

**NEW SOUTH WALES  
HARNESS RACING  
APPEAL PANEL**

**APPEAL PANEL MEMBERS  
B Skinner  
W Picken OAM  
G Campbell OAM**

**WEDNESDAY 3 MAY 2023**

**APPELLANT LLEYTON GREEN**

**RESPONDENT HRNSW**

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

**DECISION**

- 1. The Appeal against the decision of the Stewards is dismissed.**
- 2. The suspension of 14 days is confirmed.**
- 3. The Appeal fee is to be forfeited.**

1. Mr Lleyton Green a licensed driver with Harness Racing New South Wales, appealed against a decision by the Stewards arising out of an incident in the course of Race 1 held at Tabcorp Park Menangle on 24 April 2023. Mr Green was the driver of MAXIMUS MERIDIUS. The affected runner was MILITARY MERIT driven by Mr R. Morris.
2. Mr GREEN was suspended for a period of 14 days from midnight on 24 April 2023 in respect of a charge that he breached the provisions of AHRR 163(1)(a)(iii), namely that he caused or contributed to inference.
3. The particulars of the charge were that Mr Green, the driver of MAXIMUS MERIDIUS approaching the 200 metres did permit the colt to shift out when not sufficiently clear of MILITARY MERIT which resulted in that colt being checked, becoming unbalanced and breaking gait a short distance later.
4. Mr K. McDowell appeared with and for or the appellant. Mr B. Day appeared for the respondent and provided a detailed written outline of submissions.
5. Transcript of the Steward's inquiry and a video film of the race were read and viewed by the parties during the course of the appeal.
6. Mr McDowell made submissions concerning the past racing conduct of MILITARY MERIT in previous starts. Submissions were also made that the horses in the race were inexperienced trotters. The Panel's attention was drawn to passages of the transcript being references to suggest that MILITARY MERIT had ducked in and was therefore the cause of the incident.
7. The Panel took particular note of the video film which demonstrated that until the time of the incident, MILITARY MERIT had maintained a direct run without deviation. The Panel did not accept that MILITARY MERIT had drifted in prior to collision and rejected the hypothesis advanced by Mr McDowell.
8. The Panel was satisfied that Mr Green drifted out coming into collision with the front leg of Mr Morris's drive. The Panel was reinforced in that view by the fact that Mr Green sustained a flat offside sulky tyre. The Panel was satisfied that the driving of Mr Morris was not responsible for or contributed to the collision. In short, the Panel accepted the submission of the respondent that Mr Green permitted his drive to shift out when not clear of MILITARY MERIT which resulted in that runner being checked, becoming unbalanced and breaking gait. Accordingly, the Panel found a breach of Australian Harness Racing rule 163(1)(a)(iii) as particularised by the Stewards.
9. Mr McDowell made submissions that a monetary fine would be appropriate if the appeal was dismissed. The Panel took into account the driving record of Mr Green and the analysis of the Stewards. The Panel saw no reason to alter the 14-day suspension.
10. For the forgoing reasons, the Appeal Panel makes the following determinations:
  - a. The Appeal against the decision of the Stewards is dismissed.
  - b. The suspension of 14 days is confirmed.
  - c. The Appeal fee is to be forfeited.

Brian Skinner – Convenor  
Mr W. Picken – Panel member  
Mr G. Campbell -Panel Member

5 May 2023