

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 19 August 2014

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: DARREN GAUCI**

Panel Judge Russell Lewis (Chair), Mr Geoff Ellis, Professor Raymond Harbridge.

Appearances Mr Gauci appeared on his own behalf.
Mr Gerard Bush appeared on behalf of the Stewards.

At Geelong Synthetic on Tuesday 12 August 2014, jockey Darren Gauci was found guilty of a charge of careless riding on his mount *Budget Blowout (NZ)* in Race 8 the *Sportingbet 0-58 Handicap* (2200m).

The careless riding being that near the 700m he shifted out when not sufficiently clear of *Umatilla Girl* resulting in that mare being checked and losing its rightful racing position and *Artie's Gold*, which was following, being inconvenienced.

Mr Gauci had his licence to ride in races suspended for a period to commence at midnight on Thursday, 14 August 2014 and to expire at midnight on Tuesday, 26 August 2014 – a total of 12 race meetings (3 metro, 9 provincial.)

In assessing penalty, Stewards took into account Darren Gauci's excellent record and that the careless riding was in the mid-range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Thursday, 14 August 2014.

A stay of proceedings was granted effective until midnight Monday, 18 August 2014.

DECISION: **Appeal dismissed. Penalty to remain standing.**

Taking into account the stay of proceedings the period of suspension will now expire at midnight on Saturday, 30 August 2014.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR G. ELLIS
PROF R. HARBRIDGE**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE SPORTINGBET 0-58 HANDICAP
OVER 2200 METRES AT GEELONG SYNTHETIC ON 12/8/14**

JOCKEY: DARREN GAUCI

MELBOURNE

TUESDAY, 19 AUGUST 2014

MR G. BUSH appeared on behalf of the RVL Stewards

MR D. GAUCI appeared on his own behalf

CHAIRMAN: On this appeal, it is clear that Damien Oliver's mount was going forward at the relevant time and it was the Appellant's intention to track him, which he did. The Appellant's horse accelerated and in so doing, shifted ground about half a horse. The Appellant looked to his right and realised that it was Rawiller's mount which was to his outside.

It was not challenged that Rawiller felt pressure from his inside which the Appellant admitted was from his mount. Thus, it is clear that the Appellant's mount caused interference to Rawiller's mount. The question remains: did the Appellant take sufficient remedial measures to prevent the interference? The Appellant says he did, saying that as soon as he realised his mount had shifted ground, he took hold and that he took hold two strides before Rawiller took hold.

That may have been the case, but the Board is of the opinion that the damage had already been done and it was the Appellant who created the situation which caused Rawiller to check and check severely. Accordingly, the appeal against conviction is dismissed.

On the question of penalty, the onus is on the Appellant to demonstrate any mitigating factors, including whether there was any contribution from another rider, in this case, Brian Werner.

The film is inconclusive and it is unfortunate that that is the case because the Board cannot be satisfied that there was any contribution from Werner on the

film that we have been shown because of its inconclusive nature. It is unfortunate, but that is the way the evidence has panned out. It is also unfortunate that Mr Gauci asked for a stay, but that was his privilege.

I might add, before I go on, that it would have been within Mr Gauci's right to have called Brad Rawiller to give evidence in his favour, but that was not done, and that is something which may or may not have assisted Mr Gauci's case, though the Board does not know.

At all events, the Board is of the opinion that the appeal against penalty is dismissed and because there was a stay of four days granted, the suspension will now expire at midnight on Saturday, 30 August 2014.
