

APPEAL PANEL OF RACING NSW

APPEAL OF LICENCED JOCKEY NASH RAWILLER

PANEL: MR R BEASLEY SC, PRESIDING MEMBER; MR C TUCK; MRS J FOLEY

APPEARANCES: Racing NSW MR M VAN GESTEL, CHAIRMAN OF STEWARDS

Appellant MR T CRISAFI, CEO NSW JOCKEY'S ASSOCIATION

REASONS FOR DECISION - 25 MARCH 2021

1. On 17 March 2021, licenced jockey Nash Rawiller rode the horse Petronius in race 6 at the Kensington Track meeting that day.
2. Following the race, he was charge with and pleaded guilty to a breach of AR 131(a) of the Australian Rules of Racing, the careless riding rule. The particulars of the alleged breach were that the appellant:
“...as the rider of Petronius...did near the 50m permit your mount to shift out whilst riding it along when insufficiently clear of Julian Rock, resulting in Julian Rock having to be checked and losing its rightful running...”
3. The Stewards penalised the appellant with a suspension of his licence to ride from 26 March 2021 until 4 April 2021 (a five-meeting suspension). He has appealed against the severity of the penalty imposed.
4. At the appeal today, the Stewards were represented by Mr Marc Van Gestel, the Chairman of Stewards. The appellant was represented by Mr Tony Crisafi, the CEO of the NSW Jockey's Association. The appeal bundle containing the transcript from the Inquiry, and film of the race, was tendered (Ex A and B respectively).
5. The film of the race clearly established breach of the careless riding rule. What was at issue was only whether the grading should be considered “low” rather than “medium”, which would alter the length of the suspension by application of the Careless Riding Penalty Template – by reducing it by two meetings.
6. Mr Crisafi submitted that Petronius tends to hang in, which is supported by the evidence of the appellant at the Stewards' Inquiry. The appellant had recommended use of a “pricker” because of this. He otherwise admitted a “miscalculation” of not

realising he was not sufficiently clear of the horse Julian Ross when riding out Petronius.

7. The Panel accepts that the appellant is an outstanding rider, but on this occasion, with respect, he was not an outstanding appellant. The film of the race clearly justifies, in our unanimous view, a finding of carelessness that is comfortably in the “medium” grade range. The appeal against penalty is dismissed.
8. Mr Van Gestel submitted it would be appropriate for the Panel to exercise its discretion under LR107(2)(c) to make the start date of the suspension Sunday 28 March so that the appellant may honour rides in this Saturday’s Golden Slipper meeting. That is agreed to, and so the appellant’s suspension is to commence on Sunday 28 March 2021, and expires on 7 April 2021, on which day the appellant may ride.

Orders:

1. Appeal against severity of penalty dismissed.
2. Penalty of a 5-meeting suspension is confirmed, with that penalty to commence on Sunday 28 March 2021 (through exercise of discretion under LR107(2)(c)), and is to end on 7 April 2021, on which day the appellant may ride.
3. Appeal deposit forfeited.