9 May 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**NATHAN CAHIR**

**Date of hearing:** 18 April2024

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**Panel:** Judge John Bowman (Chairperson), Mr Des Gleeson and Mr Greg Childs.

**Appearances:** Mr Grant Adams appeared on behalf of the Stewards.

Mr Nathan Cahir represented himself.

**Charge:** Australian Harness Racing Rule (“AHRR”) 149(2) states:

(2) A person shall not drive in a manner which in the opinion of the Stewards is unacceptable.

**Particulars:** The particulars of the charge being that from the 1600m mark, he drove in an unacceptable manner by directing NAI HARN BAY three wide to improve and sit forward outside of the leader and thus failing to afford NAI HARN BAY sufficient respite after making use of the gelding during the score up after breaking gait and up until the 1700m when re-joining the rear of the field. These tactics were considered to have been the main contributing factor into the gelding weakening from the 500m mark to finish in last position beaten 75m. Mr Cahir’s was suspended for a period of 3 weeks which was ordered to commence at Midnight 27/12/2023. When considering penalty, Stewards were mindful of the relevant considerations in the HRV Minimum penalty guidelines. The gelding underwent a post-race veterinary examination which revealed no abnormalities.

**Plea:** Not Guilty

**DECISION**

Mr Nathan Cahir, you are appealing against a decision of the Stewards in relation to your drive on Nai Harn Bay in Race 6 at Maryborough over 2190 metres on 18 December 2023. Following the race the Stewards charged you with a breach of Harness Racing Rule 149(2) – that is, driving in a manner which, in the opinion of the Stewards, is unacceptable.

The end result is that you were suspended for a period of 3 weeks. You are appealing against the finding of the breach of the rule and the penalty imposed.

Mr Grant Adams appeared on behalf of the Stewards and you represented yourself. We had the benefit of very helpful submissions and of the video of the race, particularly the back straight video of the race. We were also shown the video of the horse’s previous run at Gunbower some 8 days earlier.

We have viewed the relevant video many times, both before and during the hearing. At Maryborough, the horse was obviously fractious and playing up before the start. It was to start from the second line. It was still giving trouble when the gates folded back and it missed the start by a good 30 or 40 metres. Going past the winning post on the first occasion, it has settled in a position about 20 metres behind the second last horse. We accept your statement that, as the field went around into the back straight, the pace went out of the race and you tacked on to the field. You maintained this rear position in the field for a short time and then when the pace slackened, you went around the field to the outside of the leader in the death seat. In our opinion you did this comparatively easily.

You gave evidence that you did a similar thing at the previous start at Gunbower. There, while you were in the correct position at the start after giving some trouble, you settled at the rear of the field. You went around the field to the front. The horse fought on well, ultimately finishing second, beaten a very narrow margin. We accept that you thought that you could do much the same at Maryborough. As stated, there was pace on, you managed to get around the field to the death seat and maintained that position until well into the back straight on the final occasion. The horse then commenced to weaken ultimately, finishing last. It did not fight on as it had done at Gunbower.

You blame yourself, not for the drive, but for being easy on the horse in relation to its work after the Gunbower run. The horse performed poorly at its next start after Maryborough and then was spelled.

We accept that, at Maryborough, you thought that the tactics adopted at Gunbower could be applied again. This time you had to catch the field, but you did that comparatively easily. You also got around the field as you had at Gunbower. This time the horse compounded towards the end of the back straight.

We have gone into the details of the Maryborough race and the Gunbower race in some length. The bottom line is that we accept your explanation as to the tactics that you adopted and we are not comfortably satisfied that the charge has been made out. Accordingly, the appeal is successful and the charge is dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal