

**RACING PENALTIES APPEAL TRIBUNAL DETERMINATION**

**APPELLANT:** MR DYLAN EGERTON-GREEN

**APPLICATION NO:** 25/4485

**PANEL:** MR ROBERT NASH  
(CHAIRPERSON)

**DATE OF DETERMINATION:** 20 OCTOBER 2025

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**IN THE MATTER OF a determination in respect of an appeal by DYLAN EGERTON-GREEN against the decision of the Stewards of Harness Racing to impose a suspension period of 9 days for breach of Rule 168(1)(a) of the Rules of Harness Racing**

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Mr Gary Hall Jr represented Mr Dylan Egerton-Green

Mr Brad Lewis represented the Racing and Wagering Western Australia Stewards of Harness Racing.

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1. By Notice of Appeal dated 25 June 2025, the Appellant appeals against a decision of the RWWA Harness Racing Stewards (**Stewards**) to suspend him from driving in harness races for a period 9 days after finding him guilty of careless driving contrary to Rule 168(1)(a) of the Rules of Harness Racing (**Rules**).
2. The charge arose out of the Appellant's drive of Prince of Tribecca in Race 4 Gloucester Park on 17 June 2025. The Stewards particulars of the charge were that In the front straight to receive the bell when on level terms with Art Ideal, driven by L Harper, the Appellant applied undue pressure to Art Ideal in an attempt to shift it to a three wide position which resulted in Art Ideal breaking gait.
3. The Appellant contends that the Stewards erred in finding him guilty of careless driving which he submitted is demonstrated by a view of the tapes of the Race and when regard is had to the characteristics of the horse in question (namely, Art Ideal).
4. Rule 168(1)(a) is in the following terms:

*168 (1) A person shall not before, during or after a race drive in a manner which is in the opinion of the Stewards:*

(a) *careless*

....

5. The charge is concerned with whether in the opinion of the Stewards, the Appellant drove in a manner that was careless. Therefore, it is not a case of the Tribunal merely substituting its opinion. In order for such an appeal to succeed it must be demonstrated that the Stewards' opinion that the driving was careless was so unreasonable that they could not have reasonably reached the opinion that they did.
6. As Mr Mossenson, a longstanding former Chairperson of this Tribunal, stated in *Staeck (Appeal 699)* and in *Young (Appeal 703)*, where a relevant rule is qualified by the words '*...In the opinion of the Stewards...*':

*'.....the test in all of these types of cases is not what impression members of the Tribunal may form for themselves of the quality of a ride based on any argument which may be pressed for an appellant as supported by the opinion submitted by the rider's counsel or representative. Rather, the ultimate test in these types of matters is whether the Tribunal has been persuaded that the Stewards have fallen into error in reaching the conclusion which they did on the basis that their decision was so unreasonable that it is untenable and it should be interfered with.'*

7. In *Staeck*, Mr Mossenson presciently observed in the context of a thoroughbred appeal, which is of equal force when this Tribunal considers appeals against qualitative assessments made by the Stewards of drives in Harness Racing:

*This Tribunal clearly is not in a position to evaluate the quality of rides and tactics employed by jockeys during races in the same manner as the members who constitute Stewards' panels. The Stewards are employed by RWWA for their knowledge and experience of the racing industry particularly riding techniques, tactics and racing practices. Stewards are appointed for their qualifications and familiarity of many aspects of the industry. This includes their acute understanding of the need to protect the safety and welfare of both horse and rider as well as the public betting implications of how races are conducted and run. The Stewards attend all race meetings affording them the benefit of viewing the races live from various vantage positions around the track. Their bird's eye view is conducive to the proper evaluation process of races. The Stewards are empowered to interview and take evidence from the participants first hand as part of the inquiry process. The Stewards are placed in the best position to judge the demeanour and credibility of those persons who come before them."*

