

**RACING APPEALS TRIBUNAL
QUEENSLAND**

NOTICE OF DECISION

APPEAL NO: RT017-07

DATE: 6 August 2007

APPELLANT: Queensland Racing

RESPONDENT: Lisa Cropp

APPEARANCES: Mr M J Byrne QC on behalf of the appellant
Queensland Racing, and
Mr J E Murdoch SC on behalf of the respondent
Lisa Cropp.

REASONS FOR JUDGMENT

Mr Brockwell Miller - Deputy Chairman

Mr Dennis Standfield - Member

The respondent jockey Lisa Cropp is a licensed jockey in New Zealand and on Monday 11 June 2007 at the Brisbane Cup Meeting at the Queensland Turf Club at Eagle Farm rode Lilakyn in Race 7 which was the Group 2 Brisbane Cup. Lilakyn ran second in a photo behind the winner Newport and following the race the Stewards' Panel convened an inquiry into jockey L Cropp's riding of the horse Lilakyn. During the course of the inquiry the Chairman of Stewards observed that *over the concluding stages or approaching the winning post you seemed to go up in the irons and make a celebratory gesture prior to the winning post.* The Chairman noted that margin between first and second was a nose and queried whether jockey Cropp rode her mount out to the end of the race. In response jockey Cropp said

Absolutely, Sir. It was after the post that I saluted. I thought she had the bob in and it was just a motion – just rode to the line and after the post just saluted.

The video of the race was shown to the jockey who on page 2 noted *I think you can clearly see it was straight after the post. It was the same motion and I've ridden it past the post.* The Chairman of Stewards was stationed in the Stewards' Tower and was able to observe the race from that position having a head on view of the horses as they approached him. The video presented during the inquiry was considered by the stewards to have been indicative that jockey Cropp made the celebratory gesture prior to the winning post. Having considered the matter concerning the jockey's ride a charge was laid against Ms Cropp under Australian Rule of Racing 137(b) which stipulates:

Any rider may be punished if in the opinion of the stewards;

(b) He fails to ride his horse out to the end of the race and/or approaching the end of the race.

The particulars of the charge were noted that jockey Cropp did fail to ride her mount out to the end of the race – page 5, line 15 of the transcript of proceedings of the Stewards' Inquiry. The jockey pleaded not guilty to the charge but acknowledged that she was aware of the rule under which she had been charged and of the relevant particulars. Her only defence that was raised during the course of the Inquiry was that she rode the horse out to the best of her ability and made the

gesture after she believed she had passed the finishing post. Her submission that the gesture was made after the winning post was considered by the stewards who acknowledged that they had again reviewed the video and that they were satisfied that she did in fact fail to ride Lilakyn out to the end of the race. The stewards identified that the failure was evidenced by *your actions of standing up in the irons and raising your right hand, and you do in fact fail to ride that mare out to the end of the race,*. The stewards determined that the charge could be sustained and formally found Jockey Cropp guilty and imposed a penalty of a suspension of her licence to ride for a period of three months. It should be noted that the race in question was a Group Two race and was carrying significant prize money.

Jockey Cropp appealed the decision of the Stewards to the First Level Appeals Committee which convened on 22 June 2007. The Tribunal has had the opportunity of reading the transcript of both the Stewards' Inquiry and of the Appeals Committee and it seems quite apparent that the First Level Appeals Committee were satisfied that having considered the video evidence available and the still photograph provided in evidence that the stewards had erred in coming to the conclusion that jockey Cropp had not ridden the horse out to the finishing post. The First Level Appeals Committee noted that there was a celebratory gesture as suggested by the Chairman of the Stewards' panel, which was agreed with by jockey Cropp, but determined that the pictorial evidence presented before them was inconclusive to determine whether jockey Cropp made that gesture prior to, on or immediately after the finish line. The

Appeals Committee determined that they were not satisfied on the balance of probabilities of the guilt of jockey Cropp and upheld the appeal by her.

It is as a result of that determination that this appeal has been lodged to this Tribunal. To facilitate the parties' wishes the Tribunal convened this Appeal at the Stewards' Rooms at Eagle Farm Racecourse as the recording equipment maintained there was of a significantly higher standard than that which is normally available in the hearings of appeals.

The question to be determined was whether the video evidence coupled with the still photographic evidence presented both to the First Level Appeals Committee and to this Tribunal was sufficient to persuade this Tribunal that Jockey Cropp had failed to ride the horse out in accordance with the requirements of Rule 137(b) and whether the celebratory gesture was made prior to or on the horse reaching the winning post. This is important because the charge demands that, for a conviction to be maintained, there is evidence supporting and identifying that there was a failure to ride the horse out to the end of the race or approaching the end of the race. The gesture by the respondent is well depicted on the video and in exhibits 1 and 3 which are the still photographs tendered to this Appeal. The members of the Tribunal were also shown the track surrounds and the positions of the various photographic equipment which provided the replay and photographs. The photographs noted as exhibits 1 and 3 are still photographs taken from a position some two panel lengths past the winning post on the inside of the track and they depict jockey Cropp after her

mount has passed the winning post. The issue to be determined is however whether the gesture which she made started prior to her reaching the winning post.

The Tribunal has considered all of the exhibits tendered to us and has reviewed the video on a number of occasions. It has also considered the submissions made by counsel for both the respondent and the appellant. Those submissions whilst being helpful do not take the matter any further than the video evidence. In the opinion of this Tribunal the video evidence is inconclusive and does not depict the jockey commencing the celebratory gesture prior to the winning post. It is the decision of this Tribunal that the appellant has failed to persuade the Tribunal that the decision of the First Level Appeals Committee was wrong. The Tribunal agrees that the pictorial evidence is inconclusive and does not identify that jockey Cropp made a celebratory gesture prior to or on the finish line. It may well be that the gesture was made immediately after the finish line but that is irrelevant for the purposes of this Appeal. In the circumstances this Tribunal determines that the appeal must fail and dismisses same and orders that the deposit be forfeited.

Mr Brockwell Miller
Deputy Chairman

Dennis Standfield
Member
