

RACING APPEALS TRIBUNAL

RAT 5/2018

DATE OF HEARING: TUESDAY 20 MARCH 2018

TRIBUNAL: PRESIDENT: MR T ANDERSON QC

ASSESSOR: MR J LETTS

IN ATTENDANCE:

MR A HAYLES: STEWARDS, THOROUGHBRED RACING SA LTD

MR D TOURNEUR: APPELLANT

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

BREACH OF RULE: ARR.137:

*Any rider may be penalised if, in the opinion of the Stewards,
(a) He is guilty of careless, reckless, improper, incompetent or foul riding.*

PENALTY: SUSPENSION OF LICENCE TO RIDE FOR 4 RACE DAYS

DETERMINATION

Dominic Tourneur is a senior rider who was suspended for four meetings by the Stewards following his ride on 'Wonga Miss' in Race 2 at Penola on 23rd of February 2018.

At the Stewards' enquiry he pleaded guilty to a charge of careless riding. He is appealing his suspension for four meetings and claims that the penalty is too harsh in the circumstances.

The Stewards' report on this race is as follows:

"Wonga Miss (D Tourneur) from the vicinity of the 200 metres to the vicinity of the 100 metres was held up for clear running. Racing inside the 100 metres shifted out when insufficiently clear".

The Tribunal viewed the footage of the incident from three different aspects and the description given by the Stewards in their report is entirely borne out of by that footage.

After hearing evidence from the riders involved the Stewards decided to charge Mr Tourneur with careless riding under Australian Rule of Racing 137(a).

That rule reads, *"Any rider may be penalised if in the opinion of the Stewards (a) "he is guilty of careless, reckless, improper, incompetent or foul riding"*.

The Stewards had stipulated that it was careless riding under that rule.

The particulars that were given to accompany this charge were that, *“At Penola on the 23rd of February 2018, Race 2, whilst riding the horse ‘Wonga Miss’, just inside the 100 metres you have allowed your mount to shift out when insufficiently clear of Lucinda Doodt, who was riding ‘Equilite’, and as a result Lucinda Doodt has had to take action on her horse and had to be steadied off the heels of Emily Finnigan”.*

Following the charge and following the particulars of the charge as set out above, Mr Tourneur indicated he would plead guilty.

The Stewards, after considering the plea of guilty and the riding record of Mr Tourneur decided to impose a four race day suspension. A Stay of Proceedings was granted and the matter came before the Tribunal today.

Mr Tourneur told me, to some extent, that he was a victim of circumstances because he was held up on his horse, which was an inexperienced horse, and it was running on strongly but the horse in front was dropping back.

He then made a decision to move out and in so doing he took the running line of Lucinda Doodt’s horse and caused her to check, move out and, on examination of the video of the race, lose approximately two lengths.

Mr Tourneur said it was really self preservation on his part and it was a unique incident and asked the Tribunal to take this into account.

In my view and in the view of my Assessor, Mr Letts, the careless riding was potentially very serious. It could have resulted in a very serious accident.

The Stewards informed me in relation to penalty that at the present time Mr Tourneur is suspended for nine meetings, following two race meetings, one at Clare on the 11th of March and one at Morphettville on the 17th of March where he was suspended from riding for four meetings and five meetings respectively.

He is therefore free to ride on the 2nd of April. Prior to the incidents in March and prior to the incident in question, he had also been suspended on three occasions for three meetings on each occasion on 11th of November 2017, 18th of November 2017 and 3rd of February 2018. To put it bluntly, it is a very poor record from a senior rider.

He indicated to the Tribunal that matters outside of his racing commitments may have contributed to some or all of the suspensions he is now serving.

Mr Tourneur submitted to the Tribunal that to impose a further four meetings on top of the nine that he is already serving would be unduly harsh and asked that the four meeting suspension be made concurrent with the combination of the nine meetings that he is currently serving.

Despite his guilty plea, the record in my view was such that even prior to the more recent incidents that the Stewards could easily have imposed more than four meetings as a suspension. Therefore the appeal against the four meeting suspension is dismissed.

In relation to the request to make the suspensions concurrent, it is my view that these incidents have happened too many times for this Tribunal to countenance such a result.

It is clear that Mr Tourneur must change his riding tactics because he will continue to appear before the Stewards and the Tribunal if he doesn't. Unfortunately therefore we cannot accede to his request to make the penalty concurrent.

Therefore the four meeting suspension will commence at midnight on the 2nd of April 2018 and expire at midnight on the 11th of April 2018.

I order that that part of the deposit paid on the appeal which is refundable should be refunded to Mr Tourneur.