3 June 2022

**DECISION**

**RACING VICTORIA**

**and**

**ARRON LYNCH**

**Date of hearing:** 27 May 2022

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Geoff Hausfeld appeared on behalf of the Stewards.

Mr Matthew Hyland represented Mr Arron Lynch.

Mr Arron Lynch and Mr Robert Cram 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:** Arron Lynch (“Kulina”) was found guilty of a charge of careless riding under the provisions of AR 131(a). The careless riding being that passing the 1000 metres he permitted his mount to shift in when insufficiently clear of “Endlessly”, which was carried in onto “Step Forward”, which in turn was taken in across the running of “La Perfection” resulting in that filly being checked and losing its rightful running. Mr Lynch had his licence to ride in races suspended for a total of twelve meetings to commence midnight 31 May 2022 and to expire midnight 12 June 2022 (4 metro, 8 provincial). In assessing penalty, the Stewards were of the view that the incident qualified for the mid-range category of carelessness and took into account his good record.

**Plea:** Not Guilty

**DECISION**

Mr Arron Lynch, you are appealing against the decision of the Stewards that you were guilty of careless riding in Race 3 at Mornington on 24 May 2022. The race was over 1200 metres and the incident that gave rise to the charge occurred approximately 200 metres after the start – that is, at the 1000 metre mark.

I shall refer only to the jockey’s rather than identifying each horse and rider. Leading up to the occurrence of the incident, your mount was on the outside of four other runners. Immediately to your inside was Mr Jake Noonan. To his inside was Mr Daniel Moor. On the rails was Mr Lewis German.

I shall make the following observations at the outset. Firstly, the riding of Mr German on the rails had no bearing on the interference that occurred. Secondly, there is no doubt that Mr Moor received interference that cost his mount approximately one and a half or two lengths and equally there is no doubt that his riding in no way contributed to this. Thirdly, and I shall return to this, the video coverage and camera angles were quite inadequate. A clear picture of what occurred was not obtained, and this was in no way the fault of the Stewards.

In any event, the focus of the inquiry thus turns to you, Mr Lynch, on the outside, Mr McNeil one closer to the rails and Mr Noonan, two closer to the rails and on the outside of Mr Moor.

As far as can be seen on the vision, at no time did your horse make contact with that of Mr McNeil and at no time did Mr McNeil’s horse make contact with that of Mr Noonan. Mr Noonan’s horse certainly made contact with Mr Moor’s horse. Mr Noonan did say that his horse was a first starter and might have been intimidated. Certainly, it made substantial contact with Mr Moor.

At all times you have said that you maintained at least half a horse off Mr McNeil and put no pressure on him. Mr McNeil said that he shifted in “to take up that slack”, meaning some space to his inside between his horse and Mr Noonan, and that you, Mr Lynch, to his outside had done the same thing.

In all the circumstances, and with no camera angles from either directly in front of the horses or, importantly, directly behind them, and no overhead drone or helicopter vision, I cannot find that this charge has been made out. I agree that you were always at least half a horse off Mr McNeil and appeared to put no pressure on him. On the available material, a domino effect has not been established. On that material, I cannot see how you were careless.

I would also repeat that the vision available for the use of the Stewards was quite inadequate. This was a Tuesday TAB meeting at one of the leading provincial tracks, a track at which city class meetings are conducted from time to time. The task of the Stewards is difficult enough without there being inadequate camera coverage. Surely the possibility of further angles or a drone could be explored.

In any event, on the available material, the charge of careless riding has not been made out.

The appeal is upheld and the charge is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal