7 July 2023

**DECISION**

**RACING VICTORIA**

**and**

**DAKOTAH KEANE**

**Date of hearing:** 4 July 2023

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

**Appearances:** Mr Damien Carr appeared on behalf of the Stewards.

Mr Darren Gauci represented Ms Dakotah Keane.

**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:** Dakotah Keane (Noble Nightowl) was found guilty of a charge of careless riding under the provisions of AR131(a), the carelessness being near the 300m she permitted her mount to shift out when insufficiently clear resulting in Rockcliff, which had to be steadied and shifted in to avoid the heels of Noble Nightowl. Dakotah Keane’s permit to ride in races was suspended for a period to commence at midnight 4 July 2023 and to expire at midnight 13 July 2023. (9 meetings, 3 metropolitan, 6 provincial). In assessing penalty, Stewards deemed the incident to be in the low range and took into account her record and inexperience as an apprentice.

**Plea:** Not Guilty

**DECISION**

Ms Dakotah Keane, you are pleading not guilty to a charge of careless riding. It arises from your ride on Noble Nightowl in Race 7 at Bendigo on 29 June 2023. The alleged interference is said to have occurred at approximately the 300m mark of this race over 1000 metres. The other horse involved was Rockcliff, ridden by Ms Carleen Hefel.

The alleged carelessness involved you shifting out, or allowing your horse to shift out, when not sufficiently clear of Ms Hefel. There was no real dispute about you allowing your horse to shift out. This appeal basically concerns whether, when shifting out, you were two lengths clear of Ms Hefel. On your behalf, Mr Gauci argued that you were so clear. There is no argument but that you moved out to what could be described as her line – that is, you were a couple of horses of the rail and moved wider. There is also no argument that Ms Hefel then moved her mount back to a line inside your horse. When interviewed, Ms Hefel originally claimed that you were only a length clear of her at the time that she had to shift, although later altering that to a possible margin of a length and a half. Mr Carr, on behalf of the Stewards, said that Ms Hefel had to take hold of her mount and change course, whilst also saying there was a taking hold rather than a check. As stated, the case boils down to the issue of the margin between you and Ms Hefel and whether you allowed your horse to shift out on to her line.

I have viewed the video many times and that includes both the brief side-on footage and the full race material. I have taken into account what was said by the jockeys to the Stewards. The conclusion that I have reached is that the margin between the horses when the shift occurred was less than two lengths and closer to a length and a half. I accept that Ms Hefel was forced to take hold of her mount briefly and switch to your inside. That you did allow your mount to move out onto her line is not in dispute. In my opinion, you did this when not sufficiently clear of her, being a margin of about a length and a half, and causing her to take hold of her mount and change course back to your inside. In my opinion, this does constitute careless riding and the appeal in that regard is dismissed.

**PENALTY**

In relation to penalty, I am not prepared to reduce the penalty to one of a severe reprimand as submitted by Mr Gauci. I would point out that whilst you initially pleaded guilty to the charge this changed to a plea of not guilty during the course of the initial hearing with the Stewards and after some discussion involving Mr Gauci. I accept that you are a young apprentice with limited experience and I also have no doubt that you are very talented and have a bright future. As stated, your initial plea was guilty and the case ultimately was essentially about the margin between you and Ms Hefel at the time that you shifted out. I also bear in mind that Ms Hefel had to take hold and change course, rather than being actually checked. The level of interference was not great. In all the circumstances, bearing in mind your inexperience and the low level of interference I am prepared to reduce the period of suspension from 9 meetings to one of 8 meetings. The appeal against penalty is allowed accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal