4 October 2019

**DECISION**

**RACING VICTORIA**

**and**

**MR BRAD RAWILLER**

**Date of hearing:** 4 October 2019

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

**Appearances:** Mr Robert Cram appeared on behalf of the Stewards.

 Mr Matthew Hyland appeared on behalf of Mr Rawiller.

**Charge:** Australian Rule 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:** Mr Brad Rawiller (Black Heart Bart) pleaded guilty to a charge of careless riding under the provisions of AR131(a), the carelessness being that near the 350 metres, he permitted his mount to shift out when not sufficiently clear of Harlem (D. Dunn), causing that gelding to be steadied to avoid the heels of Black Heart Bart. Brad Rawiller had his licence to ride in races suspended for a period to commence at midnight 5 October 2019 and to expire midnight 12 October, a total of 8 race meetings (2 metropolitan, 6 provincial). In assessing penalty Stewards took into account his guilty plea, good record, the fact it was a Group 1 race and that the carelessness was in the low range.

**Plea:** Guilty

**DECISION**

Mr Brad Rawiller, you have pleaded “guilty” to a charge of careless riding in that in race 7 at Caulfield on 29 September 2019, being the Underwood Stakes, near the 350m mark you permitted your mount, Black Heart Bart, to shift out when not sufficiently clear of Harlem, ridden by Dwayne Dunn, which resulted in him having to steady Harlem as so to avoid the heels of Black Heart Bart. The Stewards suspended you for 8 meetings.

It was put by Mr Robert Cram, Chairman of Stewards, that your carelessness was of a comparatively high level in that you moved out when only a length and a quarter clear of Harlem, but the resulting interference, was that Harlem had to be restrained for 3 strides which was low level. Mr Cram has explained that this was an important Group 1 race with a high level of prize money and with considerable public interest. Mr Cram also stated that you have a good record, you are a very busy rider and you have pleaded guilty to the charge.

I have viewed the video of the race. I agree with Mr Cram that the distance that you were ahead of Dwayne Dunn when you shifted out was closer to 1 ¼ lengths rather than 1 ½ lengths. I also agree that Dwayne Dunn only checked Harlem for 3 strides and that the level of actual interference caused was quite low.

You deferred the commencement of your period of suspension to enable you to meet riding commitments this week and on Saturday, although you have missed out on riding opportunities today. The end result is that, as the period of suspension stands, you will miss out on Caulfield Saturday week. That is a very big race day with 3 group one events. You will be able to resume riding on Sunday 13 October.

You, and Mr Hyland who is assisting you, described your record as being better than good and being excellent. You have had 1 period of suspension in the 415 rides which you have had since resuming riding after a severe neck injury which sidelined you for 5 months. You ride at 57 kg. This eliminates some opportunities, and I would imagine that this makes Group 1 races all the more attractive.

These sort of cases are all a matter of degree. The bottom line is that the level of interference to Dwayne Dunn was very low. I agree that your record is excellent. Whilst the deferral of the commencement of your suspension to honour commitments was your decision, the end result is a bad one for you. True it is that your carelessness occurred in a Group 1 race and during the spring, when racing is in the spotlight. This is a bit of a double edged sword, because the way things have eventuated, you will miss one of this state’s premier race days with 3 Group 1 events. In addition, you have pleaded guilty from the outset and that must also be taken into account.

On balance, this may be tinkering, but the penalty imposed has had repercussions which have the capacity to impact quite severely upon you. This is an unusual set of circumstances.

In all those circumstances, I am prepared to reduce the period of suspension by 1 day so as to enable you to ride at Caulfield on 12 October 2019. The appeal is upheld and the period of suspension reduced to 7 meetings expiring at midnight on 11 October 2019. I would emphasise that this is because of your plea of guilty, your excellent record, the low level of actual interference caused and the particular circumstances of this case and the impact of the original period of suspension.

Mark Howard
Registrar, Victorian Racing Tribunal