

# **NEW SOUTH WALES HARNESS RACING APPEAL PANEL**

## **APPEAL PANEL MEMBERS**

**Hon. W Haylen KC**

**W Picken OAM**

**C Edwards**

**13 DECEMBER 2023**

**APPELLANT JACK CHAPPLE**

**RESPONDENT HRNSW**

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

## **DECISION**

The decision of the Panel is that Mr Chapple's breach of AHRR 163(1)(a)(iii) as particularised is confirmed, and that his licence be suspended for 14 days. In view of his success on the issue of penalty, Mr Chapple should be refunded 50% of the Appeal fee.

1. On 5 December 2023 Jack Chapple was the Driver of Rusty McCool, horse 6 in race 5 at Young. The Stewards noted that this horse shifted in entering the first turn when not clear of Teddy Feels Good at any stage, which was tightened for room, checked and taken in onto Jimmyjoe, which was taken in onto Hurrikane Dude. Following the Stewards Inquiry Mr Chapple was charged under AHRR 163(1)(a)(iii) in the following terms: in Race 5 when you drove Rusty McCool, stewards don't feel you at any stage were clear of Teddy Feels Good when crossing that runner going into the first turn. As a result, that runner was tightened and checked and taken down onto Jimmyjoe, which was taken down onto Hurrikane Dude. As a result Hurrikane Dude has gone over marker pegs and broke gait.
2. Mr Chapple pleaded not guilty to that charge. The Stewards noted the sharp angle on which Rusty McCool took in coming down the track into the sharp corner. After further discussion Mr Chapple was found guilty of the charge. The Stewards considered Mr Chapple's history, having commenced driving in July 2022. A few weeks after commencing as a Driver he was charged for a breach of AHRR 163(1)(a)(iii) and was suspended for 14 days. This offence under the same rule came some 356 days after the first offence. In reaching a decision on penalty, the Stewards commenced with a suspension of 35 days under the Guideline rules. A 10 day discount was allowed on the basis of his record and that figure was further reduced by 4 days given the frequency with which he drove. In the result Mr Chapple was suspended for 21 days.
3. During the hearing the parties drew attention to a number of matters occurring in the run to the first turn. The Panel considers that the most important matter was the fact that Mr Chapple did not allow a space of at least one metre when crossing Teddy Feels Good going into the turn. Indeed, during the Stewards Inquiry Mr Chapple agreed that there was not a one metre gap but argued that there was a gap, probably of half a metre. The Panel cannot agree with that assessment after viewing the video of the race. It appears to the Panel that there was the barest of margins when this move was made. In the view of the Panel this move was the most serious aspect of the breach.
4. There was some indication of other tightening between these runners that did not appear to be directly caused by Rusty McCool and some of that may have occurred before the turn. The video of the race shows a number of horses seeking to be among the leaders of the race at that point.  
Having regard to the matters dealt with above, Mr Chapple's appeal against conviction is rejected.
5. In relation to the Appeal against the severity of the suspension, the Panel is of the view that the appropriate starting point for this case is a penalty of 4 weeks. The Panel considers the discounts identified by the Stewards as being appropriate and that the 4 week period therefore be reduced to 2 weeks or 14 days. On this matter, Mr Chapple's appeal has been successful.
6. In summary, the decision of the Panel is that Mr Chapple's breach of AHRR 163(1)(a)(iii) as particularised is confirmed, and that his licence be suspended for 14 days. In view of his success on the issue of penalty, Mr Chapple should be refunded 50% of the Appeal fee.

Hon Wayne Haylen KC – Principal Member

Mr W Picken OAM – Panel Member

Mr C Edwards – Panel Member

13 December 2023