



AUSTRALIAN
CAPITAL TERRITORY

ACT Racing Appeals Tribunal

Mathew Cahill v The Canberra Racing Club Inc.

ORDERS OF THE TRIBUNAL MADE ON 24 JANUARY 2019

On Thursday 24 January 2019, the ACT Racing Appeals Tribunal (the Tribunal), constituted by the President, Mr John Kalokerinos and Members Ms Noor Blumer and Ms Kay Barralet heard the matter of *Mathew Cahill v The Canberra Racing Club Inc.*

The appeal was from the decision following an inquiry held by the Stewards commencing on Friday 30 November 2018 and completed on Friday 28 December 2018, in relation to race seven on 30 November 2018 at the Canberra Racing Club.

Mr Cahill was charged under Australian Racing Rules 135(b) and (d), which provide:

- (b) The rider of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is given full opportunity to win or to obtain the best possible place in the field.*
- (d) Any person who in the opinion of the Stewards has breached, or was a party to breaching, any portion of this rule may be penalised, and the horse concerned may be disqualified.*

The charge was that Mr Cahill, as the rider of the 4th placegetter, Balansa, in Race 7, the TAB Federal Open Handicap 1300m at the Canberra Racing Club race meeting conducted at Thoroughbred Park racecourse on Friday 30 November 2018, failed to take all reasonable and permissible measures throughout the race to ensure that his mount was given full opportunity to win or obtain the best possible place in the field.

The Stewards found Mr Cahill guilty under rule 135(b). The penalty applied was a suspension of Mr Cahill's licence to ride for 6 weeks. On 2 January 2019, Mr Cahill lodged a notice of appeal against the decision and the penalty.



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The notice of appeal also sought a suspension of the decision pursuant to section 49 of the Act. That request was not opposed by the respondent. On 4 January 2019, I granted a suspension of the decision pending the hearing of the matter by the Tribunal.

The Tribunal considered the video evidence and the submissions made on behalf of the parties, including the witnesses Mr Mathew Cahill and the horse's trainer, Mr Keith Dryden.

The Tribunal considered all the relevant circumstances, including: the seniority and experience of the appellant; the cogency of the appellant's explanation as to why the measures taken by him during the race were reasonable in the circumstances; the appellant's knowledge and experience of the temperament and habits of the mount and the feasibility of the riding tactics available; and any practical necessity for the appellant to make a decision between alternative courses of action under competitive pressure.

The Tribunal found that the charge under rule 135(b) was not proved to the requisite standard. The Tribunal observed that based only on viewing the footage of the race, the Stewards were justified considering a charge under rule 135(b). The Tribunal noted that the case was not an easy one but, on balance, and giving appropriate weight to the appellant's evidence and that of Mr Dryden, the Tribunal was not satisfied that the appellant's actions constituted a breach of rule 135(b) to the requisite standard.

The Tribunal made the following orders:

1. The appeal against the finding of guilt under rule 135(b) made by the Stewards on 28 December 2018 is upheld;
2. The finding of guilt is dismissed;
3. The appellant's licence to ride is reinstated; and
4. The appeal bond is to be returned to the appellant pursuant to paragraph 53(2)(a) of the *Racing Act 1999* (ACT).