8. I adopt what Mr Mossenson also said in the case of *Lewis (Appeal 721)*:

*As has repeatedly been stated in appeals which involve rules creating offences containing the words 'in the opinion of the Stewards', any assessment provided by others, including any of the drivers in the race and independent observers however qualified, may well be admissible and highly relevant, but such evidence cannot necessarily determine an outcome. The Stewards must reach their ultimate conclusion as to guilt or innocence based on the totality of the evidence.*

9. The above cases were referred to in the matter of *Gary Hall Jr Appeal No. 878*, where it was observed:

'16. *The Stewards are employed to apply and enforce the Rules because of their undoubted knowledge and expertise. They observe driving tactics in countless races and have a highly developed understanding of what constitutes an unacceptable drive. In addition, they not only have the opportunity to view the races live from their elevated positions but also to study the videos, hear the appellant's case and consider all of the facts and circumstances.*

17. *In considering an appeal against a conviction under HR 149(2), the Tribunal will only interfere with a Stewards' determination if it is 'clearly unjust', 'arbitrary', 'capricious', or 'unreasonable' in the sense that no Stewards acting reasonably could have formed the opinion: see Minister for Immigration & Citizenship v SZMDS [2010] HCA 16, per Crennan and Bell JJ at [130]*

10. At the hearing of the appeal, the Appellant was ably and articulately represented by Gary Hall Jr (**Mr Hall**).

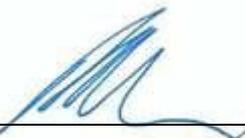
11. Mr Hall took the Tribunal through the various videos of the Race. He submitted amongst other things:

- a. Mr Harper, the driver of Art Ideal, had not referred to coming under undue pressure;
- b. Mr Egerton-Green's actions were not the cause of Art Ideal breaking gait;
- c. The breaking of gait occurred after the respective sulky wheels came apart;
- d. The guidelines do not prevent a driver from easing out when the horses are level;
- e. Mr Harper's horse, Art Ideal, had prior recent form for breaking gait which he argued was a tendency of the horse; and
- f. He submitted that if Art Ideal had broken gait earlier, then he would have accepted the pressure had caused it; and
- g. He submitted that a driver can't shift positions without applying some pressure and that the pressure in this case was legitimate and within the Rules.

12. On behalf of the Stewards, Chief Steward, Brad Lewis, explained that the Stewards reached their opinion that the driving was careless for the following reasons:

- a. A driver can't push another out when they are racing on equal terms;
- b. In this case, Mr Mance (who chaired the Stewards' Inquiry post-race) was able to observe the events closely from a Tower located close to the incident;
- c. At best, the horses were running level and the Appellant did not have a clear advantage as he was attempting to pressure Art Ideal to ease out;
- d. The Stewards considered the break of gait was the ultimate result of the move which had involved a lot of pressure over an extended period;
- e. He reiterated that the Stewards maintained the view (at the appeal) that the Appellant was careless in putting that much pressure on Art Ideal.

13. Since hearing the Appeal, I have again reviewed carefully all of the video footage of the Race which was taken from various angles.
14. It is apparent that over an extended distance along the front straight up to the Bell, the Appellant was placing considerable pressure on Art Ideal with the sulky wheels in contact and Art Ideal's head turned inwards as if resisting the outward pressure being applied, whilst Prince of Tribecca's body was angled slightly outwards with the wheels pushing against the sulky wheels of Mr Harper.
15. It is very much a judgment call of the Stewards as to whether a driver's driving in a particular instance has reached the point that it can be characterised as careless. Such a finding will be informed by the years of experience the Stewards have in viewing and analysing races.
16. After hearing the Appellant's arguments and reviewing all the various angles of vision of the incident, I am not satisfied that the Stewards' opinion had no reasonable basis. I am satisfied that it was reasonably open to the Stewards to come to the opinion that the pressure exerted by the Appellant was such that it could be fairly characterised as careless.
17. Accordingly, the appeal is dismissed.



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**ROBERT NASH, CHAIRPERSON**

