



## APPEAL RESULT

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**DISTRIBUTION:** Chief Executive  
Group Integrity Services  
Group Racing and Group Racing Development  
ARB, ATA, VJA  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 19 November 2015

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

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**Panel** Judge John Bowman (Chair), Prof Raymond Harbridge, Mr Darren McGee.

**Appearances** Mr Gauci appeared on his own behalf.  
Mr James Hitchcock appeared on behalf of the stewards.

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At Geelong on Sunday 15 November 2015, jockey Darren Gauci was found guilty of a charge of careless riding on his mount *Bon Jovial* in Race 4 the *Audi A4 Coming February Handicap* (1100m).

The carelessness being that approaching the 800m he carelessly permitted his mount to shift in when not sufficiently clear of *Kickin The Traces*, that had been tightened and checked in consequence.

Mr Gauci had his licence to ride in races suspended for a period to commence at midnight on Sunday, 15 November 2015 and to expire at midnight on Sunday, 22 November 2015 – a total of 9 race meetings (2 metro, 7 provincial).

In assessing penalty Stewards took into account Darren Gaucis' good record and that the incident was in the low range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on 17 November 2015.

A stay of proceedings was granted effective until midnight Wednesday, 18 November 2015.

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**DECISION:** **Appeal allowed.**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman  
PROF R. HARBRIDGE  
MR D. McGEE**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE AUDI A4 COMING FEBRUARY  
HANDICAP OVER 1100 METRES AT GEELONG ON 15/11/15**

**JOCKEY: DARREN GAUCI**

**MELBOURNE**

**THURSDAY, 19 NOVEMBER 2015**

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

MR D. GAUCI appeared on his own behalf

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CHAIRMAN: Mr Darren Gauci has appealed against a finding that he was guilty of careless riding on his mount, Bon Jovial, in race 4 at Geelong on Sunday, 15 November last. The alleged carelessness is that he permitted his mount to shift in when not sufficiently clear of Kickin' The Traces, ridden by Declan Bates. Mr Gauci has appealed against both conviction and penalty.

We have viewed the patrol film and considered the transcript. The patrol film is not head-on at the relevant stage of the race. It is always precisely side-on. It does not assist in giving us a clear picture of what occurred. No evidence or transcript has been put before us from any steward in the tower at the 800-metre mark where the incident occurred and, as stated, the patrol film without head-on shots is of limited assistance in the circumstances of this case.

It may be that the evidence from the other jockey, Declan Bates, is that of one jockey trying to assist another. However, the fact of the matter is that the evidence of Declan Bates supports the evidence of Mr Gauci and his version of events. Mr Bates does not blame Mr Gauci for what occurred, he blamed his own mount and its fractious racing. We agree that it certainly appeared to be racing ungenerously.

Thus, we are left with minimal evidence. The patrol films are of no great assistance. Mr Bates supports Mr Gauci. There was no evidence from anyone in the 800-metre tower.

Mr Gauci originally expressed the belief that he had just got inside the line a little bit. He maintained that he did not take the running of Bates's horse. It is clear from the patrol film that he looked over several times and was taking care.

In all the circumstances and given the evidence that is available, we cannot reach the standard of satisfaction that is required. The appeal is upheld.

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