

"150 Day Rule"

16.29 In addition, in June 2023, Racing NSW introduced a practice that if a horse has not raced or trialed for 150 days or more, the horse must be examined by an official veterinarian prior to racing to ensure the horse's suitability to race. Dr Garling explained the effect of this in practice:

If it's been 150 days since the horse last raced or trialed, the horse will be subject to a pre-race examination on the day of racing. So, an official race day veterinarian will approach the horse in the one to two hours prior to it racing, will have a conversation with the team, with the horse, which is either the trainer, the foreman and the strapper. They will perform a physical examination of the horse and trot the horse up at the races to assess its gait and suitability to race.

16.30 Dr Garling gave evidence that official race day veterinarians undergo training with Racing NSW and are given an official Handbook which sets out race day procedures including pre-race examinations. Dr Garling also gave evidence that the Handbook provides for the mode of assessment and that as a matter of practice, horses nominated for races are checked to identify whether they have raced in the previous 150 days. Dr Garling explained that industry awareness regarding these examinations occur via email communication with trainers and publication in industry magazines.

16.31 On 6 March 2026, Dr Garling sent an email to be distributed to trainers which contained the following communication:

Pre-race veterinary examinations at NSW race meetings

As a strategy to identify and monitor racehorses that may be at higher risk of catastrophic musculoskeletal injuries, since 2023 RNSW Official Veterinarians have conducted proactive pre-race

veterinary inspections on the below horse populations, at both metropolitan and provincial race meetings. Racing NSW will expand this strategy in 2026 to include all country race meetings.

1. A horse that has had a period of 150 days or more without racing/trialling
2. A horse that was found to be lame (post-race) after its last start
3. A horse that will be racing within 7 days after its last race start

- 16.32 Dr Garling gave evidence that there is “*no reason*” why a written policy could not be developed and published so that new trainers are aware of their obligation. Having regard to these matters it is necessary to make the following recommendation.

16.33 **Conclusions:** The Racing NSW practice of having a horse that has not trialled or raced for 150 days or more being examined by an official veterinarian prior to racing is operational, appears to be effective and is being expanded in 2026 to include all country race meetings. However, the practice relies upon the work of veterinarians and informal communication channels to assist with industry awareness. Dr Garling’s evidence indicates that more formal communication channels would assist with promoting and maintaining awareness, particularly for new trainers. It is therefore necessary for the following recommendation to be made.

16.34 **Recommendation 3:** I recommend to the Chief Executive, Racing NSW that Racing NSW develop and publish a written policy to reflect the current requirement that a horse that has not raced or trialled for 150 days or more shall be subject to an examination by an official veterinarian before returning to racing.

- 16.35 Professor Stover gave evidence that consideration should be given to the mandatory examination of horses by regulatory or attending veterinarians when a horse is returning from a period of inactivity 60 days or more before allowing the horse to resume training or racing. Professor Stover explained the significance of this 60 day timeframe:

[B]oth in the literature and also a recent study from South Korea with a very recent 2026 publication on humeral stress fractures, that the highest risk period is after 60 days of layup. We really don't know what we need to know. What we really don't know is what happens during the layup and what happens as a horse is brought back into training because we think the management of those horses, not necessarily out of normal, but the management being – and the horse's susceptibility to stress fracture. But it's based on, on the literature and the periods of high that a 60-day period is associated with highest risk.

Having said that, we also need to recognise that catastrophic humeral fractures first of all, catastrophic fractures are a rare event, and catastrophic humeral fractures comprise only 2 to 3%, maybe more, of all of the catastrophic injuries. So, we're looking for a needle in a haystack when we say, look at them after 60 days of total inactivity.

- 16.36 Dr Garling gave evidence that in New South Wales its commonplace or practice for a horse without injury to spell for a period of about six to eight weeks. On this basis, Dr Garling considered that a 60 day inactivity timeframe triggering a mandatory veterinary examination “*might be a bit short*” and would “*capture a very large population of horses that have spelt for that period of time just because that's normal process*”. Dr Garling gave evidence that the feedback from trainers is that on average it takes between 100 to 300 days, and sometimes up to 140 days, to condition a horse

and bring it back to racing. Notwithstanding, Dr Garling gave evidence that Racing NSW is open to consultation with industry to explore whether any timeframe of less than 150 days is likely to be of benefit.

