

RACING APPEALS TRIBUNAL

RAT 9/2017

DATE OF HEARING: TUESDAY, 21 MARCH 2017

TRIBUNAL: **PRESIDENT:** MR T ANDERSON QC
ASSESSOR: MR Richard Best
**MR M SANTORO, ACTING CHAIRMAN OF STEWARDS,
THOROUGHBRED RACING SA LTD**
APPELLANT: MR J BOWDITCH

IN THE MATTER of an Appeal by **MR JOE BOWDITCH** against a decision of Thoroughbred Racing SA Ltd Stewards.

BREACH OF RULE: ARR 137(a) – Any rider may be penalised if, in the opinion of the Stewards:

(a) He is guilty of careless, reckless, improper, incompetent or foul riding.

PENALTY: SUSPENSION OF LICENCE TO RIDE FOR 12 MEETINGS

DETERMINATION

This is an appeal against conviction and penalty by licensed jockey Mr Joe Bowditch.

On 22 February 2017 Mr Bowditch rode a horse called 'Let's Tango' in race 7 at Strathalbyn.

As a result of an incident that occurred in the race, Stewards charged Mr Bowditch with reckless riding, a breach of rule 137(a) of the Australian Rules of Racing which states:

Any rider may be penalised if, in the opinion of the Stewards,

(a) He is guilty of careless, reckless, improper, incompetent or foul riding

The incident occurred in an 1100-metre race between the 1000- and 900-metre mark when the horses were all taking up position. Jockey Mr Damien Thornton was riding another horse and was inside the horse ridden by Mr Bowditch, with Mr Thornton's horse on the running rail. A horse ridden by another jockey, Mr Potter, went past Mr Bowditch on the outside and took up the front running.

The video of the race shows clearly that Mr Bowditch rode his horse across the running of Mr Thornton. It is clear from the footage of the race that the horse ridden by Mr Thornton raised its head in the air and stopped moving forward for a time. Although, as Mr Thornton told the Stewards, he didn't actually check the horse, it effectively checked itself. Nevertheless, Mr Thornton did stop riding the horse and as a consequence it lost ground.

When spoken to by the Stewards at their Inquiry, Mr Bowditch told the Stewards that he was "not going to be dictated to sit three-wide" because "I'd look like an idiot."

Mr Bowditch disputed that this was reckless riding. In fact, he went as far as saying it was not even careless riding. I disagree with him on both counts.

It clearly was careless riding at the very least and I was left in no doubt, having viewed the footage several times and having listened to the arguments by the Stewards and those put by Mr Bowditch, that this was a deliberate act on his part, amounting to recklessness.

He did not want to be kept three-wide, he forced his hand, and as Mr Santoro for the Stewards put it, he threw caution to the wind and was indifferent to the consequences.

In my view, Mr Bowditch's actions could have had dire consequences. The field were all taking up position and the horses were moving rapidly into the positions their riders wanted them to occupy. Any clipping of heels at that stage could have had disastrous consequences with the balance of the field potentially at risk behind the leaders.

I have no doubt, from looking at the footage and hearing the arguments, that this was reckless riding and in particular it was a deliberate and calculated act on Mr Bowditch's part to gain a better position.

The result of the appeal against conviction is that the appeal is dismissed.

In relation to penalty, Mr Bowditch argued that it was a ridiculous penalty - that is, the 12 meetings he was suspended for. I do not agree. I think it was a serious matter and I consider that the 12-meeting suspension by the Stewards was quite appropriate in the circumstances.

Mr Bowditch is currently facing a 3 meeting suspension for careless riding which expires on Wednesday, 29 March 2017. In my view it is not appropriate in this matter to make the two penalties concurrent.

Therefore, the 12-meeting suspension, which I have upheld, will commence at midnight on Wednesday, 29 March 2017 and continue for 12 meetings, which I am informed takes it up to Saturday, 22 April 2017.

I order that the refundable part of the bond be refunded to Mr Bowditch.