



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: 28 October 2011

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

Panel Judge Russell Lewis (Chair), Mr Darren McGee, Mr Graeme Ward.

Appearances Mr Liam Prior appeared on behalf of Mr Rawiller.
Mr Peter Ryan appeared on behalf of the Stewards.

At Bendigo on Wednesday, 26 October 2011 jockey Nash Rawiller was found guilty of a charge of careless riding on his mount *Star Bender* in Race 1 the *Schweppes Tonic Maiden Plate* (1100m).

The careless riding being that after passing the 900 metres he permitted his mount to shift in when not sufficiently clear of *Hesitant*, taking that gelding in off its course and having to be checked off the heels of *Niji*.

Mr Rawiller had his licence to ride in races suspended for a period to commence at midnight on Saturday, 29 October 2011 and to expire at midnight on Sunday, 6 November 2011 - a total of 8 race meetings (3 metropolitan, 5 country). In assessing penalty Stewards deemed the incident to be in the low range and took into account Nash Rawiller's record and the feature meetings the suspension included.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Thursday, 27 October 2011.

DECISION: Appeal against decision dismissed.

Penalty varied – period of suspension to now expire at midnight on Friday, 4 November 2011 (6 race meetings).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR D. McGEE
MR G. WARD**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE SCHWEPPE'S TONIC MAIDEN PLATE
OVER 1100 METRES AT BENDIGO ON 26/10/11**

JOCKEY: NASH RAWILLER

MELBOURNE

FRIDAY, 28 OCTOBER 2011

MR P. RYAN appeared on behalf of the RVL Stewards

MR L. PRIOR appeared on behalf of the Appellant

CHAIRMAN: In this appeal, the Board is satisfied that Nash Rawiller permitted his mount to shift in when not sufficiently clear of Hesitant, ridden by Dan Nikolic, and that he, Nash Rawiller, when able to do so, did not take remedial action to straighten his mount.

Having said that, the Board is satisfied that both horses were inclined to race greenly, that there was minor contribution from Nikolic's mount in that he had some pressure from the inside, and that these factors, coupled with the degree of interference, means that the carelessness was in the lower register of the low range, but it follows that the appeal against conviction is dismissed.

DISCUSSION

As I indicated in announcing the decision of the Board in relation to the question of conviction, the Board is satisfied that there was a minor contribution from Dan Nikolic's mount and that should be reflected in the penalty, as well as the other factors I have referred to.

In the circumstances of this case, the Board is prepared to vary the penalty imposed. Accordingly, the suspension will now expire at midnight on Friday, 4 November 2011.

END OF EXTRACT