



INQUIRY INTO THE RIDING OF *BULLAWA CREEK* IN RACE 7, THE MCDONALDS TAMWORTH
COUNTRY BOOSTED CLASS 2 HANDICAP 1000M AT TAMWORTH RACECOURSE ON
TUESDAY, 21 MAY 2024

Tamworth Stewards Room

27 May 2024

Stewards: **S G Railton (Chair)**
J P W Prior
K E Blanch
A H Merrick

Racing NSW Stewards today conducted an inquiry into apprentice jockey Cobi Vitler's handling of Bullawa Creek in Race 7 The McDonalds Tamworth Country Boosted Class 2 Handicap at Tamworth Racecourse on Tuesday, 21 May 2024.

Evidence was taken from apprentice Vitler, his master licensed trainer Mr Brett Cavanough and Mr Cody Morgan, the trainer of Bullawa Creek. Evidence was also taken from apprentice jockey Ms Sienna Grima, who gave evidence in respect of the instructions given by Mr Morgan to apprentice Vitler pre-race and also from approved rider and stable foreperson Mr Todd Bailey who provided evidence in respect of the breathing issues displayed by Bullawa Creek in its trackwork. Racing NSW Veterinary Officer Dr Rose Bensley assisted the inquiry and RNSW Betting Analyst Mr Craig McDonald provided a written report on the wagering on the event.

After the consideration of all evidence, apprentice Cobi Vitler was issued the following charge under AR129(2) which states:-

AR129(2) *A rider must take all reasonable and permissible measures throughout the race to ensure that the rider's horse is given full opportunity to win or to obtain the best possible place in the field.*

The details of the charge being that when he rode *Bullawa Creek* in Race 7, The McDonalds Tamworth Country Boosted Class 2 Handicap at the Tamworth Jockey Club meeting on Tuesday, 21 May 2024, he failed to take all reasonable and permissible measures to ensure that *Bullawa Creek* was given full opportunity to win or obtain the best possible place in the field by reason of the following particulars;

1. After restraining *Bullawa Creek* from the start and settling at the rear of the field, then between the 700 metres and the home turn near the 400 metres he allowed his mount to drift further back to be positioned approximately 4 lengths behind *Schwoon* and during this part of the race he did fail to ride his mount with sufficient purpose and vigour to be positioned closer to *Schwoon* when it was reasonable and permissible to do so.
2. From the entrance to the home straight near the 350 metres to the finish of the race he did fail to place *Bullawa Creek* under any pressure and ride that horse with any purpose and vigour when it was reasonable and permissible to do so.

3. *Bullawa Creek* finished ninth in the event 2.56L from the 4th placegetter *Sunday Bell* and 3.94L from the winner *Somerton Sniper* and his actions as outlined individually and collectively in particulars 1 and 2 prejudiced his horse's chances of winning or obtaining the best possible place in the field.

Plea: Guilty

Penalty Considerations

Stewards considered the following matters when assessing penalty –

1. Guilty plea and contrition for his ride.
2. Nature of the offence & the explanation offered regarding his ride being influenced by *Bullawa Creek* making a respiratory noise.
3. Relative inexperience with Cobi Vitler having ridden in races for less than 12 months.
4. Personal and professional circumstances.
5. Principle of specific and general deterrence and what message is to be sent to the industry, and greater public, in respect to such conduct.
6. Purpose for issuing penalties as a protective measure for the image and integrity of the thoroughbred Industry.

Penalty Imposed

Stewards determined the starting point for the offence be a suspension of apprentice Vitler's license to ride in races for 3 months. Taking into account his guilty plea and other mitigating factors, stewards issued a suspension of his license to ride in races for a period of 2 months. Stewards ordered such suspension to commence on Sunday, 2 June 2024 and expire on Friday, 2 August 2024, on which day he may ride.

Rule Breaches & Penalties imposed – Mr Cody Morgan

Trainer Mr Cody Morgan pleaded guilty to being in breach of AR105(b) for having failed to notify Stewards by nomination time that *Bullawa Creek* had been subject to surgery on 31 October 2023 and again on 5 December 2023 to correct a breathing abnormality. Stewards imposed a fine of \$750, reduced from \$1000 for his guilty plea.

Mr Morgan was also found guilty of being in breach of AR100(1)(a) for having failed to notify Stewards of his instruction to Apprentice Vitler to ride *Bullawa Creek* back in the field from the outside barrier which was different to the manner in which the horse was ridden at its most recent start. Mr Morgan was fined \$250.

Ban imposed on Bullawa Creek

Mr Morgan was advised that in light of the evidence tendered at the inquiry and having regard to all of the circumstances of the race in question, prior to being permitted to race again, *Bullawa Creek* will be required to pass a series of official barrier trials following which the horse will undergo an official veterinary examination.

Relevant Rules of Racing

AR 100 Notifications in relation to changed riding instructions

- (1) *A trainer or the trainer's authorised representative:*

- (a) *Must notify the Stewards of any instruction or arrangement to the effect that a horse is to be ridden in a manner different to how the horse was ridden at its most recent start or starts;*

AR 105 Matters that may affect the running of a horse in a race

- (1) *The trainer of a horse, or any person that is in control of a horse, that is nominated for a race must:*
- (b) *By nomination time, report to Stewards any occurrence, condition, surgery or treatment that may affect the horse's performance in the race where the occurrence takes place, condition is present, surgery is performed or treatment is administered before nomination time*