

**SOUTH AUSTRALIAN
RACING APPEALS TRIBUNAL**

RAT 23/2022

DATE OF HEARING: THURSDAY 2 FEBRUARY 23
TRIBUNAL: PRESIDENT: MR TIM ANDERSON, KC
ASSESSOR: MR GLYNN PRETTY

IN ATTENDANCE:

MR MICHAEL ZARB, STEWARD, RACING SA LTD

MR DOMINIC TOURNEUR, APPELLANT

IN THE MATTER of an Appeal by **MR DOMINIC TOURNEUR** against a decision of 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 FOUR MEETINGS

DETERMINATION

Mr Dominic Tourneur is a senior jockey in South Australia. He was suspended by the Stewards for careless riding in race 5 at Gawler on 17 December 2022. He was suspended for four race meetings and appeals against both his conviction and penalty. At the hearing before the Stewards he pleaded not guilty. A description of the incident was given by Mr P. Ryan, one of the Stewards on duty. He said *“Dom Tourneur permitted his mount to shift out when improving, in doing so tightening the running of Miss Voorham’s mount STARSONGARI out onto MISS LANGTREE Locky Neindorf’s horse, resulting in Miss Voorham losing her rightful running and having to restrain her mount quite severely. I didn’t observe any shift from the outside from Locky Neindorf, my observations were that the shift came from the inside.”* Miss Teagan Voorham, who rode STARSONGARI was sitting behind both MISS LANGTREE ridden by Mr L. Neindorf and Mr Tourneur on STREET HUSTLER. Miss Voorham thought she had enough room to take a run between the other two horses. She said she had pressure from the inside, that is, from Mr Tourneur’s horse.

Mr Tourneur said he was not aware of Miss Voorham behind him. He said she made no call. Miss Voorham said as a result of the gap closing she had to take hold. She then moved to the outside and finished strongly to win the race.

Mr Neindorf maintained that he had merely maintained his line. Mr Tourneur said that he had no recollection of any incident. After viewing the vision of the race, Miss Voorham said in relation to the potential run *“I thought it was ... pretty tight to be into.”* The vision confirms that it was tight and in fact indicates that there really was no run available.

Mr Tourneur was charged under AR 131(a) with careless riding. The particulars given by the Stewards in relation to that alleged careless riding are “*that at the Gawler meeting on December 17 in 2022 in race 5, you as the rider of STREET HUSTLER shortly after passing the 400 metres shifted out when insufficient clear of STARSONGARI ridden by T. Voorham, crowding that horse onto MISS LANGTRY and as a result of that STARSONGARI had to be restrained.*” Mr Tourneur said that there was no room for Miss Voorham to take a run. The Stewards disagreed and said it was a run and that by shifting out Mr Tourneur had crowded her onto Mr Neindorf’s horse.

Mr Zarb for the Stewards said that there was no obligation on Miss Voorham to make a call. He said that Mr Tourneur was shifting ground and caused Miss Voorham to lose her position.

It is my view that the race vision does not support the version set out earlier as given by the Steward, Mr Ryan. In particular, Miss Voorham did not have to “restrain her mount quite severely”.

The vision likewise does not support the suggestion that Miss Voorham was established in a run. She realised, in my view, that she had no run and then moved out to finish down the outside. She did not check her horse. She made her choice to go around horses when she realised there was no run.

In these circumstances I disagree with the Stewards and find that the evidence upon which they relied does not support a conviction for careless riding.

The appeal is therefore allowed and I order the refund of the application portion of the bond.