

NEW SOUTH WALES HARNESS RACING APPEAL PANEL

APPEAL PANEL MEMBERS

Hon. W Haylen KC

D Loewenthal

B Judd

FRIDAY 16 JUNE 2023

APPELLANT JACK CALLAGHAN

RESPONDENT HRNSW

AUSTRALIAN HARNESS RACING RULES

163(1)(a)(iii)

DECISION

- 1. Appeal is dismissed and the suspension of ten days is affirmed.**

1. Mr Jack Callaghan has appealed against the decision of the stewards that he be suspended for a period of 10 days after he was found guilty of causing interference during the running of Race 5 at Newcastle on 5 June 2023. In that race Mr Callaghan was the driver of STELLAS DELIGHT. The Stewards found that when leaving the 600 metre point he allowed his runner to shift wider on the track resulting in the horse UNION LIZ, which was racing to the outside, sustaining contact and consequently had to be checked and broke gate. He was charged under AHRR 163 (1)(a)(iii), that a driver shall not cause or contribute to any interference. Mr Callaghan pleaded not guilty to the charge.
2. In his notice of appeal, Mr Callaghan stated that his grounds of appeal were that he was not at fault and that his horse was the “only reason for interference”. He appealed against both the conviction and the penalty. Just prior to the hearing, Mr Callaghan notified Harness Racing NSW that he would proceed with his appeal against suspension but would not challenge the penalty imposed by the Stewards.
3. At the hearing of the Appeal, the equipment that allowed a slow motion version of the running of the race was not available. Unfortunately, that made it difficult for all parties and the Panel members to closely scrutinise both the movement of STELLAS DELIGHT leading up to the point of the interference and the movements made by Mr Callaghan. However, both parties made detailed submissions that assisted the Panel to reach an understanding of the incident and its causes.
4. Mr Callaghan raised a number of matters that he argued contributed to the interference, but ultimately his argument was that his horse was solely responsible for the contact made during the race that resulted in UNION LIZ breaking and losing all chance in the race. It was argued that when he pulled the plugs, the horse reacted unexpectedly and caused the interference before he could control the situation. Whatever other difficulties were faced by the absence of slow motion replays, it was clear to the Panel that the horse alone was not responsible for the interference. The horse moved out as a result of Mr Callaghan’s driving and caused interference. His horse responded to Mr Callaghan’s driving when there was insufficient room to move out.
5. Having reached those conclusions, the decision of the Panel is that Mr Callaghan’s Appeal be dismissed, that the suspension of 10 days is affirmed and that the Appeal deposit be forfeited.

Hon Wayne Haylen KC – Principal Member
Mr D Loewenthal – Panel Member
Mr B Judd – Panel Member

19 June 2023