

**SOUTH AUSTRALIAN
RACING APPEALS TRIBUNAL**

RAT 1/2023

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 FIVE MEETINGS

DETERMINATION

Mr Dominic Tourneur is a senior jockey in South Australia. He appeals against a suspension for careless riding. He was suspended by the Stewards for five race meetings following race 2 at Mount Gambier on 22 January 2023.

Mr Tourneur pleaded guilty to the charge of careless riding and appeals only on the penalty of five meetings. He asked that this hearing be expedited without any transcript of the Stewards hearing. He elected to rely on the race vision only.

It is apparent that Mr Tourneur shifted ground toward the inside rail shortly after the start of the race. He said he did not hear any call from Miss Boyd who maintained at the Stewards inquiry that she was calling continuously as Mr Tourneur attempted to cross to the rail's position.

Mr Tourneur accepts that he did inconvenience Miss Boyd and accepts that his riding was careless.

The Stewards started at six meetings in this case and reduced that by one for his guilty plea. The Stewards made the point that Mr Tourneur's record was bad. They produced a summary of his suspensions and reprimands over the last 18 months, which does show a bad riding record.

Mr Tourneur is a popular and successful jockey and last season, even with four and a half months off because of an injury, he had 426 rides. A lot of his reprimands and suspensions are for careless riding. Most of the others are for whip offences.

It is my view that the starting point of six was in the circumstances outside the norm of five. The Stewards started at six meetings because of his bad riding record. The fact of the bad record is taken

into account at the stage where consideration is given to reducing the actual penalty. In my view because of his guilty plea, he should get a reduction of one meeting. I would, however, start at five meetings, reduce that by one meeting, amounting to four race meetings in total. Mr Tourneur had elected not to apply for stay and therefore had already served one of those meetings at the time of the hearing before the Tribunal.

The appeal on penalty is allowed and four race meetings is substituted for the five imposed by the Stewards. Mr Tourneur can resume riding at Gawler on Wednesday, 8 February 2023.

I order that the applicable portion of the bond lodged with the appeal be refunded.