

NEW SOUTH WALES HARNESS RACING APPEAL PANEL

APPEAL PANEL MEMBERS

**Hon W Haylen KC
B Skinner
G Watson**

DETERMINATION

1 September 2026

**APPELLANT BRUCE FOX
RESPONDENT HRNSW**

**AUSTRALIAN HARNESS RACING RULES
45(5)**

DECISION

The Appeal Panel makes the following orders:

- 1. The Appeal by Mr Fox is dismissed;**
- 2. The Appeal Deposit is forfeited.**

HARNESS RACING NEW SOUTH WALES APPEAL PANEL

APPEAL BY TRAINER MR BRUCE FOX

1. On the 7th July 2026, Trainer Bruce Fox filed a notice of appeal against a decision of the Stewards to impose a fine of \$1000 as a result of his presentation of Need Four Speed to compete in race 5 at Penrith when Janelle May was the runner engaged to compete in that event. This wrongful presentation was able to be rectified prior to the horse entering the track by a pre-race check that identified the problem. Both horses were runners trained by Mr Fox.

2. At the Stewards inquiry Mr Fox, as trainer, was asked to explain how this wrongful presentation occurred. His immediate response was 'absolutely nothing'. He then stated: 'I've got to throw myself on your mercy as I had no explanation whatsoever. When asked what gear was required for these runners, Mr Fox stated that he 'could not go there', then stated 'for some reason or other, I don't know, but I geared up Need Four Speed, knowing he was in the race.' He also wrongly geared the other mare. He said he was at the mercy of the Stewards because he had no explanation whatsoever. He did not know why he did not know what race he was in. His driver assisted him but the buck stopped with him. He did not know that was not the horse that was racing and he did not bother checking. He said he did not go through the fields and form that much and he did not even check those matters. Later in his evidence he stated that he had no idea that he was presenting the wrong horse. He later stated that he had to accept the blame and that it was his job to check and that he had to cop a penalty.

3. After an adjournment, the Stewards announced that Mr Fox had a charge to answer, under AHRR 45(5): 'A person shall ensure that the correct horse is presented to start in a race'. The particulars of the charge were that in race 5 at the Penrith meeting, when the trainer of Janelle May, you did inadvertently allow Need Four Speed to be presented in place of Janelle May, which was engaged to compete in race 5'. Mr Fox responded that he understood the rule and that he was very sorry about the situation and entered a plea of guilty. He was also guilty with regrets. The Stewards then accepted his guilty plea and found him guilty of the charge.

4. It was stated that the Stewards would certainly take into account his guilty plea and his forthright admissions and the candour in which he came before the Stewards, and that it would certainly go to his credit. They had to give consideration to the significant ramifications had it not been picked up by the starter. Importantly, the Stewards were not alleging that it was anything more than a mistake on his behalf or that there was anything intentional behind it, which would be a much more serious case.

5. In considering penalty the Stewards took into account recent offences back in March 2025 where a \$1000 fine was imposed. Those penalties covered three charges under AHRR 45(5). Mr Fox was charged with presenting the incorrect horse to race at Goulburn on 31st of March; he was also charged with presenting the incorrect horse to trial at Menangle on 19th of March; and on 26th March he was charged with presenting the incorrect horse to trial at Menangle. However, the Stewards were satisfied and accepted on this occasion that it was an inadvertent error and that there was certainly no intention on his behalf. The Stewards stated that they were particularly mindful of his

forthright evidence and would not increase the penalty from the most recent offence that was imposed and that a fine of \$1000 was appropriate.

6. The Stewards adjourned to consider an appropriate penalty. On return, the Stewards stated that they were mindful of his guilty plea and also the immediate admissions and forthright evidence he provided to the Stewards at the very first occasion, which went to his credit. They were also mindful of the potential integrity implications of what occurred. Had the incorrect horse gone around and had not been picked up in the pre-race check, that would be a huge issue, not just for himself but for the wider racing community. Account was taken of his recent offence in March 2025 where a \$1000 fine was imposed. The Stewards then stated that they were satisfied and accepted on this occasion that it was an inadvertent error. There was certainly no intention on his behalf and they accepted the circumstances that led to the breach. Having regard for those circumstances, particularly mindful of his forthright evidence, the Stewards stated that they would not increase the penalty from the most recent offence and that a fine of \$1000 was appropriate.

7. At the hearing of Mr Fox's appeal to this Panel, HRNSW traversed the ground dealt with by the Stewards. It was submitted that a breach of this rule had the very real potential to undermine the public's confidence in the integrity of the sport. Examples of that damage were discussed. Further, it was only due to the diligence of the Starter that Mr Fox's error was caught prior to the race. It was also argued that the message must be sent out loud and clear to the industry that breaches of this rule would be heavily penalised so as to protect the public's confidence in the integrity and management of the industry. This need was said to be only heightened with repeat offenders.

8. Mr Fox was assisted by a number of lengthy submissions prepared for him. It was argued that his conduct was such that it was at the lower end of the objective seriousness for a Rule 45(5) breach. However, Mr Fox was lucky that the diligence of the starter in recognising the use of wrong gear prevented a harsher penalty being imposed on him. Indeed, Mr Fox walked away to take a view of the race. Further, the submission that there were important differences between the 2025 case and the 2026 case, were without foundation. The two cases were properly dealt with under Rule 45(5). Under the heading of Penalty Parity and Proportionality, two cases were relied upon. Fletcher is a 2020 HRNSW case under AHRR 45(5), with the limited information 'inadvertent, no integrity impact', resulting in a fine of \$400. The absence of the detail of the case renders it useless in deciding this case. The case of Sanderson was a Victorian decision where the wrong horse presented on two occasions under AHRR 45(5). A penalty of \$1000 was ordered with \$500 suspended for 2 years. Again, the details of the case were not provided however that approach is unlikely to be adopted in New South Wales. Relying on these matters it was submitted that Mr Fox should be fined in the range of \$300-\$500. The National Offences for AHRR 45(5) showed penalties of \$250 in Victoria(2019) and Western Australia (2022) with numerous penalties for \$500 and \$1000.

9. A number of possible mitigating circumstances were also relied upon, including Mr Fox's personal circumstances. He was a pensioner. His value to the industry was also raised, including his specialist expertise in the shoeing of harness horses, a skill not widely held within the industry. However, he was an active trainer, owner and farrier. The Stewards produced a list of starters that Mr Fox trained between 2 July and the 20 August, showing approximately \$16k in prize money. In the same period he also received \$6040 in prizemoney from horses he both owned and trained. Normal industry practice was that a trainer would be paid 10% of the prize money as well as ongoing training fees although he would have costs to meet out of prizemoney.. Clearly, Mr Fox was in a financial position to pay the Appeal fee of \$250 and the penalty of \$1000.

10. As earlier shown, the Stewards accepted his early guilty plea and forthright admissions. However, Mr Fox could not provide any reason for Need Four Speed being presented for starting in race 5. He repeatedly stated that he had no explanation for his actions in sending out the wrong horse, and that he did not know why he did not know what race he was in. That non-explanation suggests that he was negligent in his handling of his horses that night. Having regard for the Stewards knowledge of Mr Fox, the Appeal Panel agrees that an appropriate penalty is \$1000.

11. The Appeal Panel makes the following orders; the Appeal by Mr Fox is dismissed; the Appeal fee of \$250 is forfeited.

Hon Wayne Haylen KC – Principal Member

Mr Brian Skinner – Panel Member

Mr Gordon Watson – Panel Member

1 September 2026