

NEW SOUTH WALES HARNESS RACING APPEAL PANEL

APPEAL PANEL MEMBERS
Hon. W Haylen KC
E Schmatt AM PSM
G Watson

WEDNESDAY 6 SEPTEMBER 2023

APPELLANT TOM ISON

RESPONDENT HRNSW

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

DECISION

- 1. The Appeal against the decision of the Stewards is dismissed.**
- 2. The penalty of 21 days suspension is confirmed.**

1. On 24 August 2023 Stewards opened an inquiry into the reason for the sulky of the horse Our Aunty Ash making contact with the sulky of the horse Lil Ripper approaching and rounding the home turn in race 5 at Tamworth Harness Racing Club. Mr Tom Ison was the driver of Our Aunty Ash and Mr Coney was the driver of Lil Ripper.
2. Mr Coney told Stewards that he was racing three wide coming to the top of the straight when Mr Ison came underneath him and shifted ground up the track. Contact was made with the sulkies and the sulky wheel of Mr Ison's horse came under Mr Coney's horse's saddle, contacting her legs. Mr Coney stated that his horse maintained its ground but that Mr Ison's horse shifted ground and that caused Mr Coney's horse to be checked and gallop.
3. Mr Ison gave a different version of this matter. He stated that just before straightening, Mr Coney tried to keep him in a pocket and then really started pushing on his horse. Mr Ison said that he responded by allowing his mount to shift out a bit but that their wheels "slung-shot" off each other and he contacted the legs of Lil Ripper. Mr Ison regarded his shifting out as being moderate and that he was "more or less trying to push back on him. He wanted to really push, so I just sort of, you know, tried to out-push, I guess."
4. Mr Coney rejected the suggestion that he was laying in on Mr Ison or was trying to push and shove his horse. He agreed that he maintained a three wide course but that connection with Mr Ison's sulky lead to his own sulky being turned sideways. These comments were made after the parties viewed the video replay of the race.
5. After receiving further evidence the Stewards announced that Mr Ison should face a charge under AHRR 163 part (1), "A driver shall not (a) cause or contribute to any (iii) interference." The particulars of the charge were as follows: That Mr Tom Ison, as Trainer Driver of Our Aunty Ash in race 5 at Tamworth tonight, did, approaching the home turn, allow Our Aunty Ash to shift out when insufficiently clear of Lil Ripper, resulting in Lil Ripper being checked, sulky contact occurring, and Lil Ripper galloping."
6. Mr Ison appeared to not understand that charge and at one stage declined to enter a plea. He maintained his version of the race and the pressure being applied by Lil Ripper. Ultimately, Mr Ison entered a not guilty plea. The Stewards noted that the last time Mr Ison breached this rule was in August of 2022 where he received a 10 day suspension. Prior to that he received a 10 day suspension under this rule in October 2021. Stewards regarded this as a good record and one he would receive credit for.
7. In reaching their decision on penalty, the Stewards applied the penalty guidelines starting at a 35 day suspension of his licence. As he had pleaded not guilty there was no ground to reduce the penalty. The Stewards regarded his record as being a good one, allowing a further deduction in penalty of 10 days. Stewards regarded that deduction as being inadequate having regard to his overall good record and allowed 14 days for that consideration. The final result was a 21 day suspension.
8. Mr Ison filed an appeal against these findings, challenging his conviction and penalty. The grounds of appeal were as follows: Mr Coney was "pulling down" more than me pushing out; his horse was weakening when mine was improving; I didn't shift wider to cause the interference; and, I maintained a straight line until his horse weakened.

9. After viewing the video of the race the Panel was unable to see any evidence of Mr Coney applying pressure to Mr Ison's horse or trying to pocket the horse. There was no evidence of the carts pushing each other. Mr Coney appears to maintain a three wide course and Mr Ison appears to come out sharply coming around the turn where the wheel of his sulky connects sharply with Mr Coney's sulky causing that sulky to be turned.
10. In considering this matter the Panel also noted that in the period 2 January 2021 to 24 August 2023, Mr Ison had been charged by the Stewards under AHRR 163(1)(a) on 16 occasions and had received penalties including 10 reprimands and six suspensions. This was in addition to other penalties imposed on Mr Ison in the same period.
11. Having considered the above -mentioned matters, the Panel dismisses the Appeal and confirms the original penalty of 21 days suspension as being appropriate in this case.

Hon Wayne Haylen KC – Principal Member
Mr E Schmatt AM PSM – Panel Member
Mr G Watson – Panel Member

12 September 2023