

TASMANIAN RACING APPEAL BOARD

Appeal No. 09 of 2019/20

Panel:	Tom Cox (Chair) Wendy Kennedy (Member) Rod Lester (Member)	Appellant:	Anthony Darmanin
Adviser:	Chris Taylor		
Appearances:	Tim North (On behalf of Stewards)	Rule:	AR131(a)
Heard at:	Tasracing Glenorchy Tasmania	Penalty:	Suspension for 1 Tasmanian Race Meeting
Date:	5 March 2020	Result:	Upheld

REASONS FOR DECISION

1. The appellant rode *Apriano* in Race 8 at the Tasmanian Racing Club meeting held on 1 February, 2020.
2. Following the race stewards held an inquiry and reported the following:

"Anthony Darmanin we've considered the evidence put forward, we believe you have a charge to answer under AR 131(a), a rider must not in the opinion of the Stewards engage in careless, reckless, improper, incompetent or foul riding. Carelessness is the part we're concerned with there. That in race eight where you were the rider of Apriano you permitted your mount to shift in near the 600 metres when insufficiently clear of Gee Gee True Story resulting in that runner being tightened for room and having to be checked and as a result Kawi and Zuberina were inconvenienced."
3. Mr. Darmanin was suspended for 1 Tasmanian Race Meeting.
4. On 7 February, Anthony Darmanin appealed that conviction and requested a stay of the penalty, which was subsequently granted.
5. The rule in question is Rule 131(a) of the Australian Rules of Thoroughbred Racing which states:

"A rider must not, in the opinion of the Stewards:

(a) engage in careless, reckless, improper, incompetent or foul riding."

The inquiry before the stewards

6. Before the stewards was the race patrol film of the incident.
7. Essentially the case against Mr Darmanin was that at about the 600 metre mark he rode his mount carelessly in that he shifted in when insufficiently clear of *Gee Gee True Story* ridden by Ms So thereby causing that horse to tighten.
8. It was noted that while the appellant pleaded guilty to the charge at the inquiry, he was under pressure to get to his flight and return to Melbourne, believing that his plea would result in a reprimand at worst.
9. Before stewards the appellant stated "I've clearly come in, not to the point on the fence, she was tight for two or three strides. I didn't know she was there, I've relieved as quickly as I could, I've got no answers'.

Material before the Board

10. Before this Board the appellant stated that while he marginally shifted in he continued to keep his line. Mr. Darmanin also stated that the actions of Ms So in over checking her mount due to her inexperience resulted in 'backwash' in the field behind her. He stated that Ms So at no time called out to alert him to her racing on his inside.
11. On viewing the film of the race from the angles available, the Panel was unable to observe clearly the alleged "shift" which is the subject of the charge. The race film does show Ms So checking her mount.
12. With the angles provided by race film being inconclusive the panel asked steward Mr. North if race tower stewards had provided an account of the incident from their position on the night. He was also asked if race tower stewards heard a call from Ms So that she was being tightened. There was no account of the incident from race tower stewards.
13. We do not believe that the evidence before us, being the race film, can satisfy us on the balance of probabilities that the riding of Mr Darmanin on this occasion was culpable to the point that it was careless.
14. Indeed, it seemed on viewing the film from the angles available that Ms So, when tightened over checked her mount and made no attempt to call out to Mr Darmanin to alert him to her moving up on his inside.
15. The appeal against conviction is upheld. The stewards' decision of 1 February 2020 is quashed.
16. The Board orders that the appellant have his deposit returned to him pursuant to Section 34(2)(e) of the Act. The appeal having been successful no orders are made as to transcription costs.