

NEW SOUTH WALES HARNESS RACING APPEAL PANEL

APPEAL PANEL MEMBERS
Hon. W Haylen KC
C Edwards
W Picken

MONDAY 5 JUNE 2023

APPELLANT JACK CALLAGHAN

RESPONDENT HRNSW

AUSTRALIAN HARNESS RACING RULES
163(1)(a)(iii)

DECISION

- 1. Appeal is dismissed and the suspension of fourteen days is confirmed.**

1. Mr Jack Callaghan was the driver of the horse, ALTA ORLANDO, in race 7 held at the Goulburn race meeting conducted on 28 May 2023. The stewards conducted an inquiry into the circumstances where the horse SICARIO appeared to be checked and broke gait and the possible involvement of ALTA ORLANDO around the 600m mark. After conducting an inquiry and interviewing the drivers of both horses, the stewards issued a charge against Mr Callaghan under AHRR 163(1)(a)(iii) providing that a driver shall not;(a) cause or contribute to any,(iii) interference. The particulars of the charge were that Mr Callaghan, being the driver of ALTA ORLANDO, had allowed that horse to shift wider on the track causing SICARIO to be checked and break gait. Mr Callaghan pleaded not guilty to that charge. After hearing from the parties the stewards concluded that at a point approaching the 600m Mr Callaghan allowed ALTA ORLANDO to shift wider, causing SICARIO to be checked and break. As a consequence of that finding they suspended his licence to drive in races for a period of 14 days to commence from midnight 3 June 2023.
2. At the hearing of the appeal the parties closely analysed the video record of the race. Prior to convening the hearing the Panel members also undertook the same task having regard to the short time that the offending incident was alleged to have taken place. The case for Mr Callaghan included the proposition that SICARIO was intractable during the race, was hanging in and racing roughly. Aspects of the evidence of the driver of SICARIO were also relied upon to suggest that, amongst other matters, SICARIO was racing rough at about the bell and then was hanging in. He also said that at the point where the horses were wheel to wheel, SICARIO was dropping the bit.
3. The Panel's close observation of the race replay could find little, if any, evidence of these matters. At no relevant stage did SICARIO hang in; indeed the outward movement of ALTA ORLANDO during the locking of wheels seems to have caused SICARIO to hang out and away from ALTA ORLANDO. We are unable to find that SICARIO was running rough before this incident while the breaking of the horse appears to be caused by Mr Callaghan's move outwards, causing interference. He could drive wheel to wheel but he could not cause or contribute to interference. Further, the Panel is unable to find that SICARIO was weakening or dropping the bit at this point in the race. Indeed, SICARIO had moved up strongly outside ALTA ORLANDO just before the point of contact and interference.
4. It was also submitted that the stewards failed to take into account upcoming Group races that Mr Callaghan would be engaged to drive in. The stewards were aware of this possibility, but the Panel considers that the loss of Group drives in the future should not be determinative of an appeal such as this.
5. Having regard to these matters, the Panel concludes that the Appeal be dismissed and that the suspension of fourteen days be confirmed.

Hon. Wayne Haylen KC – Principal Member
Mr C. Edwards – Panel Member
Mr W.Picken OAM – Panel Member

8 June 2023