

**NEW SOUTH WALES
HARNESS RACING
APPEAL PANEL**

**APPEAL PANEL MEMBERS
Hon W Haylen KC
Mr J Murphy
Mr P Fletcher**

20 FEBRUARY 2024

APPELLANT DARREN ELDER

RESPONDENT HRNSW

**AUSTRALIAN HARNESS RACING RULES
231(1)(e)**

DECISION

- 1. Appeal withdrawn. One month suspension commences from the date of the Panel's ruling, that is 20 February 2024. The stay order ceases from the same date.**

1. On 15 November 2023 HRNSW Stewards concluded an inquiry into the circumstances surrounding a serious melee between numerous harness racing participants that occurred in the race day stalls at the Tamworth Harness Racing Club meeting held on 2 November 2023.
2. Two participants were charged under AHRR 231(1) (e), namely, that a person shall not- assault anyone employed, engaged or participating in the harness racing industry. Mr Darren Elder was charged under this provision. The particulars of this charge were that he had physically assaulted Mr Tom Ison in the race day stalls when he forcefully pushed Mr Ison in the back, resulting in Mr Ison being propelled from the sulky seat towards the rear of the horse. Although he denied any assault, Mr Elder was found guilty of that charge and he was suspended for a period of four months, of which three months were to be wholly suspended on the condition that he did not breach any conduct related Rules for a period of two years.
3. Mr Elder's suspension was stayed after he Appealed to this Panel. Prior to the hearing of his appeal Mr Elder entered a plea of guilty and challenged only the severity of the penalty. At the hearing of the Appeal, Mr Elder was informed that if the video evidence showed that an assault had occurred there was a possibility that a more severe penalty could be considered. Mr Elder was given time to consider this development and ultimately requested that his Appeal be withdrawn. That request was granted by the Appeal Panel.
4. As a result, Mr Elder's one month suspension commences from the date of the Panel's ruling, that is 20 February 2024. The stay order ceases from the same date.

Hon Wayne Haylen KC – Principal Member

Mr J Murphy – Panel Member

Mr P Fletcher – Panel Member

20 February 2024