

RACING NEW SOUTH WALES APPEAL PANEL

IN THE MATTER OF THE APPEAL OF MATHEW CAHILL

Appeal Panel: **Mr R Beasley SC – Principal Member**
Mr R Clugston
Mrs C Tuck

Appearances: **Racing NSW: Mr M Van Gestel, Chairman of Stewards**
Appellant: Mr Paul O’Sullivan, Solicitor

Date of Hearing: **8 February 2019**

Date of Decision **8 February 2019**

REASONS FOR DECISION

1. On 31 January 2019 the appellant Jockey, Mr Mathew Cahill, rode the horse Philip in an 800m race at the Parkes Racecourse.
2. Following the race, the Stewards inquired into interference and relatively serious checks suffered by the horses Valohresse and Young Jackson at about the 600m mark, on the first turn. That interference was caused by Mr Cahill’s mount, who shifted in towards those horses who were closer to the rail.
3. Mr Cahill was charged with a breach of AR 137(a), which relates to careless riding. He was alleged to have kept riding his mount with vigour when it shifted in. Instead, it was suggested he should have stopped riding and straightened his horse.
4. After viewing film of the race, and hearing evidence and submissions, the Stewards found Mr Cahill to have breached AR 137(a). They judged his carelessness to be of medium grade. Applying the penalty guidelines, he was suspended for 7 meetings.
5. On appeal, the Chairman of Stewards, Mr Marc Van Gestel, submitted that the film of the race (exhibit B on appeal, with the appeal book being exhibit A) demonstrated that the particulars of the offence were made out. While he conceded that Jockey Greg Ryan, who was riding French Giggle to the outside of the appellant’s horse, shifted in

also, he maintained that a greater attempt should have been made by Mr Cahill to stop riding, straighten his mount, and not cause the interference that he did.

6. Mr Paul O’Sullivan, appearing for Mr Cahill, submitted that (consistent with Mr Cahill’s evidence) Greg Ryan’s horse shifted in considerably, and “intimidated” Mr Cahill’s horse, causing it to shift in. He suggested that Mr Cahill did attempt to turn his horse out and away from the horses on the fence, and had been calling out to Mr Ryan for 40m or so to warn him about shifting in. He submitted no carelessness was involved. If there was any carelessness by Mr Cahill, Mr Ryan’s horse played a large contributory role in the interference caused.
7. Having viewed the film multiple times, we consider that Mr Cahill did breach the rule. At all times he kept riding vigorously. He should have made more of an attempt to straighten his mount and stop riding.
8. However, we also accept Mr Cahill’s evidence that he thought he might risk clipping the heels of Mr Ryan’s horse if he stopped riding, although that was not particularly borne out by the film. We also accept that he did make some attempt to turn his horse away from shifting in. For those reasons, we grade the carelessness here as of a low grade, not a medium grade. This results in a 6-meeting suspension applying the penalty guidelines.
9. Further, we are of the view that Mr Ryan’s horse did shift in considerably, and did intimidate Mr Cahill’s horse into shifting in. We take the view that Mr Ryan’s horse was an equal contributor to the interference ultimately caused as any carelessness of Mr Cahill’s. Accordingly, we would discount the 6-meeting penalty by 50%, and impose a three-meeting suspension.
10. The Panel makes the following orders:
 1. Appeal against finding of breach of AR 137(a) dismissed.
 2. Finding of breach of AR 137(a) confirmed.
 3. Appeal against severity of penalty allowed.
 4. In lieu of a seven-meeting suspension, the appellant is penalised by way of a three-meeting suspension.

5. Appeal deposit to be refunded.