15 November 2022

**DECISION**

**RACING VICTORIA**

**and**

**NASH RAWILLER**

**Date of hearing:** 10 November 2022

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

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

Mr Nash 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:** Nash Rawiller (Wyclif) pleaded guilty to a charge of careless riding under the provisions of AR131(a). The careless riding being near the 1500 metres he permitted his mount to shift in when insufficiently clear of Coolth, making contact with that gelding and taking it in off its course, resulting in Shultzy, which was following, being steadied to avoid the heels of Coolth. Nash Rawiller had his licence to ride in races suspended for a total of nine meetings to commence midnight 12 November 2022 and to expire midnight 20 November 2022 (2 metro, 7 provincial). In assessing penalty, the Stewards were of the view that the incident qualified for the low-range category of carelessness and took into account his guilty plea and record.

**Plea:** Guilty

**DECISION**

Mr Nash Rawiller, you have pleaded guilty to a charge of careless riding. It arose out of your ride on Wyclif in Race 2 at Flemington over 2000 metres on Saturday, 5 November 2022. The alleged interference occurred in the vicinity of the 1500 metre mark. Other jockeys involved were Mr Jamie Mott, riding Coolth, and Mr Craig Newitt, riding Shultzy.

You pleaded guilty when interviewed by the Stewards and a suspension for nine meetings was imposed. That suspension commences as at midnight on Saturday 12 November 2022, and, as stated, is for nine meetings, which, given two meetings on Friday, 18 November 2022, would mean suspension ending at midnight on Sunday, 20 November 2022. You are appealing against the severity of that penalty. In this appeal, Mr Robert Cram appeared on behalf of the Stewards and Mr Tim Horne, solicitor, appeared on your behalf. I thank both for the very capable and succinct manner in which each put his case and I thank Mr Horne for his helpful written submissions.

I have viewed the relevant video. As stated, the interference occurred at about the 1500 metre mark. Approaching that point, you were racing approximately three horses out from the rails, although at times perhaps a little more tightly. Mr Mott was to your immediate inside, one off the rails. Mr Newitt’s mount had been slowly away and was back on the rails. It made up ground on the rails, although not hard ridden. Approaching the point of the interference, there was clearly room for Mr Newitt to push up on the inside of Mr Mott. This he did. However, you put pressure on Mr Mott, effectively forcing him to the rails. Mr Newitt had to check his mount, appearing to grab the reins twice, with the horse turning its head towards the rails. It lost something in the order of a length and continued to race on the rails. Mr Mott was effectively forced into the gap which Mr Newitt could have taken.

This was not gross interference. Mr Cram described it as a low range charge. He described your record as neutral. Overall, the Stewards arrived at a penalty of suspension for nine meetings.

Several references were made by Mr Horne to penalties in similar cases. To my mind, there is a clear distinction between your record and that of Mr James McDonald, a decision handed down on Tuesday, 8 November 2022, and which resulted in a reduction of penalty of one meeting. In that appeal, it was emphasised that Mr McDonald’s record was outstanding, with no suspension for approximately eighteen months, and with over 1,000 rides in three countries and numerous rides in high class races during that period.

Your record is far from outstanding. In this racing year, you have had four suspensions for a total of 39 days. Mr Cram described your record as “neutral”, and the Stewards allowed no deduction for it. I do not think that “neutral” is an unfair description. I am also of the view that the level of interference, whilst low range, was a little in excess of that caused by Mr McDonald.

I appreciate that you have long been a highly successful and very talented jockey. However, it seems to me that, in all the circumstances, the penalty imposed by the Stewards is a fair and reasonable one.

The appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal