26 May 2023

**DECISION**

**RACING VICTORIA**

**and**

**BRAD RAWILLER**

**Date of hearing:** 23 May 2023

**Panel:** Judge John Bowman (Chairperson) and Judge Kathryn Kings (Acting Deputy Chairperson).

**Appearances:** Mr Simon Carey appeared on behalf of the Stewards.

Mr Brad Rawiller represented himself.

**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:** Brad Rawiller (Wichitall) was found guilty of a charge of careless riding under the provisions of AR131(a), the particulars being that near the 50 metres, he permitted his mount to shift in when not sufficiently clear of Kawaiisu, which was carried in onto Caesar Cake, which in turn was taken in and across the running of Sweet Paree which was checked and lost its running. Brad Rawiller had his licence to ride in races suspended for a period to commence midnight 25 May 2023 and to expire midnight 2 June 2023, a total of 9 race meetings (2 metropolitan, 7 provincial). In assessing penalty, Stewards took into account his excellent record, the racing manners of his mount and that the carelessness was in the low range.

**Plea:** Not Guilty

**DECISION**

Mr Brad Rawiller, you have pleaded “not guilty” to a charge of careless riding – in other words, a breach of AR 131(a). The charge arises out of your ride on Witchitall in Race 1 over 1300 metres at Stawell on 16 May 2023. It is alleged by the Stewards that, at about the 50 metre mark, you caused interference to three horses to your inside, those being ridden by Madison Lloyd, Dean Yendall and Amy Kermann, who had to check her mount noticeably due to pressure from the horse on her outside.

There are a few aspects of this appeal that are clearly relevant. The first is that you struck your horse once with the whip near the 200 metre mark when commencing a run four horses out from the rails. When you did, the horse displayed a tendency to shift in away from the whip. The whip was in your right hand and you struck the horse behind the saddle. You put the whip away and rode hands and heels until approximately the 50 metre mark. Your horse was finishing strongly. You struck it again once behind the saddle, again using the whip in your right hand. It again shifted in, this time more markedly, forcing the horses on your inside towards the rails, and causing noticeable interference to Ms Kermann’s horse on the rails. You did then straighten your horse, which ultimately finished second, beaten in a photo.

Essentially you claim that you did all that you could and that this was simply a racing incident.

However, in our opinion the charge has been made out. In your evidence, you told us, very honestly, that, with hindsight, you should have shifted the whip to your left hand, the horse having exhibited attending to shy away from it a little at the 200 metre mark. We agree with that proposition. You should have been on alert to the fact that the horse had a tendency to shift in away from the whip. It is also at least arguable that, when you used the whip for the second time, and it shifted towards the rails and the other horses, more could have been done to straighten it up.

Thus, we find the charge proven. We do consider that you were a little unfortunate, but the incident earlier in the straight should have put you on high alert. Then, either you should not have used the whip again or used it in your left hand. We appreciate your argument that the horses had raced in a straight line for 150 metres after the final incident and that you did try to pull it away from the inside horse when the second incident occurred. However, we are of the opinion that the charge of careless riding has been made out for the reasons advanced by the Stewards and with which, fundamentally, we agree as previously stated.

We shall hear the parties on the question of penalty.

**PENALTY**

In considering the appeal against penalty, we have taken into account your excellent record. You are a very talented jockey and your services are much in demand. It is 561 rides since your last suspension and that was approximately fifteen months ago. Further, whilst you pleaded not guilty to this charge, that was not a frivolous plea. In addition, you volunteered in this hearing that you should have moved the whip to your left hand.

Weighing these factors up, we do uphold the appeal against penalty. We are of the view that this offence was very close to the bottom of the range of penalties. However, we are not of the opinion that a warning or reprimand would be appropriate.

In all the circumstances, the appeal is upheld and we reduce the suspension to one of seven meetings.

Mark Howard

Registrar, Victorian Racing Tribunal