

APPEAL PANEL OF RACING NSW

APPEAL OF LICENCED JOCKEY MATHEW CAHILL

PANEL: Mr R Beasley SC; Mr C Tuck; Mr P Losh

APPEARANCES: **Racing NSW** Mr M Van Gestel, Chairman of Stewards

Appellant In person

REASONS FOR DECISION – 1 April 2021

The Presiding Member

1. On 27 March 2021, licenced jockey Mathew Cahill rode the horse Conspiratrix in race 4 at Wellington, which won the race comfortably.
2. Following the race, he was charged with 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:

“...did direct [his] mount inwards when insufficiently clear of Flashin, which as a result had to be checked and lost its rightful running.”
3. Mr Cahill pleaded not guilty, but the Stewards found him to be in breach of the rule, and penalised him with a suspension of his licence to ride of five meetings. This was reached by application of the Careless Riding Penalty Template, and grading the carelessness as “medium”, which caused a horse to be “checked”.
4. At the appeal today, the Stewards were represented by Mr M Van Gestel, the Chairman of Stewards. The appellant represented himself. An appeal bundle was tendered which included the transcript of the Inquiry, and also film of the race was shown (exhibits A and B).
5. All members of the Panel unanimously agreed that Mr Cahill’s mount did cause interference to the horse Flashin at about the 300m mark. The Panel was not unanimous as to whether Mr Cahill was in breach of AR131(a).
6. Mr Tuck and Mr Losh were of the view that just prior to the 300m mark, there was a run available to Conspiratrix to take to the inside of the horse Prodigal Prince. As Mr Cahill sought to take that run, Prodigal Prince shifted in. Mr Tuck and Mr Losh are of the view that the interference caused to Flashin by Mr Cahill’s mount resulted from

Prodigal Prince shifting in, not by any carelessness of the appellant. They would therefore allow the appeal in relation to breach of AR131(a).

7. While I see the circumstances slightly differently – I consider Mr Cahill did shift his mount to the inside in a manner that constitutes carelessness in breach of the rule – I may have entertained a different grading of carelessness, or contributing factor by Prodigal Prince, and hence a reduced penalty.
8. The orders the Panel makes are as follows:
 1. (By Majority – Mr Tuck and Mr Losh) Appeal against finding of breach of AR 131(a) allowed.
 2. Finding of breach of AR131(a) set aside.
 3. Penalty of a 5-meeting suspension set aside.
 4. Appeal deposit to be refunded.