29 December 2022

**DECISION**

**RACING VICTORIA**

**and**

**BLAIKE McDOUGALL**

**Date of hearing:** 22 December 2022

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

**Appearances:** Mr Sam Cochrane appeared on behalf of the Stewards.

Mr Paul O’Sullivan represented Mr Blaike McDougall.

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

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

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

**Particulars of charge:** MrBlaike McDougall (Invincible Bay) was found guilty of a charge of careless riding under the provisions of AR131(a). The careless riding being that near the 300 metres he permitted his mount to shift out when insufficiently clear of Marketing, resulting in that gelding being checked and losing its rightful running. B McDougall had his licence to ride in races suspended for a total of ten meetings to commence midnight 8 January, 2023 (at the expiration of a suspension incurred at Moonee Valley 16/12/22) and to expire at the conclusion of the day meeting on the 19 January, 2023 (3 metro, 7 provincial). In assessing penalty the Stewards were of the view that the incident qualified for the low-range category of carelessness and took into account his record and the circumstances.

**Plea:** Not Guilty

**DECISION**

Mr Blaike McDougall, you are appealing against a conviction for careless riding arising out of your ride on Invincible Bay in Race 8 over 1400 metres at Werribee on 18 December 2022. The Stewards found that, near the 300 metre mark, effectively you moved out and took the running of Marketing, ridden by Mr Tom Madden. Other riders also mentioned were Ms Tianni Chapman, who was to your outside, and Mr Michael Poy, who was ahead of you and was on a horse that you wished to overtake. However, it was the mount of Mr Madden and your mount that were at the centre of attention.

I have viewed the video material several times and certain portions of it many times. From about the 400 metre mark onwards, you were on or closest to the rails. Mr Poy was ahead of you and had moved off the rails. Mr Madden was behind you and one horse off the fence. Ms Chapman was effectively three wide, there being a gap between her horse and yours. Mr Madden moved partly into that gap. When interviewed by the Stewards, he said that, effectively, his horse’s head was “on the rider’s boot” – the rider being you, Mr McDougall. Mr Madden also stated that he was riding his horse forward and “if he was able to take it (the gap) I wouldn’t have to ride him forward”.

That may be so, although I note that Mr Madden’s mount fought on to finish third, after being about sixth when the alleged incident occurred.

Much emphasis was placed by Mr O’Sullivan, on your behalf, upon where the horses were placed shortly after they straightened up, this being at 7.04 on the relevant video. However, to my mind the interference occurred a couple of strides earlier, just on or immediately after the point of the turn, at about the 7.01 – 02 mark. You moved out to get behind, before overtaking, Mr Poy. When you did, Mr Madden was less than a length behind you and he quite noticeably had to check his mount.

In short, in my opinion the charge of careless riding has been made out. There was noticeable interference to Mr Madden’s mount. He had to check it and turn its head to one side before finishing on again reasonably strongly. This may not have been a huge incident, but it was quite a noticeable one. The charge of careless riding has been made out.

**PENALTY**

The Stewards imposed a penalty of ten meetings suspension for this offence. Certainly, you do not have a particularly good record and you were riding upon a Stay when this occurred. You are obviously a highly talented jockey, but you are chalking up a list of riding offences.

Further to state the obvious, there is no discount of the type that may have applied if there had been a guilty plea. However, this was a noticeable incident, but, as I stated earlier, not a huge one.

The bottom line is that I am prepared to uphold the appeal on penalty and I impose a penalty of suspension for eight meetings.

Mark Howard
Registrar, Victorian Racing Tribunal