



INTERNAL REVIEW DECISION

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

PART 1: Details of Internal Review	
Internal Review Number:	Internal Review 0045-18
Applicant's Name:	Tiffani Brooker
PART 2: Decision History	
Original Decision:	Breach of Rule 137(a) of the Australian Rules of Racing
Original Decision Makers:	A Reardon, M Knibbs, D Aurisch, I Brown, N Boyle, L Hicks
Date of Original Decision:	28 April 2018
Internal Review Decision:	Original decision of charge and penalty confirmed - Twelve (12) day suspension
Internal Review Adjudicator:	Mr Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	29 May 2018
PART 3: Summary of Internal Review Application	
<p>The Applicant, Ms Tiffani Brooker, rider of JUNGLE EDGE in Race 8 at the Brisbane Racing Club on 28 April 2018, was found guilty of a charge under Australian Rule of Racing 137(a).</p> <p>Australian Rule of Racing 137(a) states:</p> <p><i>"Any rider may be penalised if, in the opinion of the Stewards, he is guilty of careless, reckless, improper, incompetent or foul riding."</i></p> <p>At the stewards' inquiry conducted on 28 April 2018, the Applicant was found guilty of a charge of careless riding pursuant to Australian Rule of Racing 137(a) in that near the 800 metre mark the Applicant permitted MONSIEUR GUSTAVE to shift in when not sufficiently clear of JUNGLE EDGE, resulting in JUNGLE EDGE having to be steadied.</p> <p>Stewards subsequently suspended the Applicant's licence for a period of twelve (12) days to commence at midnight on 6 May 2018 and to expire at midnight on 18 May 2018.</p> <p>The Applicant sought a review of the charge and penalty, specifically that the penalty be downgraded.</p> <p>The Applicant submitting the following in support of her Application:</p> <p><i>"Racing Queensland stewards found me guilty of permitting my mount MONSIEUR GUSTAVE to shift in when insufficiently clear of JUNGLE EDGE resulting in Jockey Forrester to steady. In the inquiry held on the day Jockey Forrester clearly stated he was content to allow me to cross and that sufficient room had been given."</i></p>	



As I crossed to the fence I steadied my mount resulting in JUNGLE EDGE over racing and Jockey Forrester having to restrain from my heels. Refer to the transcript and footage to see the neat 2 length margin I allowed JUNGLE EDGE as Jockey Forrester stated his horse began to race fiercely and had to be steadied as it threw its head making the interference look worse.

A ask that you review the decision of the suspension because I am of the belief it was an unfair penalty. To support my evidence refer to my disciplinary record from November 2017 until March 2018. I had not received a reprimand or suspension due to careless riding. On March 16th 2018 I was charged with a low level interference which served an 8 day suspension. Since returning I have not received a reprimand for careless riding and I argue that the suspension should be downgraded to a reprimand. I don't believe the stewards have taken into consideration my good riding record.

In summary with the evidence provided by Jockey Forrester stating that I gave him two lengths, his horse overreacting as subsequently racing fiercely and in conjunction with my good riding record I believe the penalty should be a reprimand."

PART 4: Reasons for Internal Review Decision

The Applicant submitted a review of the aforementioned stewards' decision which, in summary, stated "*With the evidence provided by Jockey Forrester stating that I gave him two lengths, his horse overreacting as subsequently racing fiercely and in conjunction with my good riding record I believe the penalty should be a reprimand.*"¹

During the stewards' inquiry, Mr Daniel Aurisch, Deputy Chairman of Stewards, provided evidence stating "*I viewed the race from the stewards' tower near the 800 metres and I had a head-on view of the incident we speak of. From the 1000 metres it was always apparent to me that Monsieur Gustave had superior speed to the inside runners. It just seemed to be wanting to lead and I thought it was going to do so. It may not have completely cleared Most Important. Jim Byrne just had to go in to avoid that runner's heels. I felt that Kevin Forrester was content to let Miss Brooker go. From where I viewed it I wasn't sure whether Miss Brooker steadied her horse and at the same time Jungle Edge was wanting to go fierce with Kevin Forrester, but in the end he just had to take away from the heels of Monsieur Gustave. It appeared to me as if Miss Brooker could have given Mr Forrester on the fence more room.*"²

