

## **RACING NEW SOUTH WALES APPEAL PANEL**

### **IN THE MATTER OF THE APPEAL OF AARON BULLOCK**

Appeal Panel: **Mr R Beasley SC – Principal Member**  
**Mr J Murphy**  
**Mrs J Foley**

Appearances: **Racing NSW: Mr T Moxon**

**Appellant: Mr T Cristafi**

Date of Hearing: **14 August 2020**

Date of Reasons: **17 August 2020 (orders made on 14 August)**

Outcome: **Appeal against finding of breach and penalty dismissed**

### **REASONS FOR DECISION**

1. This Appeal is by licensed Jockey Aaron Bullock, against the finding that he engaged in careless riding in breach of AR131(a) of The Australian Rules of Racing. The charge and the finding of breach resulted from the appellant's ride on the horse *Wild Fortune* in race 7 at Newcastle on 8 August 2020, over 1300m.
2. The particulars of the charge were as follows:  
  
“...you...did permit your mount to shift in passing the 1000 metres, when insufficiently clear of *All Tiara*, which was placed in restricted room between your mount and *Winter in America* for some distance, before All Tiara struck your mount's heels approaching the 900m and blundered, causing its rider, apprentice rider Madison Waters, to become unbalanced.”
3. The appellant pleaded not guilty to the charge, but was found to be in breach of the Rule by Stewards. He was penalised by a suspension of his licence to ride for 6 meetings, by means of the application of the careless riding penalty template. At the appeal hearing,

the Stewards were represented by Mr T Moxon, and the appellant by Mr T Cristafi. The appeal book was marked as Exhibit A, and the film of the race as exhibit B. The appellant also gave oral evidence.

4. In the course of his evidence, the appellant made the following points which he said justified a finding that he had not breached the careless riding rule:
  - (a) From the start of the race, apprentice rider Metcalfe, riding the horse Danzibar Dancer, shifted in on the appellant's mount. The appellant says that - and the film supports this - Danzibar Dancer shifted in from the start of the 1300m race, and continued to shift towards the fence as the field progressed to the first turn. This put the appellant in a difficult position.
  - (b) The appellant was continually shouting to apprentice Metcalfe about her shift in, while also keeping an eye on the horse behind him - All Tiara.
  - (c) At the point of the race where the careless riding is said to have occurred, the appellant, having been put in an awkward spot, was aware of All Tiara behind him and to his inside, but also of a horse immediately to his outside. He says at the 1000m and at the turn, he maintained his line, conceding that the racing was "tight", but that the cause of the tight racing was because Danzibar Dancer had dictated to his horse from the start, and shifted in.
  - (d) The appellant denied crossing in front of All Tiara when not sufficiently clear of that horse, and says that All Tiara did not clip his horse's heels, contrary to the evidence given to stewards at their race inquiry by apprentice Waters.
5. Having viewed the film multiple times, the Panel agrees with the appellant's description of the race up to the 1000m mark. His horse was forced in towards the rails by Danzibar Dancer. However, we differ from the appellant's evidence from the point of time that the careless riding is alleged in the charge. The Panel's view is consistent with the view of the Stewards, and the submissions made by Mr Moxon. At the 1000m mark, the appellant shifts in on his horse when not sufficiently clear of All Tiara. He did not have to do this. The horse to his outside did not cause this to happen. Nor did Danzibar Dancer, which was now about 2 lengths clear of the appellant's mount.

6. The Panel accepts that the appellant got awkwardly placed by Danzibar Dancer for a while. That does not change the Rules of Racing, or relieve the appellant from his obligations as a rider. We also accept that the appellant is an experienced and very capable rider, as submitted. That also does not change the rules, any more than does the obvious matter that he is a professional jockey and the members of the Panel , and the Stewards, are not. The Panel is always mindful that it is often comprised of persons who are not, and never have been, professional riders. The evidence of riders is therefore listened to very closely.
7. However, even if not professional jockeys, the Panel is still capable of viewing film of a race, and seeing what has transpired. The film shows the appellant crossed when not sufficiently or safely clear of All Tiara. That caused that horse to be checked. We think that horse did clip heels with the appellants' horse, as stated by apprentice Waters. The act of crossing was careless, and the breach of the rule is made out. The appeal against finding of breach must be dismissed.
8. As to penalty, we agree with the assessment of a medium grade of carelessness. There is no reason why the penalty template should not be applied in the manner it was by the Stewards. The appeal in relation to penalty is dismissed.

**The Panels orders are:**

1. Appeal against finding of breach under AR131(a) dismissed.
2. Finding of breach under AR131(a) confirmed.
3. Appeal against severity of penalty dismissed.
4. Penalty of a 6-meeting suspension confirmed. Such penalty to commence on 18 August 2020, and to expire on 30 August 2020, on which day the appellant may ride.
5. Appeal deposit forfeited.