



RACING APPEALS AND DISCIPLINARY BOARD

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APPEAL DECISION

BRAD RAWILLER
and
RACING VICTORIA STEWARDS

Date of Hearing: 29 August 2016

Heard By: Mr Brian Forrest (Deputy Chair).

Appearances: Mr Robert Cram appeared on behalf of the stewards.
Mr Rawiller appeared on his own behalf.

At Sandown Hillside on Wednesday, 24 August 2016, jockey Brad Rawiller was found guilty of a charge of careless riding on his mount *Craven Image* in Race 1 *The Cove Hotel Plate* (1600m).

The carelessness being that near the 600m he permitted his mount to shift out when insufficiently clear of *Eschatology* resulting in *Eschatology* having to be checked when tightened for room between *Craven Image* and *Dama Krystyna*.

Mr Rawiller had his licence to ride in races suspended for a period to commence at midnight on Saturday, 27 August 2016 and to expire at midnight on Tuesday, 6 September 2016 – a total of 10 race meetings (2 metro, 8 provincial). In assessing penalty Stewards took into account his excellent record and that the carelessness was in the mid-range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Thursday 25 August 2016. A stay of proceedings was not requested.

DECISION: Appeal against conviction dismissed.
Appeal against severity of penalty allowed.

Penalty varied so that the period of suspension will now expire at midnight on Saturday, 3 September 2016 (7 race meetings).

Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

MR B. FORREST, Deputy Chairman

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE COVE HOTEL PLATE OVER
1600 METRES AT SANDOWN HILLSIDE ON 24/8/16**

BRAD RAWILLER

and

RACING VICTORIA STEWARDS

400 EPSOM ROAD, FLEMINGTON

MONDAY, 29 AUGUST 2016

MR B. RAWILLER appeared on his own behalf

MR R. CRAM appeared on behalf of the RVL Stewards

DEPUTY CHAIRMAN: Jockey Brad Rawiller has appealed a careless riding charge and a 10-meeting suspension from 27 August 2016 to midnight Tuesday, 6 September 2016 when he rode Craven Image in race 1 at Sandown on Wednesday last, 24 August.

Stewards found that Brad Rawiller shifted out near the 600 metres when not sufficiently clear of Eschatology, ridden by Katelyn Mallyon, resulting in her mount having to be checked and tightened for room between Craven Image and Dama Krystyna, ridden by Stephen Baster.

Brad Rawiller, who pleaded not guilty, told Stewards at the inquiry on race day that 50 to 100 metres prior to the incident, he had shifted about three-quarters of a horse from the fence and held that position, in his words, to give himself some options. He did not agree that he ended up outside the line of the leading horse. He disputed that he caused the interference. Today, before this Board in any event, he claimed that Stephen Baster's mount was the cause of the interference.

Katelyn Mallyon told stewards that her mount was racing ungenerously with Brad Rawiller on her inside, and Stephen Baster who was on her outside was holding his ground. She said she was put in a tricky spot, tightened for room and ended up on heels. She was unsure of where the tightening came from and whether she had to check from the heels of the horse on her inside or outside. After looking at the video, she replied:

Well, it sort of looks like maybe Brad's and then late it was sort of Stevie's.

In response to a question from Brad Rawiller during the Stewards' hearing, Katelyn Mallyon answered:

I don't think it was all your fault. I do think Stephen Baster had shifted in a touch. He was definitely holding me tight for a long way and didn't help the situation.

It is noted that Luke Nolen, who was riding Primostrat one off the fence and had horses on his outside at the point in question had to take hold of his mount and come back to avoid Katelyn Mallyon who was coming back on him as there was no room on his outside.

Stephen Baster, who was racing in a three-wide position, said that about 50 metres before the incident, his mount ducked in and then came out and that at the time of the incident he may have rolled in a little.

Having read the transcript of the stewards' inquiry, heard the evidence and submissions today and viewed the race film, I am satisfied that Katelyn Mallyon at the point of the interference shown on the film checks away from Brad Rawiller who thought he was clear of Katelyn Mallyon when he shifted out but in fact was not.

The Stewards regarded Stephen Baster as not a contributing factor, yet Katelyn Mallyon, who was the recipient of the interference, was not so sure. Her evidence was somewhat equivocal and suggested Baster's mount, by its behaviour, may have contributed to a minor extent, and I accept that this may have been a factor. However, I am satisfied that Brad Rawiller, in shifting out, was primarily responsible for the interference and accordingly the appeal against conviction is dismissed.

I feel that the film does not entirely exclude the fact that there may have been some contribution by Baster to the interference and some support for that is certainly from the evidence of Katelyn Mallyon. I feel that the penalty should be varied to take that into account, varied to the extent that the suspension will be for a period of seven meetings, to expire midnight on Saturday, 3 September 2016.