Mr Kevin Forrester, rider of JUNGLE EDGE which was racing on the fence, stated "*Well, I saw her come over and without sort of trying to set my horse alight I let her go. She eased - come across and eased but cleared, and then eased again and my horse just got a bit of a fright. He wanted to sort of get up on her heels and I have had to sit him on his backside a little bit to get him back off her, but at the same time he dug both front toes in at the same time and propped, which is probably hard to do in a gallop, but he just propped up and probably made a little bit more of it. But I was - I was happy to let her go across. Look, I was probably in second gear and she was probably in second year too but she just dropped it back a cog when she got in front of me. That's - but that's racing, but I wouldn't sort of put the blame fully onto her. I put a little bit onto my horse too because he didn't come back immediately, and when he propped up he made it look twice as bad as what it was.*"

¹ Application for an Internal Review dated 30 April 2018

² Transcripts of Stewards' Inquiry dated 28 April 2018, page 2



The chairman of the inquiry questioned *“When Miss Brooker crossed you on Monsieur Gustave, how far in front of you was she at the time?”* to which Mr Forrester replied *“Oh, she was clear. A neat two lengths.”*³

Subsequent to viewing the race footage the Chairman of inquiry questioned *“Would be more than - wouldn't be two lengths, would it? Looking at the lateral view”* to which Mr Forrester replied *“Well, it's a bit hard to - it's up to you to make that decision.”* The Chairman added *“Well, you were quite confident it was two lengths. Your head seems to be on the rump of the other horse.”*⁴

The Applicant, rider of MONSIEUR GUSTAVE which at the relevant time was racing to the outside of JUNGLE EDGE, stated *“I sort of was with an open mind that I would either sit outside Jungle Edge if it wanted to lead or I - I would take up the lead, and my horse being fresh I was mindful not to dig him too much out of the gates being not wanting to go too hard, but when I looked over shortly after the start and saw that Jockey Byrne and jockey Forrester sort of were happy to let me go, I was content to let my horse slide to the lead. I probably - I definitely eased when I got there. I certainly didn't want to have to give him any more of a squeeze to sort of cross them coming from the outside gate, but, yeah, like - like I heard a bit of a call to jockey Forrester when I crossed to the fence and I sort of slipped my mount a little bit more rein. As for Jockey Byrne, I sort of wasn't quite aware if I caused any interference to him.”*⁵

Subsequent to viewing the race footage, the Applicant stated *“I probably got to that three-quarters to a half off the fence and eased when I probably didn't have to. Like jockey Forrester said, he was happy for me to let - happy for me to go. Whether his horse sort of obviously a little bit keen. That's up to him, but I don't have anything else to say.”*⁶

Subsequent to viewing the transcript of evidence and race footage, the reviewer finds the Applicant, rider of MONSIEUR GUSTAVE, permitted her mount to shift in near the 900 metre mark when not sufficiently clear of JUNGLE EDGE, resulting in that horse being placed in a precarious position onto the heels of MONSIEUR GUSTAVE, and as a consequence had to be eased and lost ground. The Applicant submitted *“In the inquiry held on the day Jockey Forrester clearly stated he was content to allow me to cross and that sufficient room had been given.”*

The reviewer finds irrespective of whether Mr Forrester was content to allow the Applicant to cross or not, the onus is on the rider, in this case the Applicant, to ensure she is sufficiently clear of other runners prior to shifting ground to avoid causing interference. The reviewer finds the race footage compelling and demonstrates the Applicant was never sufficiently clear of JUNGLE EDGE before crossing and consequently was the sole reason for the aforementioned interference. Taking into account the aforementioned factors the reviewer is completely satisfied the charge is proven.

The stewards deemed the incident to be in the mid-range. The standard penalty for a mid-range offence is thirteen days' suspension. The Applicant's disciplinary history notes one careless riding suspension this year in March 2018. In weighing up the evidence on penalty, consideration was provided to the Applicant's degree of carelessness, interference caused, not-guilty plea and disciplinary history. The Applicant received one-day dispensation for her recent respectable careless riding history. The reviewer finds the penalty imposed is consistent with a mid-range offence and considering the aforementioned factors, including the subject race was a Group 2 event, is not satisfied a further reduction in penalty is proven and accordingly confirms the original decision on charge and penalty.

³ Transcripts of Stewards' Inquiry dated 28 April 2018, page 3

⁴ Transcripts of Stewards' Inquiry dated 28 April 2018, page 4

⁵ Transcripts of Stewards' Inquiry dated 28 April 2018, page 4

⁶ Transcripts of Stewards' Inquiry dated 28 April 2018, page 5



PART 5: Review Rights following Internal Review Decision

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

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

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

Queensland Civil and Administrative Tribunal

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