

## Appeal decision

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**Date:** 30 September 2014

**Code of racing:** Thoroughbred

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**Appeal panel:** Mr B Miller (chair), Mr P James and Mr G Casey.

**Appearances:** Mr M Tutt, solicitor, appeared on behalf of apprentice jockey Tiffani Brooker.  
Mr I. Brown, stipendiary steward, appeared on behalf of the stewards.

**Decision being appealed:** Suspension of licence to ride in races for a period of six meetings – AR137(a).

**Appeal result:** Appeal dismissed. Penalty reduced.

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### **Extract of proceedings – in the matter of the Ramsay Plumbing & Drainage Services Class 4 Handicap over 800 metres at Ipswich on 5 September 2014. Apprentice jockey: Tiffani Brooker**

THE CHAIRMAN: This is an appeal by apprentice Tiffani Brooker against a determination of the stewards that at the Ipswich Turf Club on Friday 5 September at a point leaving the 500-metre mark and approaching the 450-metre mark, Miss Brooker, the rider of Sequaliscious, shifted in when there was inadequate room for two horses to race on her immediate inside, and failed in the words of steward Brown to ease the pressure that was being imposed upon jockey Nathan Evans, the rider of the horse immediately to Miss Brooker's right, namely Foretoken.

The footage of the film that we have been able to see identifies quite adequately that there were three horses racing towards the point of the turn, all of which have adequate room. Miss Brooker's mount was away to the left of that of Foretoken, ridden by jockey Evans, and to the immediate inside was jockey Munce on Classic Bend. Just prior to the point of the turn, the film depicts that jockey Munce seemed to get into some difficulty when the horse he was riding became a little wayward, or, alternatively, jockey Munce appreciated that he may not have had adequate and sufficient room to make the manoeuvre around that turn.

Frankly, the stewards' footage does show jockey Evans riding very close to and adjacent to Miss Brooker, and in fact his mount does connect with the rear hind quarters of Miss Brooker's mount, and it can be seen on the film that jockey Evans is out of the saddle with his buttocks trying to ease the pressure that had been imposed upon jockey Munce. That pressure, the stewards say, was as a direct result of the line of travel and the shifting in of Miss Brooker's mount.

To this board, it seems quite apparent that there was some very slight movement by jockey Brooker's mount. There is more movement by that of jockey Evans, and there certainly was inadequate room for Munce to persevere.

The stewards hearing their determination made it plain that the issue that they were taking exception to was that Miss Brooker had failed to ease and had made a slight shift. But the two stewards who gave evidence from their points of vantage were specific in identifying that any movement imposed, or any movement caused by jockey Brooker was "not a huge shift". That, to the board members is exactly the position. There is no huge shift that has been identified. There is a belief that the point of the turn at the race course in question was very sharp, and whether or not Munce over-reacted may have had something to do with it.

Be that as it may, the fact that there was comment from stewards that there was no huge shift does raise in the board members some doubt, but the doubt is not about whether or not jockey Brooker is guilty or not guilty of the offence. In the opinion of the board members, the charged as levelled by the stewards can be made out. But, having said that, it is also apparent that the penalty imposed would seem not to facilitate or to be considered as reasonable in the circumstances of this particular incident.

It is the board's view that the incident in question warranted a reprimand being imposed upon Miss Brooker, and the determination of this board is that the penalty imposed is withdrawn and dismissed, and in substitution therefore a reprimand is issued.

Further right of appeal information: The appellant and the stewards may appeal to the Queensland Civil and Administrative Tribunal(QCAT) within **14 days of the date of this decision**. Information in relation to appeals to QCAT may be obtained by telephone on (07) 3247 3302 or via the Internet at [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)