16.37 **Conclusions:** Professor Stovr’s evidence and recent academic literature suggests that the highest risk period for humeral stress fractures in horses may fall within a period prior to activation of the “150 Day rule”. The evidence establishes that this period may also coincide when horses are spelled unrelated to injury. Dr Garling’s evidence indicates that Racing NSW is content to seek input from industry regarding how best to define an appropriate timeframe for veterinary examination of an inactive horse to adequately capture the cohort that is most at risk of stress fractures. It is acknowledged that the literature indicates that catastrophic humeral fractures only form a very small percentage of injuries. Notwithstanding, given the potential system improvement opportunity which exists, it is necessary to make the following recommendation.

16.38 **Recommendation 4:** I recommend to the Chief Executive, Racing NSW that Racing NSW consider and assess the feasibility of introducing a requirement that a horse should be subject to a veterinary examination where it has not been active for a shorter period than 150 days, such as 60 days or more.

17. Findings

17.1 I acknowledge and express my gratitude to Dr David Kells SC and Mr Jake Harris, Counsel Assisting, and their instructing solicitor, Ms Clara Potocki. The entire Assisting Team has provided exceptional assistance during the conduct of the coronial investigation and the inquest. I am extremely grateful for their commitment and efforts, and for the sensitivity that they have shown to Marina’s family throughout the coronial process.

17.2 I also thank Detective Senior Constable Sturman for his role in the investigation and for compiling the initial comprehensive brief of evidence.

17.3 The findings I make under section 81(1) of the Act are:

Identity

The person who died was Marina Morel.

Date of death

Marina died on 12 February 2022.

Place of death

Marina died at Westmead Hospital, Westmead NSW 2145.

Cause of death

The cause of Marina’s death was blunt force head, neck and chest injuries.

Manner of death

On 8 February 2022, Marina fell from a horse while performing trackwork at Gulgong Turf Club. The horse had developed stress fractures in her left humerus after returning to work from an extended period of rest following a previous injury. There is no evidence that the previous injury was associated with the stress fractures, and there had been no clear signs of lameness or evidence of stress fractures during the period of rest or upon the horse's return to training and racing. During ordinary training, the stress fractures resulted in a catastrophic humeral fracture resulting in the horse falling and rolling on top of Marina and causing her fatal injuries.

17.4 On behalf of the Coroner's Court of New South Wales and the Assisting Team, I offer my sincere and respectful condolences to Marina's family, loved ones and friends for their tragic and devastating loss.

17.5 I close this inquest.

Judge Derek Lee
Deputy State Coroner
21 August 2026

Inquest into the death of Marina Morel

Annexure A

Recommendations made pursuant to section 82(1) *Coroners Act 2009*

To the Chief Executive, Racing NSW, I recommend that Racing NSW:

1. develop and publish further guidance on the meaning of “*major orthopaedic injury*” for the purpose of rule LR 41, the *Policy on Major Fractures or Other Orthopaedic Injuries* and any other existing guidance, regarding the types of injury that will meet that definition, including by reference to the nature and extent of the injury, the treatment required, and the length of time (actual or recommended) a horse is unable to train or race as a result of such injury.
2. seek to work together with other Principal Racing Authorities to consider implementing the following changes to the *Australian Rules of Racing*: (a) expanding the scope of Rule AR 105, the *Policy on Notification of Veterinary Conditions* and any other guidance, to impose a requirement on trainers to report matters that may affect a horse’s performance, even where the horse appears to have recovered prior to being nominated for a race; and (b) amending Rule AR 88B(3) to include “*major orthopaedic injuries*” and develop guidance regarding the types of injury that will meet that definition.
3. develop and publish a written policy to reflect the current requirement that a horse that has not raced or trialled for 150 days or more shall be subject to an examination by an official veterinarian before returning to racing.
4. consider and assess the feasibility of introducing a requirement that a horse should be subject to a veterinary examination where it has not been active for a shorter period than 150 days, such as 60 days or more.

Judge Derek Lee
Deputy State Coroner
21 August 2026