5 February 2020

**DECISION**

**RACING VICTORIA**

**and**

**MS GEORGINA CARTWRIGHT**

**Date of hearing:** 23 January 2020

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

**Appearances:** Mr Raymond Livingstone appeared on behalf of the Stewards.

 Mr Alf Matthews appeared on behalf of Ms Cartwright.

**Charge:** Australian Rule (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:** Georgina Cartwright (Kosowski) was found guilty of a charge of careless riding under AR131(a) in that she failed to make sufficient effort to prevent her mount from shifting out when not sufficiently clear of Heavenly Bodied which was steadied and lost its running. Georgina Cartwrights permit to ride in races was suspended for a period of eight meetings commencing midnight Sunday 26 January 2020 and to expire midnight Saturday 1 February 2020. (2 metropolitan, 6 provincial). In assessing penalty Stewards took into account her good record and deemed the incident to be in the low range.

**Plea:** Guilty

**DECISION**

Ms Georgina Cartwright, you have pleaded ‘guilty’ to a charge of careless riding arising out of Race 2 over 1000 metres at Terang on 18 January 2020. You were riding Kosowski, which won the race. The charge to which you are pleading is that you made insufficient effort to prevent your mount from shifting out over the concluding stages of the event and when not clear of Heavenly Bodied, ridden by Brian Higgins.

I have viewed the video material several times. There is no doubt but that in approximately the last 100 metres your horse was under the whip, the whip being in your right hand, but started to drift towards the centre of the track, comparatively gradually. In the last few strides, it drifted far more dramatically and across Brian Higgins. It was a far more rapid and pronounced shift than what had occurred before that. Brian Higgins did not shift off his line, but, as he said when interviewed, he had to ride with some caution. He thought that it could have cost him third place, but then again the horse to his outside was making “a pretty good run at us”.

It may be that your horse shied at the winning post or at the substantial bushes or hedge in the vicinity of that post. Whatever the cause, the Stewards case is that you made insufficient effort to prevent your horse from shifting out over the concluding stages, and you have pleaded guilty to that charge. On the day you pleaded “not guilty” and accordingly no allowance was made for a guilty plea.

You have a very good record, with 3 relevant suspensions in the last year and some 459 rides since your last suspension. You are a very successful apprentice and you are understandably in demand.

The Stewards stated that they made an allowance of one meeting for your good record. As stated, at that time you were pleading ‘not guilty’. As you are now pleading ‘guilty’, and bearing in mind the matters put by yourself and Mr Matthews on your behalf, I feel that a reduction of a further one meeting is appropriate.

I appreciate that this may look like ‘tinkering’, but in my opinion and in the circumstances of the case some allowance should be made for the guilty plea, even if it is late in coming. Because of the circumstances of this particular case I can understand why you originally pleaded ‘not guilty’. That was not a frivolous plea, but I can also understand why, upon reflection, you decided to plead guilty. In all the circumstances, the appeal is allowed and the penalty imposed is a suspension of 7 meetings.

Mark Howard
Registrar, Victorian Racing Tribunal