23 April 2024

**DECISION**

**RACING VICTORIA**

**and**

**BLAIKE McDOUGALL**

**Date of hearing:** 4 April 2024

**Date of decision:** 4 April 2024

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

**Appearances:** Mr Corie Waller appeared on behalf of the Stewards.

Mr Matthew Hyland represented Mr Blaike McDougall.

**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:** Rider Blaike McDougall (Apres La Mer) was found guilty of a charge of careless riding under the provisions of AR131(a), in that near the 300 metres he permitted his mount to shift out when insufficiently clear of In Her Stride, which had obtained a run to his outside, resulting in In Her Stride being hampered and being taken out onto Eugenius, which in turn was taken out onto Verbosity, which in turn was taken out onto Swift Hit, which in turn was taken out onto Joltin Joe, resulting in Eugenius, Verbosity, Swift Hit and Joltin Joe all being checked and carried wider on the course. B McDougall had his licence to ride in races suspended for a total of fourteen race meetings (3 metropolitan, 11 provincial), with the period to commence on Monday 8 April, 2024 and to expire after the day meeting Friday 19 April 2024. Accordingly, B McDougall will be able to return to ride at the night meeting Friday 19 April 2024. In assessing penalty, account was taken of his record, the racing manners of In Her Stride, the lead up to the home turn and that the incident was in the high range.

**Plea:** Not Guilty

**DECISION**

Mr Blaike McDougall, you are pleading not guilty to a charge of careless riding arising out of your ride on “Apres La Mer” in Race 8 at Yarra Valley on 29 March 2024.

The race was the De Bortoli Country Trainers Final over 1,200 metres.

As stated, you were riding Apres La Mer. Other particularly relevant horses were “In Her Stride”, ridden by Mr Luke Cartwright, and “Eugenius”, ridden by Ms Lauren Burke. Three other horses also suffered interference of varying degrees.

I have viewed the video material many, many times, and had various features of it pointed out by Mr Matthew Hyland, on your behalf, and Mr Corie Waller, on behalf of the Stewards. I would also say now that this video material, whilst being four videos in number, was not particularly satisfactory. This was a race with substantial prize money at a meeting which had received considerable advanced publicity, particularly as it was held on Good Friday. A large crowd was understandably anticipated. The video material, particularly in relation to the portion of the race approaching and into the home turn, left something to be desired.

The interference, when it occurred, inconvenienced a number of horses. Effectively, approaching and in the vicinity of the home turn, you moved from being two wide to three wide. Mr Cartwright had shifted from behind you to your outside in an endeavour to take a run, with Ms Burke on his outside. You moved from your two wide position and, in so doing, effectively took Mr Cartwright’s running. His horse then went further wide, and there was a domino type effect with interference of varying degree to five other runners.

The principal argument advanced by Mr Hyland was that there was never a run for Mr Cartwright in the first place and that he attempted to take a run that was not fully available. It was argued that you were entitled to shift out three wide and did so. Your argument is that Mr Cartwright went for a run that was not there or for a run that in fact was Ms Burke’s and that the trouble resulted accordingly.

I have read again several times the transcript of the post-race interviews will all concerned, and with Mr Darren Gauci, who effectively was assisting Mr Cartwright, he being an apprentice. Mr Gauci pointed out that what occurred was right on the point of the turn. He also expressed the view that Mr Cartwright’s horse ran out quickly a distance of two horses. He believed that Mr McDougall “sort of came out a bit”, but did not think that “its anything to do with Blaike McDougall”.

Mr Cartwright, when interviewed after the race, referred to the fact that, when the contact was made with your horse, he was “just on the outside of his heels”. When asked directly whether he believed that there was a full run there to improve into, his reply was “not fully, no”.

The relevant section of this race has been subject to repeated and close scrutiny, not helped by the absence of adequate film coverage. The job of the Stewards is difficult enough without there being inadequate video coverage at a major provincial meeting such as this.

Having viewed the vision several more times and re-read the interviews and heard the helpful submissions of those involved, I cannot be comfortably satisfied, or indeed satisfied, that the charge has been made out. The argument that there was no full run to take by Mr Cartwright and that this caused the incident has merit.

The appeal is upheld, and the charge is dismissed.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal