

**NEW SOUTH WALES
HARNESS RACING
APPEAL PANEL**

**APPEAL PANEL MEMBERS
Hon W Haylen KC
W Picken OAM
C Edwards**

18 November 2024

**APPELLANT DANNY MACKNEY
RESPONDENT HRNSW**

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

DECISION

- 1. The findings of the Appeal Panel are that the Appeal be dismissed; the penalty of 10 days suspension is confirmed.**
- 2. The appeal deposit forfeited.**

1. On the 31 October 2024, Stewards at Tamworth Harness Racing Club opened an inquiry regarding the reason for the horse Daggy Lamb being checked severely, breaking stride and galloping inside the 300 metres in race 6. The Stewards interviewed four drivers from that race, being Mr Elder driver of Glitter Strip, Mr Brown the driver of Karalta Courage, Mr Mackney the driver of Terror Flying, and Mr Hughes the driver of Daggy Lamb.
2. The Chairman of Stewards informed this group of drivers that he had a clear view of the field as these horses ran into the home straight. He observed that Daggy Lamb was checked quite severely, broke stride and galloped. At that stage of the race Daggy Lamb was racing outside Terror Flying. It was noted that prior to that Terror Flying had been driven with vigour whilst racing outside Karalta Courage and Glitter Strip. Glitter Strip shifted off the marker peg line approaching the home turn.
3. Mr Mackney told Stewards that about halfway around the home turn he was pushing his runner along "fairly well" and was running to the outside of Karalta Courage's wheel. He felt that he was fairly clear but as he came to the point of the home straight, he received a fair bit of pressure from the two runners to his inside, being Karalta Courage and Glitter Strip. That pressure did not leave him a lot of room. Mr Mackney stated that he stopped driving when he made contact because his horse was being squeezed up fairly well. That contact was made with Daggy Lamb that was to his outside.
4. In further evidence Mr Mackney denied that there was not room for him between Daggy Lamb and Karalta Courage. He was trying to improve his horse's position and felt that he had sufficient room to get his horse's legs through the gap. The Chairman then observed that 'a cart must follow, though.'
5. The drivers of the other horses gave considerable evidence about the placement of their horses and the various circumstances they faced, especially rounding the turn into the straight. It is clear that these horses were running in close proximity at a vital part of the race. Mr Mackney remained steadfast in his view that there was room for his horse to take advantage of the gap he regarded as sufficiently wide.
6. It is acknowledged that the Stewards took some time to establish precisely what happened between this group of horses at a vital time in the race. Each driver expressed their view of their circumstances at the run to the turn. Late in the discussion, the Chairman of Stewards stated: "The options there that are available to you, Mr Mackney, are to not drive so vigorously in restricted room."
7. After an adjournment, the Stewards reconvened and observed that there had been a pretty significant check to Daggy Lamb and that they would consider the evidence given in relation to where Mr Mackney was attempting to improve his run, the way his horse was racing and the way that he was driving. There were other matters involving this group of drivers, that were under consideration.

8. Following a further adjournment the Stewards reconvened and observed that this matter was not a 'run of the mill' type of interference and that there were many factors to be considered. It was then announced that Mr Mackney should answer a charge under AHRR 163 (1) (a) (iii), that a driver shall not cause or contribute to any interference. The particulars of the charge were that Mr Mackney, as the trainer/driver of Terror Flying, did, approaching the home turn, for some distance, direct your drive into an area between Daggy Lamb on your outside and Karalta Courage on your inside where there was insufficient room. Thereafter, you drove with vigour to attempt to maintain that position and shortly after, when continuing those endeavours, you were taken into the line of Daggy Lamb by a slight shift out from Karalta Courage, resulting in Daggy Lamb being checked severely, breaking stride and galloping, and Zacharooni, which was on its outside, being hampered and shifted wider. Mr Mackney pleaded not guilty to that charge. After further discussion and taking evidence in support of Mr Mackney from Driver Murray Sullivan, the Stewards announced that that charge laid was sustained and Mr Mackney was guilty of the charge particularised.
9. In setting the penalty the Stewards adopted the Guidelines for this type of offence and commenced with a suspension of licence of 35 days. While there was no reduction available due to the not guilty plea, his overall record was considered to be good and warranted a decrease of 14 days. The circumstances of the race were considered and the role played by other drivers led to the taking account of all of the mitigating factors, resulting in a suspension of licence for 10 days.
10. At the hearing of the Appeal, the Panel was presented with a thorough review of the evidence taken by the Stewards in support of a submission that the Appeal be dismissed. Mr Mackney represented himself and spoke briefly about his belief that there was enough room for his horse to take advantage of a gap as the horses rounded the turn. He relied primarily on the submission he made to the Stewards.
11. Having considered all of the evidence, the Panel concludes that there was no room for Mr Mackney to shift into a gap at the turn. He spoke of the horse's legs having room for this move but overlooked the observation of the Chairman that the gap also had to be large enough to allow the cart to come through that same space.
12. Having reached that position, the findings of the Appeal Panel are that the Appeal be dismissed; the penalty of 10 days suspension is confirmed; and the Appeal fee is forfeited.

Hon Wayne Haylen KC – Principal Member
Mr W Picken OAM – Panel Member
Mr C Edwards- Panel Member

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