

## RACING APPEALS TRIBUNAL

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RAT 09/08

**DATE:** TUESDAY, 21<sup>ST</sup> OCTOBER 2008

**TRIBUNAL:** **PRESIDENT:** MR C R LEE

**ASSESSOR:** MR J HODGINS

**MR G LOCH**, CHAIRMAN OF STEWARDS,  
THOROUGHBRED RACING SA LTD

**APPELLANT:** MR J LYON

**IN THE MATTER** of an Appeal by **JASON JOHN LYON** against a decision of Thoroughbred Racing SA Ltd Stewards.

**BREACH OF RULE:** ARR 137 (a)

Rule 137: Any rider may be punished if, in the opinion of the Stewards,

*(a) He is guilty of careless, reckless, improper, incompetent or foul riding.*

**PENALTY:** SUSPENSION OF LICENCE FOR 5 MEETINGS

### DETERMINATION

This appeal arises from an incident in Race 3 at the Morphettville Racecourse on 23 August 2008. The race was over 1200 metres. The incident occurred in the vicinity of the 1000 metre mark. After taking evidence, and watching the vision, the Stewards charged the appellant with careless riding under Rule 137 (a) of the Australian Rules of Racing.

The charge laid by the Stewards was in these terms:

"The charge is that at Morphettville on the 23<sup>rd</sup> August 2008 in Race 3, as the rider of THE SHINBONER, that near the 1000 metres under riding your mount THE SHINBONER has shifted in when insufficiently clear of LADY ASPEN, ridden by Michael Hoppo, taking that mare in, into the running of SISTER AKHAPACS, ridden by Simon Price, which was forced to ease and lose its position."

Having laid the charge and having invited further submissions, the Chairman of Stewards then expressed the decision of the Stewards in the following terms:

"The Stewards are satisfied that you Jason Lyon are guilty of the charge laid against you and our reasons for finding that guilt is that we believe that prior to the shift by THE SHINBONER there was ample room between LADY ASPEN and SISTER AKHAPACS and SISTER AKHAPACS and NIGHT HOWLER to the inside of it. We believe that these horses come together due to the shift by THE SHINBONER and in turn SISTER AKHAPACS has lost its position due to the movement of THE SHINBONER applying pressure to LADY ASPEN. We don't consider that you were ever sufficiently clear of LADY ASPEN to shift inwards and we don't believe there has been an attempt to relieve the pressure prior to Simon Price's mount, SISTER AKHAPACS, losing its position."

The penalty imposed by the Stewards was a suspension of 5 meetings.

Following the lodging of the appeal by the appellant, his suspension was stayed until further order.

The appellant before me today challenges both the finding of guilt and the severity of the penalty.

As for the appeal against the finding of guilt, the appellant made a number of points which I will endeavour to summarise briefly. Troy Baker's mount, BATTLE BOY, had his head turned in and the appellant's horse's head was turned out at the critical stage. In consequence his horse was, in effect, intimidated by the mere presence of Baker's mount. The appellant submitted that in essence he did everything in his power to avoid the incident and the interference to the horses on the inside.

Having consulted with my colleague, and having reviewed the evidence, I have come to the firm conclusion that no reason has been shown why I should interfere with the view that the Stewards took.

One must remember that the Stewards not only had the side on vision and the head on vision, they also had the evidence of a number of jockeys involved in the incident and the first-hand observations of two of the Stewards who had head on views of the incident. Simon Price on SISTER AKHAPACS told the Stewards that he did ease his horse. Michael Hoppo on LADY ASPEN told the Stewards that he did receive pressure from his outside. The appellant himself told the Stewards that he rode his horse very vigorously to try to hold the lead and he probably did "get in a little bit, probably about half a horse." The appellant also said, and this is of considerable significance, that he did not try to relieve the pressure apart from riding his horse forward. Mr Santaro, one of the Stewards, made his observations from a tower in the vicinity of the 950 metre mark, and his observations were:

"As the runners get to me side on, I'm aware of Simon Price to the inside of Michael Hoppo having to ease."

"I felt that Jason Lyon was only a length clear of Michael Hoppo at that stage."

Mr Williamson made his observations from a tower at the 700 metre mark and he observed, and I quote his words:

“Jason Lyon pushing forward to cross to the lead. As a result he shifted in at least a horse and dictated to Michael Hoppo’s mount when insufficiently clear, taking that runner into Simon Price who eased his mount and gave up his position rather than being taken to the fence.”

So, in a nutshell, I am of the view that all the evidence provides ample support for the finding of a breach of the Rule. I am not satisfied, contrary to Mr Lyon’s submissions, that the presence of BATTLE BOY or the riding of Troy Baker had any bearing on the incident.

In the result the appeal against the finding of guilt is dismissed.

As for the question of penalty, the appellant made the point to me that his breach was not a serious breach on the scale of one to ten, and that given his good record, namely a single suspension in a thousand race rides, the penalty was too severe. In response the Chairman of Stewards’ submission was that he was prepared to accept that the appellant’s record was satisfactory and acceptable. However, the degree of carelessness was in the middle of the range of cases of this kind and that the tariff for a mid level offence, so called, is a starting point of a 5 meeting suspension which is then adjusted up or down if the particular circumstances of the case permit.

Again I am not persuaded by anything that the appellant has said that I should interfere with the view that the Stewards took in relation to the penalty. In the result the appeal against the severity of penalty is also dismissed.

The refundable part of the bond will be refunded.

The order relating to penalty is that the 5 meeting suspension will commence from midnight tomorrow, Wednesday, 22 October 2008.