

APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF JOCKEY KEAGAN LATHAM

Heard at Racing NSW Offices

Appeal Panel: **Mr L. Vellis - Convenor; Mr K. Langby; Mr J. Murphy**
Representatives: **Appellant - Mr K. Latham**
Racing NSW - Mr T. Moxon, Deputy Chairman of Stewards
Date of Hearing: **20 February 2023**
Date of Reasons and Orders: **20 February 2023**

REASONS FOR DECISION

1. Jockey Keagan Latham (**appellant**) was charged with a breach of the careless riding rule (AR131(a)) following his ride on *Pole Position* in Race 8 at Newcastle Racecourse in the Soul Café CG&E Benchmark 64 Handicap run over 1,200 metres on 11 February 2023.
2. The particulars of the charge brought against the appellant were as follows:
“..., you did permit your mount Pole Position to shift in near the 50 metres when insufficiently clear of Debussy, ridden by Aaron Bullock, resulting in Debussy losing its rightful running and having to be checked.”
3. The appellant pleaded guilty to breach of the rule. The Stewards assessed the appellant’s carelessness as “low” grade, with the consequence of that carelessness being that Mr Bullock’s mount had to be checked and lost its rightful running. Applying the Careless Riding Penalty Template, a penalty of a suspension of the appellant’s licence to ride in races for five meetings was imposed.
4. The appellant has appealed against the severity of the penalty imposed upon him. He was self-represented on appeal, while the Stewards were represented by Mr T. Moxon, the Deputy Chairman of Stewards.
5. An appeal book was tendered that contained the transcript of the Stewards’ Inquiry into the race (Ex. A), as was film of the race (Ex. B).
6. The appeal involved only three issues:
 - I. whether the penalty imposed upon the appellant was harsh and should be reduced;
 - II. whether it was appropriate to round up (rather than down) after applying the 10% discount in penalty that was applied in the first instance; and

- III. whether the interference caused by the appellant actually resulted in Debussy losing its rightful running.
7. All members of the Panel were in no doubt that at the 50 metre mark the appellant did shift in on his mount, causing the interference as particularised, and Mr Bullock on Debussy, who had taken a run to the inside of the appellant, lost his rightful running and had to check his mount.
 8. All members of the Panel agree with the classification of low grade carelessness.
 9. The members of the Panel also agree that it was within the powers of the Stewards to round up when determining a penalty and dealing with less than a whole number, which has been a consistently applied practice.
 10. While the Panel accepts that there was no intent by the appellant to cause interference, it was the actions of the appellant that caused Mr Bullock to check his mount and lose his rightful running. While the Careless Riding Penalty Template is a guide that the Panel can deviate from in its discretion, the Panel does not believe this is a situation warranting such deviation, particularly considering the appellant's recent record and suspensions.
 11. The orders of the Panel are:
 - I. Appeal against severity of penalty for breach of AR131(a) dismissed.
 - II. Finding of breach of AR131(a) confirmed.
 - III. The appellant's licence to ride is suspended for five meetings. The suspension is to commence on Monday, 20 February 2023 and expires on Sunday, 26 February 2023, on which day the appellant may ride.
 - IV. Appeal deposit to be forfeited.
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