7 October 2024

**DECISION**

**RACING VICTORIA**

**and**

**JOSEPH BOWDITCH**

**Date of hearing:** 19 September 2024

**Date of decision:** 19 September 2024

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

**Appearances:** Mr Jason Shultz appeared on behalf of the Stewards.

Mr Matthew Hyland represented Mr Joseph Bowditch.

**Charge:** Australian Rule of Racing (“AR”) 131(a) states:

(1) A rider must not, in the opinion of the Stewards:

(a) engage in careless, reckless, improper, incompetent or foul riding.

**Particulars:** Rider, Joseph Bowditch (His Zedness), was found guilty of a charge of careless riding under the provisions of AR131(a), in that passing the 900m he failed to make sufficient effort to prevent his mount shifting in when not fully clear of Vic Reel, which was crowded for room having to be restrained and losing its rightful running. Mr Bowditch had his licence to ride in races suspended for a total of 9 race meetings (2 Metropolitan, 7 provincial), with the period to commence on 23 September 2024 and to expire on midnight 30 September 2024. Accordingly, J Bowditch can resume riding on 1 October 2024. In assessing penalty, account was taken of his record and that the incident was deemed to be in the low-range.

**Plea:** Not Guilty

**DECISION**

Mr Joseph Bowditch, you are appealing against the decision of the Stewards arising out of your ride on “His Zedness” in Race 4 over 2,218 metres at Donald on 14 September 2024. The incident which forms the basis of the charge occurred near the 900 metre mark. The other horse principally involved was “Vic Reel”, ridden by Mr Jack Hill.

I have watched the video replay of the race and of the incident many times. There is no doubt but that shortly before it occurred you had moved into a three wide position outside the leading pair. Mr Jake Noonan was to your immediate inside. He does not feature in this appeal. Mr Hill was to the inside of Mr Noonan and a little ahead of him. This was your first ride on His Zedness. It is a horse that has a history of overracing and racing keenly.

I accept that on this occasion the horse settled back in the field. At about the 1200 metre mark you allowed the horse to stride forward because of its overracing and the difficulty in controlling it. You pulled out three wide as described. It can be seen on the video that, shortly before the 900 metre mark, you looked to your inside and then crossed to the rails. No interference was cause to Mr Noonan. However, you continued to the rails and in so doing, interference was cause to Mr Hill, causing him to have to check his mount quite noticeably.

Your horse went to the rails, but continued not to settle and raced vigorously. Ultimately, it finished last.

The arguments advanced by you and by Mr Matthew Hyland on your behalf centred upon the horse’s racing history and what a difficult mount it is, even for an experienced and accomplished jockey, such as yourself. Attention was focussed upon the way that it races and how it behaved in this particular race.

Firstly, I accept that. However, in my opinion, you looked and then crossed towards the rails and when so doing, you were not sufficiently clear of Mr Hill. I accept that and understand that this is a difficult horse to ride. However, the bottom line is that you looked and then you made a move to the rails when insufficiently clear of Mr Hill, causing interference.

Taking into account all the circumstances, I am comfortably satisfied that the charge has been proven. I shall hear the parties on the question of penalty.

**PENALTY**

This is a somewhat unusual case.

In relation to penalty, I take into account that this was a plea of Not Guilty. I also take into account that there was little dispute concerning the occurrence of the interference or concerning the fact that this was and is a difficult horse to ride with a history of racing ungenerously, as it did on this occasion. I also note that you are an experienced and accomplished jockey, doubtless placed on the horse because of that and because of His Zedness’ racing record. Further, this interference was in the low range. There is no argument concerning that.

As I stated, this is a somewhat unusual case. I further note that this was not a frivolous plea of Not Guilty with very little foundation.

In those circumstances, I am prepared to give a larger discount than that allowed by the Stewards.

In these unusual circumstances, the appeal against penalty is upheld and the penalty varied from a suspension of nine meetings to a suspension of seven meetings.

I shall leave it to the parties to fix the commencing date of the suspension, but am available in the unlikely event that I am required so to do.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal