

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 13 November 2015

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: JOHN KEATING**

Panel Judge John Bowman (Chair), Mr Stephen Curtain, Mr Graeme Johnson.

Appearances Mr John Didham appeared on behalf of Mr Keating.
Mr Robert Cram appeared on behalf of the stewards.

At Benalla on Sunday 8 November 2015, jockey John Keating was found guilty of a charge of careless riding on his mount Amahero in Race 1 the *Amahero* in Race 1 the *Burtons IGA Supa Store 3YO Maiden Plate* (1206m) at Benalla on Sunday, 8 November 2015.

The careless riding being that approaching and passing the 1000m he had *Make Her Own Whey* unnecessarily tight and continued to do so until near the 900m whereby when in restricted room *Make Her Own Whey* had to be checked when tightened inwards by *Amahero* onto the hind quarters of *Angel Eight*. As a result *Make Her Own Whey* lost its rightful running.

Mr Keating had his licence to ride in races suspended for a period to commence at midnight on Monday, 9 November 2015 and to expire at the conclusion of the day meeting at Kyneton on Friday, 20 November 2015 – a total of 12 race meetings.

In assessing penalty Stewards viewed the incident to be in mid-range and took into account his record in regards to this matter.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Tuesday, 10 November 2015. A stay of proceedings was granted effective until midnight Thursday, 12 November 2015.

DECISION: **Appeal against conviction dismissed.**
Appeal against severity of penalty allowed.

Penalty varied so that taking into account the stay of proceedings, the period of suspension will expire at midnight on Wednesday, 18 November 2015 (7 race meetings).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE J. BOWMAN, Chairman
MR S. CURTAIN
MR G. JOHNSON**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE BURTONS IGA SUPA STORE
THREE-YEAR-OLD MAIDEN PLATE OVER 1206 METRES
AT BENALLA ON 8/11/15**

JOCKEY: JOHN KEATING

MELBOURNE

FRIDAY, 13 NOVEMBER 2015

MR R. CRAM appeared on behalf of the RVL Stewards

MR J. DIDHAM appeared on behalf of the Appellant

CHAIRMAN: Mr John Keating contests the charge of careless riding of his mount Amahero in race 1 at Benalla on 8 November 2015, such allegation of carelessness being based on his racing allegedly unnecessarily tight on the two horses on his inside, particularly that ridden by Jessica Payne, between the 1000 and 900-metre mark. There was also further interference when mounts ridden by Andrew Mallyon and Michael Dee crossed to the outside.

It is our view that what occurred involving Mallyon and Dee represents a separate event or incident to the tightening between the 1000-metre mark and the 900-metre mark.

In our view, Mr Keating was careless. Having viewed the video several times, we consider that he did cause unnecessary tightening of the horses, particularly Jessica Payne's mount on his outside. He clearly looked twice towards his inside but his mount continued to tighten the inside horses. The situation was compounded a few strides past this tightening by the horses that were crossing from the outside, an event to which we have referred.

We also note his admission to the Stewards at page 4 of the transcript to the effect that he supposed he could have given Jessica Payne a bit more room. She had called to him. In conclusion, the charge has been made out.

We are of the view that this is low-range interference, and it is compounded by what happened in the next few strides which is separate but nevertheless has some bearing on what happened. We are also of the view that the situation could have been worse once the other horses came across - and I am not now talking about the 1000 to the 900, but the situation could well have been worse.

We take into account Mr Keating's good record in the length of time he has been riding. So with the view that it is low range and the jockey has a good record, we have fixed on a suspension period of seven meetings. It commences immediately, to expire midnight Wednesday, 18 November 2015. That is our ultimate conclusion.
