

Non Raceday Inquiry RIU v R T Mcllwrick - Decision dated 1 April 2021 - Chair, Mr N Skelt

Rules:

Repondent(s)/Other parties:

Name(s):

Decisions:

**BEFORE A JUDICIAL COMMITTEE
OF THE JUDICIAL CONTROL AUTHORITY
HELD AT CHRISTCHURCH**

IN THE MATTER of the New Zealand Rules of Harness Racing

IN THE MATTER of Information No. A10672

BETWEEN V MUNRO, Stipendiary Steward for the Racing Integrity Unit

Informant

AND RT MCILWRICK of Oamaru, Licensed Open Driver

Respondent

Judicial Committee: Mr N Skelt (Chair)

Venue: Wyndham Racecourse, Wyndham

Present: Mr V Munro, the Informant

Mr RT Mcllwrick, the Respondent

Mr M Davidson, Stipendiary Steward

Ms R Haley, Stipendiary Steward

Date of Hearing: 1 April 2021

Date of Decision: 1 April 2021

DECISION OF JUDICIAL COMMITTEE

Evidence

Following the running of Race 6 the McKnight/Brown Mobile Pace 2200m an Information was filed by Stipendiary Steward, Mr V Munro against Licensed Open Driver, Mr R Mcllwrick alleging that as the Driver of TULSA JACCKA in the race he drove carelessly near the 850 metre mark, shifting ground and causing MATRIKA (M Williamson) to break as a consequence.

Mr Mcllwrick has signed the Information indicating he admitted the breach and he confirmed he understood the Rule when present at the hearing.

Rule 869 provides as follows: - (3) *no driver shall in any race drive (B) carelessly.*

Informant's Submissions

Stipendiary Steward, Mr Munro outlined the charge stating that some of the video films of the incident were distorted due to the angles, however the head-on film gave an accurate account of the incident.

Mr Davidson demonstrated on the video clip TULSA JACCKA shifting ground outwards when not sufficiently clear of MATRIKA (M Williamson) who was travelling on the outside of TULSA JACCKA.

Mr Munro stated that there had been some tear away pacemakers and MATRIKA had received a tough run. Mr Munro added that Mr Williamson (MATRIKA) had confirmed his observation and that MATRIKA would not have finished in a Stake bearing place.

Respondent's Submissions

Mr Mcllwrick confirmed Mr Munro's version of events and that he had made an error of judgement.

Decision

Mr Mcllwrick admitted the charge and it is found proved.

PENALTY SUBMISSIONS

Mr Munro stated Mr Mcllwrick has had 2126 lifetime drives, 279 last season and 190 this season.

Mr Munro said Mr Mcllwrick had a very good record and had admitted the breach. He believed the range of carelessness was low to mid-range.

Mr Mcllwrick stated he had up to 5 drives a meeting and Mr Munro confirmed Mr Mcllwrick drove regularly from Oamaru south.

REASONS FOR PENALTY

After considering submissions the JCA Penalty Guide has a starting point of a ten-drive suspension or a \$500 fine.

A fine was not appropriate in this case as the Rule highlights 'if a horse loses its chance due to interference then a suspension is appropriate'.

The Committee used a starting point as a 3-day suspension for a mid-range of carelessness with a one-day credit given for the early admittance and excellent driving record. It was also noted that whilst MATRIKA'S chances were extinguished as a result of the interference he would clearly have not finished in a Stake bearing place due to the tough run he had had up to the point of the interference.

PENALTY

Mr Mcllwrick is suspended from conclusion of racing on 1 April 2021 up to including 14 April 2021 (2 days).

N Skelt

Chair

Penalty: