

RACING APPEALS TRIBUNAL

RAT 1/2016

DATE OF HEARING: 29 January 2016

TRIBUNAL: PRESIDENT: MR T R ANDERSON QC

ASSESSOR: MR G PRETTY

**MR M SANTORO, ACTING CHAIRMAN OF STEWARDS,
THOROUGHBRED RACING SA LTD**

APPELLANT: MR JOSH CARTWRIGHT

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

BREACH OF RULE: ARR 137(a) - careless, reckless, improper, incompetent or foul riding.

PENALTY: SUSPENSION OF LICENCE TO RIDE FOR 3 RACE DAYS

DETERMINATION

PRESIDENT: This is an appeal by Mr Cartwright against a finding of guilt by the Stewards under Australian Rule of Racing 137(a), in particular that Josh Cartwright was guilty of careless riding in race 6 at Morphettville on Saturday, 2 January 2016.

In that race the Appellant was riding Dubawi Gold and Cool Maverick was ridden by Zac Spain.

The Stewards alleged that the Appellant allowed his mount to shift in and take the running line of Mr. Spain's horse. As a result it is alleged that Mr. Spain was forced to check his horse and lost some ground.

The video vision shows that Zac Spain did have to check his horse and did lose some ground as a result of the manoeuvre made by the Appellant in cutting across.

On the video evidence, even though the Appellant did look across to his left at least twice, he didn't on the third occasion see Zac Spain or his horse inside him, and he clearly should have.

I would like to complement Mr Cartwright on his honesty in admitting that.

In the view of the Tribunal, the riding was careless because he should have seen Zac Spain and his horse.

That being so, the decision of guilt is upheld by the Tribunal.

I have considered the possibility of a reprimand, because as the Stewards frankly conceded in their submissions to this Tribunal and indeed in their discussions with the Appellant after the race, there was a significant contribution from Zac Spain's horse in that it moved up inside the Appellant's horse very quickly.

However, that does not explain the Appellant failing to see the horse at that time.

I have also had regard to Mr Cartwright's record. It is not a good record in that he has done similar things on other occasions and paid the penalty.

For those reasons, I have considered that a reprimand is not appropriate in these circumstances, and therefore the three meetings suspension will remain.

That suspension will take effect at midnight on Wednesday 3rd February 2016 and expire at midnight on Wednesday 10th February 2016.

I order that the bond money in the sum of \$400.00 paid by the Appellant be refunded.