

## APPEAL RESULT

---

**DISTRIBUTION:** Chief Executive  
Group Integrity Services  
Group Racing and Group Racing Development  
VJA  
TVN  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 22 October 2012

**SUBJECT:** **APPEAL HEARING RESULT – JOCKEY: BRAD RAWILLER**

---

**Panel** Judge Russell Lewis (Chair), Mr Chris Enright, Mr Bill Kneebone.

**Appearances** Mr Rawiller appeared on his own behalf.  
Mr Corie Waller appeared on behalf of the Stewards.

---

At Warrnambool on Thursday, 18 October 2012 jockey Brad Rawiller was found guilty of a charge of careless riding on his mount *Puissance de Lune* in Race 5 the *Nifty's Fabulous Fifty BM 89 Handicap* (2200m).

The careless riding being that he allowed his mount *Puissance de Lune (IRE)* to shift out rounding the home turn when there was insufficient room to do so making significant contact with *My Chicharita (NZ)* which was taken out onto *Fine Calibre* resulting in *My Chicharita (NZ)* and its rider M Walker becoming severely unbalanced.

Mr Rawiller had his licence to ride in races suspended for a period to commence at midnight on Saturday, 20 October 2012 and to expire at midnight on Tuesday, 30 October 2012 - a total of 11 race meetings (2 metro, 9 country).

In assessing the matter stewards took into account his good recent record and deemed the incident to be in the mid range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Friday, 19 October 2012. A stay of proceedings was not requested.

---

**DECISION:** **Appeal against decision dismissed.**  
**Appeal against severity of penalty allowed.**

**Penalty varied - the period of suspension to now expire at midnight on Friday, 26 October 2012.**

**TRANSCRIPT OF  
PROCEEDINGS**

---

**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR C. ENRIGHT  
MR W. KNEEBONE**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE NIFTY'S FABULOUS FIFTY  
BENCHMARK 89 OVER 2200 METRES AT WARRNAMBOOL  
ON 18/10/12**

**JOCKEY: BRAD RAWILLER**

**MELBOURNE**

**MONDAY, 22 OCTOBER 2012**

MR C. WALLER appeared on behalf of the RVL Stewards

MR B. RAWILLER appeared on his own behalf

---

CHAIRMAN: In this rather interesting case, it should be said that the Board is satisfied that Brad Rawiller was careless in shifting ground when there was insufficient room, thereby making contact with My Chicharita.

However, the Board is not satisfied that the consequence of the contact resulted in My Chicharita being taken out onto Fine Calibre in the way claimed by the Stewards. Despite Walker describing the contact as closer to high, the Board notes that Walker was not aware at that stage that there was anything amiss with his mount, he continuing to push it along. Further, the Board is satisfied that a few strides before contact was made between Walker's mount and Rawiller's mount, Walker became unbalanced in the saddle, which is conceded by the Stewards, and that it could not be excluded that the cause of the unbalancing was an injury to My Chicharita's off foreleg.

In imposing a penalty of 11 race meetings, the Stewards came to the view that the shift resulted in heavy contact and that My Chicharita was taken out onto Fine Calibre, impliedly holding that the injury to the horse was not a contributing factor.

The evidence has left the Board in the position where it is not satisfied that the Appellant's carelessness was the sole cause of the consequence which followed from the contact between the horses. Accordingly, the penalty should be varied because the degree of carelessness was not in the mid-range but rather in the lower registers of the low range.

The only question remaining is the penalty to be imposed by the Board. The Board takes into account the fact, as did the Stewards, of the Appellant's recent good record and is prepared to reduce the period of suspension. The Board intends to impose a penalty whereby the period of suspension would expire at midnight on Friday, 26 October 2012. The Board would take a lot of convincing that it should be reduced any further than that. We feel that we are being generous in coming to that view. The period of suspension is varied to expire at midnight on Friday, 26 October 2012.

---