21 December 2022

**DECISION**

**RACING VICTORIA**

**and**

**JOE BOWDITCH**

**Date of hearing:** 7 December 2022

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

**Appearances:** Mr James Hitchcock appeared on behalf of the Stewards.

Mr Matthew Hyland represented Mr Joe Bowditch.

**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:** Mr Joe Bowditch was found guilty of a charge of careless riding under the provisions of AR131(a), in that approaching the 1200 metres, he carelessly permitted his mount to shift in when not sufficiently clear of Alchian, tightening that gelding which as a consequence was restrained and lost its rightful racing position. In issuing the charge, Stewards acknowledged there was a minor shift to the inside from Reigate. Joe Bowditch's licence to ride in races was suspended for a period to commence midnight 4 December 2022 and to expire midnight 14 December 2022, a total of 9 race meetings (4 metropolitan, 5 provincial). In assessing penalty, Stewards took into account his record and that the carelessness was in the low range.

**Plea:** Not Guilty

**DECISION**

Mr Joe Bowditch, you have pleaded not guilty to a charge of careless riding. It involves your ride on “The Moors” in Race 5 over 1600 metres at Werribee on Sunday, 4 December 2022. The other horses involved were ridden by Mr Robbie Downie and Mr Daniel Moor. The incident which resulted in the charge occurred after the horses had travelled approximately 200 metres.

I have viewed the video material numerous times. There are in essence two video angles, but only the earlier angle shown at the start of the videos is of any real assistance. It was highlighted by both Mr James Hitchcock, on behalf of the Stewards, and Mr Matthew Hyland, on your behalf.

The interference to Mr Downie’s mount can be detected, but I say now that it is not particularly marked. Your horse drew to the outside of Mr Downie and Mr Moor was to his inside. The incident occurred when the horses were still getting into their settled positions. Allowing for the fact that the two inside gates were not occupied, Mr Moor effectively started from gate 3, Mr Downie from gate 4 and you from gate 6.

The horse from gate 5 began well, crossed, and went to the lead on the rails. The horse from gate 2 effectively went to its outside. Mr Moor followed it and remained behind it, one off the rails. Mr Moor could have crossed to the rails, but his instructions were to stay one off, and this is what he did – one off and behind Mr Brian Park, who was outside the leader. Mr Downie was on the outside of Mr Moor and thus effectively three wide, given the vacant spot on the rails. You were on his outside, effectively four wide, but about a length ahead of Mr Downie. After about 200 metres, Mr Moor shifted out marginally. At the same time, you moved in a little. Mr Downie was forced to check his mount, but then settled behind you three wide. Whilst the check can be seen, it could hardly be described as a major incident.

Indeed, it took a couple of viewings of the video and watching it almost frame by frame for me to be clear as to what happened. When interviewed after the race, you referred to the shift outwards by Mr Moor and added that “it’s probably just the last bit I’ve been a fraction tight on Robbie”, that being Mr Downie. Essentially, I agree with what you said.

Overall, I am of the view that the charge of careless riding has been made out, whilst essentially agreeing that it was a matter of a small to very small shift and that some movement, albeit also small, by Mr Moor contributed to the situation. I also accept that Mr Downie’s mount was not racing particularly generously before, during and after the incident.

The bottom line is that the charge of careless riding has been proven. I shall now hear the parties on the question of penalty.

**PENALTY**

Mr Bowditch, you have what was described by Mr Hitchcock as “a pretty good record” and I would agree with that. Your last suspension for careless riding was in May of this year. Whilst you pleaded “not guilty”, in essence you admitted some fault, however minor, on your part and did so from the time of the initial interview. The matter was contested more on the basis of this being a racing incident to which your contribution was minor. However, as stated, I have found that the charge has been made out.

I do agree that your contribution was not great. In my opinion, this was a minor incident, with some very small contribution from Mr Moor and I agree that the racing manners of Mr Downie’s mount were certainly not perfect.

In all the circumstances, in this somewhat unusual case, I uphold the appeal against penalty. You will not be suspended. You are severely reprimanded. I would repeat that this is a most unusual case. The Stewards were entitled to investigate what had occurred and bring a charge, as explained above. However, when all of the above circumstances are taken into account, a severe reprimand seems to me to be the appropriate penalty. Accordingly, the appeal is upheld and the penalty of a severe reprimand is imposed.

Mark Howard
Registrar, Victorian Racing Tribunal