

# APPEAL PANEL OF RACING NEW SOUTH WALES

## IN THE MATTER OF THE APPEAL OF LICENSED JOCKEY PIERRE BOUVILLAIN

Heard at Racing NSW Offices

Appeal Panel: **Mr L Gyles - Convenor, Mr P Losh, Mr J Murphy**  
Representatives: **Racing NSW – Mr S Railton, Chairman of Stewards**  
**Appellant – Mr T Crisafi, NSW Jockeys Association**  
Date of Hearing: **31 October 2024**  
Date of Reasons and Orders: **19 November 2024**

### REASONS FOR DECISION

1. On 25 October 2024 at the Queanbeyan race meeting, licensed jockey Mr Pierre Boudvillain (**The Appellant**) pleaded guilty to a breach of the careless riding rule (AR 131(a)) following his ride on *Shadesofmidnight* in Race 3 The Allbids Class 1 & Maiden Plate, 2000 metres. The particulars of the charge were as follows:  
*“you did permit your mount to shift in near the 200m when insufficiently clear of Icon Dream which had to be checked when tightened for room between the inside rail and Shadesofmidnight”*
2. The Stewards graded his carelessness as “medium” and the consequences as “checked and/or lost rightful running”. The application of the Careless Riding Template (**Template**) resulted in a seven-meeting suspension of the Appellant’s licence to ride in races, reduced to six meetings for the Appellant’s guilty plea. His disciplinary record of having incurred 4 careless riding suspensions in the previous 12 months did not result in any further reduction of penalty. The Appellant has appealed to the Panel against the severity of penalty.
3. At the hearing, the Appellant gave evidence by AVL, and the Panel was shown videos of the incident multiple times, from various angles, including the head-on coverage. The main issue on the appeal was whether the carelessness exhibited by the Appellant should be assessed as “medium”, as was found by the Stewards, or “low”, as contended by Mr Crisafi on behalf of the Appellant.
4. The decision that the Panel has come to, not without some difficulty, is that that the appeal is to be dismissed.

5. We would also like to note for the record that there is no suggestion that the Appellant was aware of the jockey on his inside and that he in some way courted the risks associated with that. In addition, we note that there is no suggestion that, once the appellant knew that the jockey was there, that he did not do everything that was available to him to try to ameliorate the risks associated with that.
6. In relation to the appropriate grading of the Careless Riding charge and the consequent sanction, an issue about which we approach afresh and determine on the basis of the evidence before us, the points that were material to our thinking are set out below.
7. First, in any race there is always a possibility that a jockey will seek to take a run along the rails where that is potentially available. With the cutaway in place at Queanbeyan there is potentially more space along the rails than there ordinarily would be, so that would increase the possibility of that occurring.
8. Second, when the appellant straightened, he was not hard up against the rail. This meant that there was space for a horse to make a run on the inside. At that point the Appellant should have looked over his right shoulder to make sure there was not someone on his inside taking that run. He had time to do that, and this is consistent with the footage which shows him looking over his left shoulder after he had straightened. If he had done so, he would have seen the other horse on his inside.
9. Third, once his horse started shifting in, there was a greater responsibility to do that because when a horse is not holding its line it can have an impact on other horses. At that point the Appellant should again have checked again to make sure that he wasn't impeding any other horse on his inside
10. We accept, and as Mr Losh recognised, he might have hoped or expected to get a call warning him that there was a horse on the inside, but from our point of view, we do not believe that this is an assumption that a jockey is entitled to make because it may be that someone tries to call out to you, but you do not hear it, or a jockey on the inside might not

think it is necessary to call because they believe have got a clear run, or it might be that they are inexperienced or do not appreciate the need to do so.

11. In the opinion of the Panel it is the ultimate responsibility of the jockey to discharge his or her duty of care toward the other jockeys in the race and hence they need to take responsibility for being aware of where the other jockeys are. That is, it is not sufficient to wait for a call from another jockey, they should look themselves.
12. We also note that the other horse was squeezed very close to the rail and was then forced to deviate to the outside of the Appellant' mount. This created a real and unnecessary risk of serious injury to that horse and the apprentice jockey.
13. So, although it was a close-run decision, ultimately we were satisfied that this was above an entry level/low level category of carelessness and it fell into the medium category, for the reasons stated above.
14. In these circumstances, the Panel has determined that the appeal should be dismissed.
15. The orders of the Panel are:
  - a. appeal dismissed;
  - b. finding of a breach of AR 131(a) confirmed;
  - c. penalty of a six-meeting suspension of the Appellant's licence to ride in races confirmed, commencing on Sunday 3 November 2024 and expiring on Wednesday 13 November 2024, on which day he may resume riding in races; and
  - d. the appeal deposit is forfeited.

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