

SOUTH AUSTRALIAN RACING APPEALS TRIBUNAL

DATE OF HEARING: 13 February 2024 **RAT 12/2023**

TRIBUNAL: PRESIDENT - MR TIM ANDERSON

IN ATTENDANCE: MR MATT SANTORO, CHAIRMAN OF STEWARDS,
RACING SA LTD

MS A LINDSAY, APPELLANT

IN THE MATTER of an Appeal by **MS A LINDSAY** against a decision of Racing SA Ltd Stewards.

BREACH OF RULE: AR Rule 131(a)

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

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

DETERMINATION

The Appellant Ms Alice Lindsay, who is a Jockey licensed in South Australia, was suspended from riding in races by the RacingSA Stewards for eight race meetings following Race 3 at Naracoorte on Friday, 29 December 2023. She has appealed against the finding of improper riding and also the period of suspension imposed by the Stewards.

The Stewards report of the race states as follows; "Stewards questioned the rider of ULTRON (NZ) in relation to her riding, with particular reference to her whip use near the 200m. After considering her explanation Stewards found A. Lindsay guilty of a charge of improper riding under AR131(a), in that, near the 200m, after turning her head to the right and becoming aware of a horse on her outside (VALKUR), she drew her whip in the right hand, in the backhand position and extended her right arm out in an action inconsistent with her normal use of the whip, resulting in VALKUR being struck by her whip in the vicinity of the head. A Lindsay was suspended from riding in races for a period to commence midnight Saturday, 6 January 2024 and to conclude midnight Wednesday 24 January 2024, a period of eight meetings."

In the Steward's Inquiry the rider of the horse VALKUR, Ms Lloyd, when asked about the incident stated, "I know my horse did have a little bit of a jolt". That is the only evidence directly in relation to this matter apart from the vision, apart from Ms Lindsay's evidence.

The Tribunal viewed the vision several times from different angles and at different speeds and it is clear that in one particular action Ms Lindsay did in a backhand motion use the whip in such a way that it made contact with VALKUR in the vicinity of the horse's head. Ms Lindsay admits there was contact.

Ms Lindsay addressed the Tribunal on the basis she thought it was unfair for her to be charged and found guilty of improper riding as a result of this incident. She admitted it was careless riding and if she had been charged with careless riding, she said that she would have pleaded guilty on the day.

Having discussed the incident with my Assessor Mr Glynn Pretty, a former very successful international Jockey, in my view the incident did not give rise to any inconvenience to the horse VALKUR. Mr Santoro for the Stewards argued this was “improper riding” and stated that if the Panel had considered the action to be careless Ms Lindsay would not have been charged.

The concept of improper riding in the hierarchy of the descriptions under Rule 131(a) is that careless is at the bottom of the list, in terms of seriousness of the action, followed by reckless and then improper riding.

In my view a conviction for improper riding carries with it a stigma which I do not think is appropriate in the circumstances, as I have seen them, in relation to this incident.

This is a quasi-judicial Tribunal. The use of the word “improper” does infer a lack of honesty or something less than an appropriate moral standard in its ordinary use.

That is not how I have viewed the incident. The horse contacted by the whip, as I have said was not inconvenienced. There is also some doubt from the vision that it was in fact struck on the head, but it was struck somewhere near the head.

It is clear however that the use of the whip by Ms Lindsay at the point relating to the charge was inconsistent with the way in which she had used the whip both immediately before and after the incident.

In the circumstances I believe that the use of the whip by her was not improper but falls within the realm of a “reckless” action.

In my view therefore, the penalty of eight meetings is too high. The Stewards started at a point of ten race meetings and reduced that by two to impose the suspension of licence for eight race meetings. In the circumstances, as I see them, a fair starting point is a suspension of eight race meetings which I then reduce to six meetings in recognition of Ms Lindsay’s good riding record and her relative inexperience.

The order of the Tribunal is therefore that the Appeal is allowed. The charge of improper riding is not made out and should be varied to that of reckless riding. The penalty will be reduced to a suspension of six race meetings.

The effect of this penalty is that Ms Lindsay will be suspended from riding in races for six race meetings for the period commencing from midnight Sunday, 18 February 2024 until midnight Friday, 1 March 2024.

I order the refund of an amount of \$250 from the bond deposited with the Appeal.

Tim Anderson
President
SARAT

Dated – 19 February 2024