

NEW SOUTH WALES HARNESS RACING APPEAL PANEL

**APPEAL PANEL MEMBERS
Hon. W Haylen KC
W Picken OAM
J Murphy**

22 JANUARY 2024

APPELLANT SEBASTIAN PILTZ

RESPONDENT HRNSW

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

DECISION

The orders of the Panel are that the Appeal be allowed to the extent that the suspension be reduced to 5 days and that the Appellant be refunded 50% of the appeal fee.

1. On 9 January 2024 Stewards opened an inquiry regarding the reason why Tiger Prince was tightened for room near the 1300m and losing its rightful position at the 1000m in Race 6 held at Menangle. The Stewards interviewed Mr Gallagher, the driver of Tiger Prince, and Mr Sebastian Piltz, the driver of Lochart Shard. Stewards noted that approaching the first turn Tiger Prince was in a position one off the running line while Mr Piltz was in a three-wide position and racing just in advance of Tiger Prince. It was noted that at this point Mr Piltz commenced to move down the track, putting pressure on Tiger Prince. While Tiger Prince maintained the position inside Lochart Shard until a point approaching the 1200m Mr Gallagher was forced into an inside position when Lochart Shard fully moved down to the running line.
2. Mr Gallagher told Stewards that he had established his run in the running line and was 'pretty content' to stay there. When Lochart Shard moved he said he had no option but to go to the fence. After viewing video of the race Mr Gallagher stated that he was forced down to the peg line because of the move by Mr Piltz. In his evidence Mr Piltz said that he saw a gap between Tiger Prince and another runner and decided to take that position. He thought he was a full length in front of Tiger Prince at that point. In doing so Mr Piltz said he was going with the momentum of the race as everyone was going in at this point and he simply followed that momentum.
3. After considering the evidence the Stewards charged Mr Piltz with a breach of AHRR 163(1)(a)(iii). The terms of that charge were: A driver shall not cause or contribute to any interference. The particulars were: That approaching the 1300m he permitted Lochart Shard to shift in when not sufficiently clear of Tiger Prince resulting in that horse being tightened and restricted in room until 1000m when Tiger Prince was forced to check and subsequently lost its rightful racing position at that stage of the race. Mr Piltz entered a not guilty plea to this charge.
4. In support of this position Mr Piltz stated that just around the turn Tiger Prince was 'going in' and he held his line; he had the momentum of the race and held his line and did not go in or out. Everyone was going in. Stewards pointed out that there was an 'inward movement' by two other horses but the difference was that Mr Piltz had a horse on his inside. Mr Piltz repeated that he thought he was clear of Tiger Prince and not near him while Mr Gallagher was trying to push him out.
5. The Stewards did not accept the propositions put by Mr Piltz and accepted the evidence of Mr Gallagher. They concluded that the inward shift of Lochart Shard resulted in Tiger Prince relinquishing his position and losing his rightful position on the inside of that horse. The Stewards were satisfied that this inward shift was the cause of the interference to Tiger Prince.
6. In reaching a decision on an appropriate penalty the Stewards commenced by adopting the penalty guidelines for this offence, being a starting point of 28 days. Here, there had been a not guilty plea entered by Mr Piltz and no reduction in penalty was available. It was noted that Mr Piltz had no prior suspensions under this rule resulting in a reduction of 14 days. The Stewards also noted that he had a good driving record, having some 150 drives since the commencement of this career. The Stewards were also mindful of 'the consequential effect of any period of suspension' and took into account his level of inexperience. Against that background the Stewards felt that he should be afforded a further reduction such as to reduce the suspension to 10 days.
7. In preparation for the hearing of this case Panel members had difficulties in identifying precisely where the interference took place and the nature of that interference. Submissions filed by the Stewards contained various still shots that provided a clear identification of the places where incidents were said to have occurred and where the two horses were placed during various periods of the race. From those photos and submissions by the parties the Panel is satisfied that coming into the turn, while a number of horses were moving inwards (as apparently usual at the turn at Menangle) Mr Piltz crossed in front of Tiger Prince when not a clear metre between the

horses. This movement was in breach of AHRR 165 (1) (b) although occurring in a split second. The Panel is not satisfied that this movement caused Tiger Prince to be checked, in the usual way in which that term is used. This was not a case where Tiger Prince broke stride or lost ground at this point. It appears to the Panel that the essence of this breach is the failure to ensure that there was a clear metre between the horses when Mr Piltz crossed Tiger Prince. Absent that move, Tiger Prince stays in the position it occupied prior to this incident.

8. As described above, the Panel regards this breach to be at the low level of penalties available. Indeed, the Stewards found grounds to properly reduce the penalty from 4 weeks to 10 days. Having regard to that background, the Panel believes that an appropriate penalty is suspension for a period of 5 days.
9. The orders of the Panel are therefore, that the Appeal be allowed to the extent that the suspension be reduced to 5 days and that the Appellant be refunded 50% of the Appeal fee.
10. There is one more matter that the Panel wishes to address. During the Appeal hearing Mr Piltz's father addressed the hearing to explain that his son suffered from a condition that made it often difficult for him to speak fluently. It was to the credit of the advocate for Harness Racing that it was immediately accepted that in those circumstances Mr Piltz Snr should be allowed to assist his son in making submissions to the Appeal hearing. The Panel wholeheartedly endorses that approach in disciplinary matters arising under the rules of Harness Racing.

Hon Wayne Haylen KC – Principal Member
Mr J Murphy – Panel Member
Mr W Picken OAM – Panel Member

22 January 2024