14 April 2023

**DECISION**

**RACING VICTORIA**

**and**

**LIAM RIORDAN**

**Date of hearing:** 5 April 2023

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Brent Wright appeared on behalf of the Stewards.

Mr Matthew Hyland represented Mr Liam Riordan.

**Charge:** Australian Rule of Racing (“AR”) 131(a) states:

(1) A rider must not, in the opinion of the Stewards:

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

**Particulars of charge:** Liam Riordan was found guilty to a charge under AR131(a) in that near the 700 metres he permitted his mount to shift in when not clear, resulting inStarz Barwonbeing taken in ontoTropicconi,which was tightened ontoMoonlight Rustler with Tropicconi eased and losing its position. Liam Riordan’s licence to ride in races was suspended for a period of 13 race meetings 3 City 10 Provincial commencing midnight Sunday 9th April 2023 and expiring after the day meeting on the 20thApril 2023. In assessing the penalty, account was taken of his plea, his poor record, the slight shift from Starz Barwon and that the carelessness was in the mid-range.

**Plea:** Not Guilty

**DECISION**

Mr Liam Riordan, you are appealing against a finding of careless riding made against you by the Stewards.

It arises from your ride on Who Shot Suzy in Race 7 at Sale on Sunday, 2 April 2023. Also immediately involved were Mr Ben Allen, riding Starz Barwon and Mr Beau Mertens, riding Tropiconi. The Stewards also interviewed Mr Jake Noonan who was riding Moonlight Rustler. In submissions, there was also reference to Mr Damien Oliver.

This was a race over 1,000 metres. The alleged interference occurred in the vicinity of the 700 metres to approximately the 600 metre mark. As stated, these are approximates. It is unfortunate that slow motion replays of the video of the race were not available. As pointed out by Mr Wright on behalf of the Stewards, they could have been of some considerable assistance.

I have viewed the video many times.

The essence of the dispute in this matter would seem to be whether you moved off your line, effectively forcing Mr Allen on to Mr Mertens, causing his mount to lose its position. At the time of, or immediately before this occurring, you were four wide, Mr Allen three wide and Mr Mertens two wide. Mr Noonan was effectively on the rails and did not suffer any interference, although he had some view of what was occurring.

I accept that Mr Allen’s mount was a large horse and somewhat erratic in its galloping action.

A key question is whether you moved off your line, effectively forcing Mr Allen inwards. There is little dispute but that at the time, you were certainly not two lengths clear of Mr Allen, and were approximately one length clear. If you moved off your line and thus caused the interference, you would have little or no defence to this charge.

Amongst other things, Mr Hyland asked me to take a line back from your mount to Mr Oliver, who was immediately behind you prior to the incident and also four wide. Whilst this is not absolutely decisive, it is of assistance.

I am of the opinion that, during the incident, Mr Oliver remained almost directly behind you, and appeared to maintain a position four wide. I also note the evidence given to the Stewards by Mr Noonan.

After repeated viewing of the video material and taking into account the detailed submissions made, as well as reading the interviews conducted at the time, I cannot be satisfied that this charge has been made out. At the relevant time, Mr Allen’s mount, a large horse, was racing erratically. To my eye, you did not move off your line at the relevant time, or if you did, it was to a miniscule amount. You appeared to me to go in virtually a straight line, as did Mr Oliver behind you. Mr Allen’s large mount was behaving somewhat erratically, which it also did later in the race. In my opinion it caused the interference to Mr Mertens. You did not cross to the three wide position until a little later and without causing interference. In my opinion, you did not contribute to the interference which occurred at the relevant time.

In short, the appeal is upheld and the charge is dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal