24 February 2020

**DECISION**

**RACING VICTORIA**

**and**

**MR MAX KEENAN**

**Date of hearing:** 20 February 2020

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

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

 Mr Ray Douglas appeared on behalf of Mr Keenan.

**Charge:** Australian Rule (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:** Max Keenan was found guilty of a charge under the provisions of AR131(a), the careless riding being that passing the 1600 metres he permitted his mount to shift in when not sufficiently clear of “All Brown”, carrying that runner across “Youngstown” resulting in “All Brown” being steadied and “Youngstown” having to be checked. In issuing the charge, Stewards conceded that Youngstown was over racing in the lead up to the incident. Max Keenan’s licence to ride in races was suspended for a period of two picnic race meetings commencing at midnight 23rd of February 2020 and to expire at midnight 7th of March 2020. In assessing penalty, Stewards took into account Max Keenan’s excellent race riding record (first careless riding charge in over four years of race riding), the racing manners of Youngstown during the incident and the fact that the carelessness qualified for the low range of careless riding.

**Plea:** Not Guilty

**DECISION**

Mr Max Keenan, you have pleaded ‘not guilty’ to a charge of careless riding. It is alleged that at the Buchan picnic meeting on Saturday 15 February in Race 3 over 1700 metres, you permitted your mount, Pistol, to shift in when not sufficiently clear of All Brown, ridden by Grant Seccombe, carrying that mare across the running of Youngstown, ridden by Sam Noble, resulting in All Brown having to be steadied and Youngstown having to be checked.

I have viewed the video many times. Mr Ray Douglas, who assisted you, pointed out various features of it. There is no doubt but that there is quite a sharp turn commencing very soon after the winning post and about 100 or more metres after the start. Your horse had drawn towards the outside of the field of eight. Grant Seccombe was inside you and Sam Noble inside him. Quite a lot happened in the short distance between near the winning post and the turn out of the straight. That turn is quite sharp and, as stated, it is probably not more than 100-130 metres after the start. It is quite noticeable that Sam Noble started restraining her mount at around about the winning post and thus about 100 metres after the start.

I accept that her initial movement may have been to pull her horse’s head away from a horse inside and before you did anything. However, she subsequently gave the impression of being squeezed out of her position. I accept that she was calling out a lot.

When interviewed by the Stewards after the race, Sam Noble said that there was pressure from Grant Seccombe on her outside. She ended up in between horses and avoiding heels. Grant Seccombe said that your mount crossed him when about a length ahead of him. You told the Stewards that you thought that he moved out ‘a little bit’.

Mr Scarlett, for the Stewards, repeated his observation of what occurred from his vantage point. He felt that you allowed your mount to shift in when not sufficiently clear of Grant Seccombe, carrying his mount across Sam Noble’s mount.

As I said during the conduct of the appeal, there are two issues arising out of what occurred very quickly and over a very short distance approaching and into the turn. One is whether you caused interference to Grant Seccombe. The other is to whether you caused interference to Sam Noble.

I am of the view that you did cause interference to Grant Seccombe. You were certainly not two lengths clear when you crossed him. You were little more than a length, if that. That caused him to have to sit up and take hold of his mount.

I agree that Sam Noble may well have received some interference or pressure from her inside. Certainly, she was at least beginning to sit up and restrain her horse before or just at the winning post and before you commenced to cross Grant Seccombe’s horse. The situation may have been made worse by his pressure from the outside but, as Mr Douglas argued, there still appeared to be some room to Sam Noble’s inside.

The bottom line is that I find the charge of careless riding to be made out, but it seems to be principally in relation to interference to Grant Seccombe’s mount. There may have been some interference caused by you to Sam Noble’s mount, but she appeared to be restraining her horse before you started to cross. That does not excuse what occurred, but the interference to her mount may have been caused by a number of factors, including your shift of position.

The bottom line is that the charge of careless riding has been made out. You are guilty of it.

**PENALTY**

The appeal on penalty is upheld. You are suspended for one meeting. I have borne in mind your record and the number of picnic meetings remaining this season. I would also refer to my findings above in relation to the degree of carelessness.

Mark Howard
Registrar, Victorian Racing Tribunal