



ACT Racing Appeals Tribunal

JAMES LOCKE V HARNESS RACING NEW SOUTH WALES

DECISION

On Wednesday 5 July 2023, the ACT Racing Appeals Tribunal (the Tribunal), constituted by the Deputy President Mr Andrew Satsia and Member Paul Barrett, heard the matter of *James Locke v Harness Racing New South Wales*.

1. This appeal was from a decision following an inquiry held by the Stewards on Monday 12 June 2023, in relation to race 2 on that day, at Canberra. Mr James Locke (the appellant) was the driver of, *Full of Wisdom* and was charged under Australian Harness Racing Rule (AHRR) 163(1)(a)(iii), which reads:

A driver shall not - (a) cause or contribute to any... (iii) interference...

The particulars of the charge stated that Mr Locke “*in the home straight on the final occasion have shifted your runner wider when not sufficiently clear of Our Sams Home driven by Blake Micallef and as a result that runner has been checked.*”

2. The appellant pleaded guilty to the charge and was penalised with a suspension of his licence to drive for a period of 10 days. On 15 June 2023, the appellant lodged a notice of appeal against the penalty. The notice of appeal also sought a suspension of the decision pursuant to section 49 of the *Racing Act 1999*. That request was not opposed by the respondent. The Deputy President granted a suspension of the decision pending the hearing of the matter by the Tribunal.

3. The Tribunal has considered the evidence of the appellant, the submissions of both parties and the assistance of the Tribunal's Assessor, Mr Desmond Gleeson.
4. The Stewards had, in accordance with the HRNSW Penalty Guidelines, imposed a penalty based on a starting penalty of 28 days for checking inside the final 200 metres of a race, reduced by 7 days for a guilty plea and reduced by a further 7 days for driving record. The Stewards then exercised their discretion to reduce the penalty by a further 4 days in recognition of the appellant's high race driving frequency and consequential effect of suspension, resulting in a 10 days penalty decision.
5. The Tribunal confirmed with the appellant that he accepted that *Our Sams Home* had been checked as a result of the appellant shifting his runner *Full of Wisdom*.
6. On the evidence and submissions presented, the Tribunal did not find any basis for a lesser penalty. The Tribunal considers that the Stewards were generous and fair in their determination, noting the application of the additional 4 days discretionary reduction. The Tribunal does not intend to disturb the decision of the Stewards.

Orders of the Tribunal

1. The Appeal is dismissed.
2. The 10 day suspension of the appellant's licence to drive to commence from midnight at the conclusion of Tuesday 11 July 2023 and expiring at midnight at the conclusion of Friday 21 July 2023.

Deputy President Andrew Satsia

Member Paul Barrett

5 July 2023