

APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF LICENSED JOCKEY AARON BULLOCK

Heard at Racing NSW Offices

Appeal Panel: **Mr L. Vellis - Convenor; Mrs S. Skeggs; Mr J. Murphy**

Representatives: **Racing NSW - Mr S. Railton, Chairman of Stewards**
Appellant – Mr T. Crisafi, NSW Jockeys Association

Date of Hearing: **12 July 2024**

Date of Reasons and
Orders: **12 July 2024**

REASONS FOR DECISION

Introduction

1. On 6 July 2024, licensed jockey Mr Aaron Bullock (**Appellant**) pleaded not guilty to a breach of AR 131(a) of the Australian Rules of Racing (the **Rules**). The particulars of the charge alleged were that the Appellant engaged in "careless" riding "in Race 10 at Randwick, the TAB Handicap over 1,400 metres in that as the rider of *Promitto*:

"after passing the 600 metres you did permit your mount to shift, which resulted in unnecessary crowding to Jamberoo, which as a consequence was checked by its rider".
2. Applying the Careless Riding Penalty Template (**Template**), the Appellant was penalised with a 3-meeting suspension, reduced from 5 meetings due to the Appellant's good record during the previous 12 months.
3. The penalty imposed by the Stewards resulted from their assessment that the grade of carelessness involved was "low". The consequences of the carelessness were assessed as "checked and/or lost rightful running".
4. The Appellant has appealed against guilt and the severity of the penalty imposed upon him. He was represented at the appeal hearing by Mr T. Crisafi of the NSW Jockeys Association. The Racing NSW Stewards were represented by Mr S. Railton, Chairman of Stewards. An appeal book containing the transcript of the Stewards' Inquiry, and the Template as completed by the Stewards, was tendered in evidence. Film of the race from multiple angles was also shown to the Panel, and tendered as an exhibit. The Appellant also provided oral evidence.

5. Mr Railton submitted that Mr Bullock made no discernible effort to prevent his mount from shifting in, which caused Winona Costin on Jamberoo to check her mount and lose her rightful running. Mr Railton also pointed to Mr Bullock's evidence from the inquiry whereby the Appellant said that his mount "*has shifted off its line marginal and just tightened Winona*".
6. With respect to Mr Bullock's evidence that his mount only shifted in "minutely" and that this was partly caused by the horse to his outside shifting in, Mr Railton submitted that this was not borne out by the film and that Mr Bullock allowed his mount to shift in without any attempt to correct his mount, which caused the incident that impacted Ms Costin to occur.
7. Mr Crisafi's submissions and Mr Bullock's evidence can be summarised as follows:
 - a. Mr Bullock is a jockey or 17 years experience and has a good record, with only one suspension over the past 12 months.
 - b. Mr Bullock's mount only shifted in minutely, this shift was partly caused by pressure from the outside from Amy McLucas on *Secret Plan*, and the shift by *Promitto* was also partly caused by Kerrin McEvoy on *Pure Alpha* "*pulling up the handbrake*" ahead of Mr Bullock; and
 - c. the evidence did not support a guilty finding as Ms Costin had ample riding room and Ms Costin at no time checked her mount but was merely hampered.
8. Having carefully considered the evidence and viewed the film, the Panel is of the unanimous view that there is a breach of AR 131(a) in that Mr Bullock allowed his mount to shift in with minimal corrective action from the Appellant during or after the incident, and it was this shift that caused Ms Costin's mount to be checked. The Panel also agrees with the grading of carelessness as "low" and accepts that it was an incident towards the lower end of the spectrum.
9. Where the Panel differs with the Stewards is the penalty. The Template is a useful guide that should usually be followed, although in this instance the Panel will exercise its discretion to make a minor departure from the Template to impose a penalty of a suspension of 2 meetings, which the Panel considers to be the appropriate penalty in this instance.

Orders

10. The Panel makes these orders:
 - a. Appeal against guilt dismissed.

- b. Finding of a breach of AR 131(a) confirmed.

- c. Penalty of a 3-meeting suspension reduced to 2 meetings. Such penalty commences on Saturday, 20 July 2024, and expires on Monday, 22 July 2024, on which day the Appellant may resume riding in races.

- d. Appeal deposit refunded.
