

# RACING APPEALS TRIBUNAL

RAT 11/16

DATE OF HEARING: 3 June 2016

TRIBUNAL: DEPUTY PRESIDENT: MR M KING

ASSESSOR: MR R BEST

MR M SANTORO, ACTING CHAIRMAN OF STEWARDS,  
THOROUGHBRED RACING SA LTD

APPELLANT: MS J KAH

IN THE MATTER of an Appeal by **JAMIE KAH** against a decision of Thoroughbred Racing SA Ltd Stewards.

**BREACH OF RULE:** ARR 137(a) – “Any rider may be penalised if in the opinion of the Stewards he/she is guilty of careless, reckless, improper, incompetent or foul riding”.

**PENALTY:** SUSPENSION TO RIDE FOR 4 MEETINGS

## **DETERMINATION**

The Appellant Jamie Kah is a licensed jockey.

On Saturday, 30 April 2016, at Morphettville, in Race 1, the *Where's Lewy Grantham Handicap*, she rode the horse, *Tunes*.

Following the race, the Stewards convened an enquiry into an incident that occurred at about the 2,000 metre mark of the race.

The Stewards heard evidence from jockeys, Mr Tourneur, Mr Moor and also from the Appellant.

Following the enquiry, the Stewards elected to charge the Appellant under Rule 137(a) of the Australian Racing Rules, namely:

*'Any rider may be penalised if in the opinion of the Stewards he is guilty of careless, reckless, improper, incompetent or foul riding'.*

The steward stipulated that the relevant part of the rule to which the charge related was the careless riding component.

Particulars of the charge were provided in the following terms:

*The particulars of the charge being that Jamie Kah, as the rider of Tunes in Race 1 at Morphetville Parks on Saturday, 30 April 2016 has, in the vicinity of the 2,000 metre mark, permitted your mount to shift in when insufficiently clear of 'Space', ridden by Domenic Tourneur, which was forced to take hold and lose its position when tightened onto 'Bondeiger' ridden by Daniel Moor.*

The Appellant reserved her plea which was correctly accepted as a plea of not guilty.

Stewards expressed the view that the Appellant had breached Rule 137 by shifting her mount carelessly. They took the view that the Appellant had shifted a full horse width into Domenic Tourneur's running line.

The Stewards took the view that the Appellant had started four wide and shifted into three wide, thereby moving into the running line Domenic Tourneur.

The Appellant contested that finding. After consideration, the Stewards found the Appellant guilty as charged and after hearing submissions as to penalty, imposed a penalty of four meetings.

At the appeal, the Appellant was very ably assisted by Mr Pinkerton. Mr Pinkerton argued on her behalf correctly that the critical issue was whether the Appellant had started from a position four wide and shifted to a position three wide or whether she had been positioned three wide at all relevant stages.

He took the Tribunal through a detailed examination of the race vision and referred to relevant excerpts of the evidence given by the jockeys at the enquiry.

In review of the evidence and the vision, I have been ably assisted by the appointed assessor, Mr Best, who has provided the benefit of his knowledge and experience today.

Despite the able submissions of Mr Pinkerton, this Tribunal cannot accept the starting proposition that the Appellant was in the three wide position at all relevant stages.

This Tribunal is of the view that the Stewards' assessment of the Appellant's starting position, namely four wide, is correct.

The view of this Tribunal is that the vision does show the Appellant shifting from a four wide position to a three wide position and thereby taking the running line of Mr Tourneur's mount 'Space'.

In shifting in this way, when insufficiently clear, the Appellant has breached Rule 137(a).

For that reason the appeal against conviction is dismissed.

I order that there will be a refund of the applicable portion of the bond.