15 January 2020

**DECISION**

**RACING VICTORIA**

**and**

**MR JYE McNEIL**

**Date of hearing:** 14 January 2020

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall (Deputy Chairperson) and Ms Amanda Upton.

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

 Mr Matthew Hyland appeared on behalf of Mr McNeil.

**Charge:** AR131(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:** Jye McNeil (Amadeus) was found guilty of a charge of careless riding under the provisions of AR131(a), the careless riding being that near the 1000 metres he permitted his mount to shift in when not sufficiently clear of Firsthand, resulting in that gelding being taken in and causing Bumper Blast (NZ) to be tightened for room between Firsthand and Guizot for some distance, and ultimately Bumper Blast (NZ) having to relinquish its position. Rider Jye McNeil had his licence to ride in races suspended for a period to commence midnight 19 January 2020 (at the expiration of his current suspension incurred at Ladbrokes Park Lakeside on 8 January 2020) to expire midnight 26 January 2020, a total of 10 race meetings, with two meetings being served concurrently with the suspension incurred at Ladbrokes Park Lakeside. In assessing penalty Stewards took into account his record and that the carelessness was in the low range.

**Plea:** Not Guilty

**DECISION**

Mr Jye McNeil, you have pleaded ‘not guilty’ to a charge of careless riding. It involves your ride on Amadeus in race 7 over 1600 metres at Flemington on 11 January 2020. The Stewards allege that, near the 1000 metre mark, you permitted your mount to shift in when not sufficiently clear of Firsthand, ridden by Dwayne Dunn, resulting in that gelding being taken in and causing Bumper Blast, ridden by Regan Bayliss, to be tightened for room for some distance between Firsthand and Guizot, ridden by Linda Meech. It is alleged that ultimately Bumper Blast had to relinquish its position.

We have viewed the video material. We have also read the transcript of the interviews. We would make the following observations and findings of facts.

Firstly, as a general observation, there is an absence of head on video relating to the actual incident which has necessitated a certain amount of reconstruction and assumption as to what happened. There was no evidence from any Steward in a tower close to the occurrence of the incident. We have seen that in the vicinity of the 1000 metre mark Dean Holland was on the leader and on the rails. Prior to the incident in question, behind Holland, there were 4 horses roughly in a line across the track. Linda Meech was on the rails, Regan Bayliss was one off the rails, Dwayne Dunn was two off and you were 4 wide. That can be seen from the head on shot before the horses took the turn, where upon the vision became side on.

Shortly prior to the turn, you were the width of a couple of horses to the outside of Dwayne Dunn. That you were gradually moving towards the rail is apparent. It is also apparent that you looked to your inside.

The viewing angle then changes. As far as we can tell, and we have viewed it many times, there is no clear indication of how close you got to Dwayne Dunn. Even after the incident, there was still a quite sizeable gap between you and Dean Holland on the leading horse. There is no clear interference with Dwayne Dunn. At no stage do we have any clear video evidence that you made any contact with Dwayne Dunn’s mount. There is no evidence that Dwayne Dunn actively restrained his horse. That Regan Bayliss ultimately had to restrain his horse is evident. However, that may have been because of Dwayne Dunn moving in or, as argued by Mr Hyland, by Linda Meech moving marginally out, or by a combination of the two. What we can say is that there is no clear evidence on the video that the interference to Regan Bayliss was caused by you moving in.

In short, on the basis of the video evidence, we cannot be comfortably satisfied that what occurred was caused by your riding in a careless fashion. The interview with the jockeys after the race takes matters no further. As stated, there was no evidence from any of the other Stewards.

In summary, in this unusual case we cannot be comfortably satisfied that the charge of careless riding has been made out. The appeal is upheld and the charge is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal