

**NEW SOUTH WALES
HARNESS RACING
APPEAL PANEL**

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

15 November 2024

**APPELLANT KEALI HEPWORTH
RESPONDENT HRNSW**

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

DECISION

- 1. The decision of the Panel is the suspension of Ms Hepworth for 14 days is set aside; that Ms Hepworth is found guilty of breaching AHRR 163(1)(a)(iii), having regard to the single nature of the breach, Ms Hepworth is reprimanded.**
- 2. Having partly succeeded in her Appeal, Ms Hepworth shall have half the Appeal fee returned to her.**

1. On 31st October 2024 Harness Racing Stewards opened an inquiry into the reason for the horse Rippin An Twistin breaking stride and galloping near the 900 metres, in race 3 conducted at the Tamworth Harness Racing Club. In this race Ms McElhinney was driving Rippin An Twistin and Ms Keali Hepworth was driving Oak Ridge.
2. Stewards viewed the race as the field raced past the post after the start. From that point Stewards observed Oak Ridge being driven with some urgency to go forward and perhaps to establish a lead. Coming into the turn it was observed that Oak Ridge crossed in front of Rippin An Twisting and did so without allowing sufficient clearance, resulting in Ms McElhinney having to take evasive action and shortly thereafter Rippin and Twistin broke stride and galloped. During the inquiry the Stewards accepted that there was no contact between the two horses at this point.
3. In the discussion with Stewards Ms McElhinney stated that she had a vague memory of this incident with her horse but recalled Ms Hepworth coming down at the run into the turn ‘ a bit quick, as they are babies, but yeah, there was no contact or anything, and a little bit later, my runner galloped.’ Later in her evidence Ms McElhinney said: ‘Ms Hepworth just came down a bit sharply and they’re babies. It just hasn’t seen many horses come down that quickly in front of it.’ She also agreed with Stewards that her horse’s off forleg was right at the wheel of Ms Hepworth’s sulky and then was in her line of running.
4. Ms Hepworth’s evidence was that she did not have instructions to cross but the horse started well without having to be driven. Her instructions were that if she could get in front and hand up to something to do so, but the horse probably did come down a little bit too sharp. She did look back and thought that she was clear enough by the time she had come down the track.
5. During this evidence, the Chairman of Stewards made the following statement: “There would be a concession from the Stewards that Caitlin McElhinney’s drive doesn’t break until some distance after where you say, or my observation indicated, that she was crowded. But I believe that it played a role in it.”
6. Ms Hepworth was assisted by the evidence of Mr Varga, a licensed trainer/driver, whose experience was recognised by the Stewards. He observed that Ms McElhinney’s horse probably did seem to run out a little bit and (Ms Hepworth) went to make her move forward. It probably had got a little bit tight, but being babies, if it was older horses, they would have raced through that kind of thing. It probably was a little bit tight when (Ms Hepworth) went to make her move down the track. Mr Varga also observed that coming to the point of the bend, all horses were trying to drift down the track.

7. Although the transcript of the formulation of the charge was not available due to technical difficulties, it is clear that Ms Hepworth was charged with a breach of AHRR 163 (1) (a) (iii), that a driver shall not cause or contribute to any interference. Ms Hepworth pleaded guilty to that charge. The Stewards commenced their deliberation of penalty by adopting the Guideline for this type of offence, being a suspension of 35 days. Seven days reduction was allowed for her guilty plea but no other discounts were deemed available. Mr Varga's evidence was taken into account regarding Ms Hepworth's status in the industry and her capacity to improve, resulting in a suspension of 14 days.
8. On Appeal, Ms Hepworth changed her plea to not guilty. In her case she relied upon the evidence of two highly regarded drivers. In essence their evidence focussed on the fact that there was no contact with Rippin An Twisting while Mr Formosa considered that the sharp crossing was not the cause of the interference to that horse.
9. After close consideration, the Appeal Panel is satisfied that Oak Ridge crossed too closely to Rippin An Twistin coming into the turn. This alone constituted a breach of AHRR 163 (1) (a)(iii). However, The Panel is not satisfied that move caused Rippin An Twistin breaking some considerable distance after the turn. Indeed, that horse broke again later in the race when not under pressure from any other runner. This was a young horse having only its 5th race. These matters lead to a considerable doubt that Oak Ridge caused the interference argued by the Stewards.
10. Having reached that decision the Appeal Panel regards a suspension of 14 days is not warranted. Having regard to all the circumstances that were presented before the Stewards and now on Appeal, the Panel concludes that an appropriate penalty is a reprimand.
11. The decision of the Panel is : the suspension of Ms Hepworth for 14 days is set aside; that Ms Hepworth is found guilty of breaching AHRR 163 (1)(a)(iii) in crossing too closely; having regard to the single nature of the breach, Ms Hepworth is reprimanded; having partly succeeded in her Appeal, Ms Hepworth shall have half the Appeal fee returned to her.

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

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