

RACING APPEALS TRIBUNAL

RAT 11/15

DATE: 20 August 2015

TRIBUNAL: PRESIDENT: TIM ANDERSON QC

ASSESSOR: MR GLYNN PRETTY

MR J PETZER, CHAIRMAN OF STEWARDS,
THOROUGHBRED RACING SA LTD APPEARS FOR
STEWARDS

APPELLANT: MR J BOWDITCH

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

BREACH OF RULE: 137 (a) – Careless Riding

PENALTY: REPRIMAND

FINAL DETERMINATION

This is an appeal from the decision of the Stewards as a result of an incident which occurred at Morphetville Park on Saturday, 20 June 2015 in Race 6 when Mr Joe Bowditch was the rider of a horse called *Edge of War*.

Following the enquiry by the Stewards, the Stewards charged Mr Bowditch under Rule 137(a) which reads:

“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 Stewards maintain that the vision of the race from several different angles shows that Mr Bowdich was careless. Mr Bowdich denies this. Mr Bowdich did not plead at the time of the enquiry and the Stewards proceeded accordingly on the basis of a not guilty plea.

I have seen the vision of the film from several different angles and it is clear, as Mr Bowdich freely admitted, that there was a form of incident which occurred at about the 1200 metre mark. Mr Bowdich accepts that there may have been momentary inconvenience caused to *Redeem Bounty* ridden by Mr Toeroek, at or about that 1200 metre mark. Mr Bowdich accepts that he made an error in easing his mount as he was crossing. He maintains that at the time he commenced to cross, he was two lengths clear. The Stewards dispute this and say that he was between 1¼ and 1½ lengths clear when he made this move.

It is impossible to resolve this dispute from the vision, so I will proceed on the basis of Mr Bowdich's admission that there was an incident and some inconvenience caused.

Clearly, there are degrees of carelessness. In my view this riding did come within the definition of carelessness but very much at the lower end of the scale and in particular, in relation to the consequences. I disagree with the statement made by Mr Hales, the Steward reporting the incident, who was not called to give evidence in the appeal. He told the Stewards that as a result of Mr Bowdich's move, Mr Toeroek had to steady and lose his position. That is not apparent to me or to Mr Pretty (the Assessor) from a close examination of the film from all angles. There is nothing to support the suggestion that Mr Toeroek lost position.

Having regard to all of the matters that I have to take into account, I believe that the penalty imposed on Mr Bowdich of four meetings is too severe. It was, I say, an incident at the lower end of the scale. It was an unfortunate incident and Mr Bowdich has admitted that he made an error. Unfortunately for him that error does come within the concept of carelessness, in my view. However, it is my view that the appropriate penalty in this matter is for a reprimand only.

I order that the bond money be refunded.