19 July 2022

**DECISION**

**RACING VICTORIA**

**and**

**MATTHEW CARTWRIGHT**

**Date of hearing:** 13 July 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Greg Childs.

**Appearances:** Mr Robert Cram appeared on behalf of the Stewards.

Mr Matthew Hyland represented Mr Matthew Cartwright.

Mr Matthew Cartwright attended the hearing.

**Charge:** Australian Rule of Racing (“AR”) 131(a) states:

A rider must not, in the opinion of the Stewards:

(a) engage in careless, reckless, improper, incompetent or foul riding.

**Particulars of charge:** Matthew Cartwright (“No Way Ever”) pleaded guilty to a charge of careless riding under the provisions of AR 131(a). The careless riding being that passing the 100 metres, he permitted his mount to shift out whilst riding it along when insufficiently clear of “Butter Blonde” which was taken out onto “Forzanini”, resulting in Butter Blonde and Forzanini both being severely tightened for room, with Butter Blonde being checked and Forzanini severely checked. Matthew Cartwright's permit to ride in races was suspended for a period to commence midnight 16 July 2022 and to expire midnight 30 July 2022. A total of 14 race meetings (four metropolitan, 10 provincial). In assessing penalty, account was taken of his guilty plea, good record and that the carelessness was in the high range.

**Plea:** Guilty

**DECISION**

1. Mr Matthew Cartwright is a licensed apprentice jockey. On 9 July 2022 he rode a horse called “No Way Ever” in Race 6 at Caulfield. After the race, Stewards charged Mr Cartwright with engaging in careless riding contrary to Australian Rule of Racing (“AR”) 131(a). The charge alleged that passing the 100 metre mark, Mr Cartwright allowed his mount to shift when insufficiently clear of horses to his outside, causing interference to two of those horses, one severely.
2. Mr Cartwright pleaded guilty to the offence. Stewards suspended him for 14 meetings (four metropolitan, 10 provincial). Mr Cartwright appealed to the Tribunal against the severity of the penalty. The penalty was informed by the view of the Stewards that one of the other horses was severely checked and the other checked.
3. Stewards considered that it was fortunate that heels were not clipped and a fall did not occur. The Stewards considered that the interference was high range and the careless riding to be high range. There were two other horses tightened and Mr Cartwright failed to straighten his mount as it shifted outwards.
4. The Stewards penalty guidelines have a starting point of 18 meetings suspension for high range carelessness. In this case, that was reduced to 14 meetings, having regard to the guilty plea and the good record of Mr Cartwright. Two meetings were deducted on account of his good record and two on account of the guilty plea. Stewards noted that Mr Cartwright had recorded six severe reprimands for careless riding since 6 October 2021. The suspension imposed was to commence at midnight on 16 July 2022 and conclude at midnight on 30 July 2022.
5. It was contended on Mr Cartwright’s behalf that a reduction in the period of suspension of one meeting, meaning a penalty of 13 meetings, would give him an opportunity to have a chance to fight out the apprentice’s title in relation to which he is only one winner behind.
6. In response, Stewards submit that penalties often occur at untimely occasions for jockeys and that this was such an occasion. The penalty was otherwise not challenged as being inappropriate.
7. We understand the unfortunate situation the suspension has placed on Mr Cartwright in as possibly jeopardising his opportunity to be champion apprentice. However, that is not an unfamiliar situation for champion sportspeople and may just as easily occur in an Australian Football League (“AFL”) context, for example, if a player in contention for the rising star award incurs a penalty which gives rise to a one match suspension. The 14 meeting suspension was not challenged in the sense that it was against the ordinary course of events. It should be considered fair and just.
8. The consequence of the total suspension is unfortunate however, that does not make the penalty unfair or unjust. Accordingly, we dismiss the appeal.

Kathleen Scully
Acting Registrar, Victorian Racing Tribunal