

# RACING APPEALS TRIBUNAL

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RAT 10/07

**DATE:** THURSDAY, 14 JUNE 2007

**TRIBUNAL: DEPUTY PRESIDENT:** MR G LE POIDEVIN

**ASSESSOR:** MR G PRETTY

**MR G LOCH**, CHAIRMAN OF STEWARDS,  
THOROUGHBRED RACING SA LTD

**APPELLANT:** MR S CAHILL

**IN THE MATTER** of an Appeal by **SHAYNE CAHILL** against a decision of Thoroughbred Racing SA Ltd Stewards.

**BREACH OF RULE:** ARR 137 (a)

Rule 137: Any rider may be punished if, in the opinion of the Stewards,

(a) *He is guilty of careless, reckless, improper, incompetent or foul riding.*

**PENALTY:** SUSPENSION OF LICENCE FOR 15 MEETINGS

## DETERMINATION

This is the appeal of SHAYNE CAHILL (hereinafter referred to as the Appellant), a rider, who has been convicted of a charge of incompetent riding in that he did not progress his mount, BRETCARLYLE, between the 400 and the 200 with sufficient vigour. The offence took place in a 1600 metre race at Morphettville in January this year. He was convicted after a lengthy Inquiry which went over many months, and in the result received a 15 meeting suspension. This is an appeal against penalty only.

It is the Appellant's contention, amongst other things, that his ride was an error of judgment in that he thought he would be able to progress his mount forward and beat the leader. Having defeated the leader two starts previously he suggests it fought on much better than he anticipated. He raises a number of issues, including; having recently returned to riding, the weight the horse was carrying (59.5 kilos), track bias, wind direction.

The matter before me is the penalty. The Appellant was suspended for 15 meetings. A similar matter came before me some months ago in the matter of Tourneur. He was charged and convicted of not taking all reasonable and permissible measures throughout a race to ensure his horse was given full opportunity to win (AR 135 (b)). The brief facts of that matter relate to Tourneur's failure to apply the whip in the conclusion of the race. His mount led throughout the race, and was caught "in the shadows of the post". Application of the whip would have ensured he had tested his mount to the fullest. He was suspended for 10 meetings, and I consider this to be a good measuring stick for the case in hand.

I propose varying the suspension from 15 to 11 meetings, which will permit the Appellant to return to race riding after Morphettville on 23 June 2007. This is a total of 4 city meetings.

Whilst I have moderated the suspension I do not think the Stewards made any error in their approach to this matter. However I hear this matter de novo, which means I hear the issue of penalty afresh. I vary the suspension taking into consideration first, the Appellant has been under the disadvantage of a prolonged investigation of almost four months, during which time he says his ability to obtain rides was compromised. I accept his assertion. Second, the Appellant returned to race riding only a couple of rides earlier, having been suspended for a period of 3 months. He asserts he may have been "rusty," and shown less judgment than would be expected of him had he been riding consistently in the period beforehand. Again I accept this assertion. For these reasons, and having regard to the period of suspension in the matter of Tourneur, I vary the decision as aforementioned.

I thank my Assessor Mr Pretty for his assistance.

There will be a refund of the appropriate portion of the bond.