

RACING APPEALS TRIBUNAL

RAT 16/2020

DATE OF HEARING: FRIDAY 22 JANUARY 2021

TRIBUNAL: **PRESIDENT:** MR T ANDERSON, QC

ASSESSOR: MR J LETTS

IN ATTENDANCE: **THOROUGHBRED RACING SA LTD:** MR S CALLANAN,
STEWARDS

APPELLANT: MR DOMINIC TOURNEUR

IN THE MATTER of an Appeal by **MR DOMINIC TOURNEUR** against a decision of Thoroughbred Racing SA Ltd Stewards.

BREACH OF RULE: AR 131(a)

A rider must not, in the opinion of the Stewards:

(a) engage in careless, reckless, improper, incompetent or foul riding;

PENALTY: SUSPENSION OF LICENCE TO RIDE FOR 4 RACE DAYS

DETERMINATION

Mr Dominic Tourneur is a licensed jockey in South Australia.

He was suspended by the Stewards for careless riding in race 1 at Gawler on 19 December 2020 and was suspended for four meetings.

Race 1 was an 1100-metre, three-year-old maiden plate and he rode the horse Outlaws Revenge in that race.

The Stewards' report states, *"In the vicinity of the 800 metres, Outlaws Revenge shifted in when insufficiently clear of Thrill Kill, which was obliged to be eased and shifted out onto Betta Eddie, which in turn was obliged to be steadied and lost its position when tightened onto Scotch On The Rock."*

As I have indicated, Mr Tourneur was found guilty of a charge of careless riding under AR 131(a) in that he shifted ground when insufficiently clear.

Mr Tourneur appeals against both his conviction and the severity of his penalty.

The Stewards in their inquiry interviewed Mr Tourneur, Ms Caitlin Jones, the rider of Thrill Bill, and Mr Jeff Maund, the rider of Betta Eddie.

At the Tribunal I was assisted by the Assessor, Mr John Letts.

The Tribunal viewed the race vision several times.

The vision of the race shows the incident in question, but in my view it does not bear out the view expressed by the Chairman of Stewards on the day, that Mr Tourneur's horse was insufficiently clear of Ms Jones' horse.

Mr Tourneur maintains that he was sufficiently clear when he moved across in front of Ms Jones' horse.

The vision shows, in my view, Ms Jones riding normally and not attempting to restrain her horse, and rather than move back, she chooses to move out. As a result, Mr Maund had to take hold of his mount.

The vision does not show that Mr Tourneur's horse took Ms Jones' line completely, and certainly not until he was at least, in the view of the Tribunal, one and a half to one and three-quarter lengths clear.

The points made by Mr Tourneur in the Tribunal hearing were that the race vision shows when he crossed over in front of Ms Jones' horse, she didn't check her mount but merely changed course.

In addition, she hadn't looked to her outside before she shifted out.

In all the circumstances, the Tribunal considers that the charge against Mr Tourneur has not been made out.

This is supported by the vision, which does not bear out the description given by the Stewards in their report of the race.

There is no need to discuss the question of penalty in these circumstances.

It is the decision of the Tribunal therefore that the appeal be allowed, the suspension quashed, and in addition I order the refundable portion of the bond be repaid to Mr Tourneur.