

**RACING APPEAL PANEL NEW SOUTH WALES**  
**IN THE MATTER OF THE APPEAL OF LICENSED TRAINER A SAWDEN**

Heard at Racing NSW Offices on Wednesday 11 March 2020

APPEAL PANEL: Mr T Hale (Convenor)  
Ms S Skeggs  
Mr T Carlton

APPEARANCES: Mr Marc Van Gestel for the Stewards  
Mr Paul O'Sullivan for Appellant A Sawden

**REASONS FOR DECISION**

1. **Convenor:** Licensed Trainer Andrew Sawden of Ballina lodged an appeal against the conviction and penalty of 4 months disqualification and a \$1250 fine after being found guilty by the Stewards of 2 charges under AR228(c) after an incident that occurred at Ballina Racecourse on Tuesday, 14 January 2020 and a second incident that occurred at Ballina Jockey Club on Monday, 10 February 2020. Mr Sawden was disqualified for a period to commence on Tuesday 18 February 2020 and expire on Thursday 18 June 2020. A previously suspended fine of \$1,250 was imposed. This followed an inquiry held on 10 February 2020 at the Stewards Room at Ballina Racecourse. The Panel of Stewards was comprised of Mr M A Holloway (Chairman) and Mr R W Loughlin.
2. The charges and the particulars were as follows:

Licensed trainer Mr Andrew Sawden, you are hereby charged with two breaches of AR228(c)

**Charge 1 – Improper or Insulting behaviour towards an official (AR228(c))**

The details of the charge being that on Tuesday 14 January 2020 at Ballina racecourse you licensed trainer Mr Andrew Sawden did conduct yourself in an improper and / or insulting manner towards Ballina Jockey Club official Mr George Auckram whilst he was in the conduct of his duties in that you did approach Mr Auckram and in an intimidating and threatening manner direct words, of an insulting and / or improper nature, towards him.

**Charge 2 – Improper or Insulting behaviour towards an official (AR228(c))**

The details of the charge being that on Monday 10 February 2020 at the Ballina Jockey Club you licensed trainer Mr Andrew Sawden did conduct yourself in an improper and / or insulting manner towards stewards, Mr Mark Holloway and Mr Reuben Loughlin, whilst they were in the conduct of an official stewards inquiry in that you did in an intimidating and / or offensive manner direct words, of an insulting and / or improper nature, towards one or both of them.

3. An application by Mr Sawden for a Stay of Proceedings, which was opposed by Stewards, had been declined by the Panel.
4. This Appeal was heard on Wednesday 11 March 2020 at the offices of Racing NSW. Mr Paul O’Sullivan appeared as Solicitor for Mr Sawden. Mr Marc Van Gestel represented the Stewards
5. The appeal commenced with Steward’s submissions. At the conclusion of the Steward’s submissions on the evidence, the Panel adjourned.
6. Upon resuming the Convenor informed Mr O’Sullivan that the Panel was contemplating the possibility of imposing a more severe penalty than that imposed by the Stewards, but emphasised that the Panel had reached no concluded view and had not yet heard submissions on behalf of Mr Sawden.
7. Mr O’Sullivan then sought leave to withdraw the appeal, which was not opposed by Mr Van Gestel.
8. The Panel made the following orders:
  1. Leave to withdraw the appeal is granted
  2. Appeal deposit forfeited

Mr Sawden is disqualified for a period that commenced on Tuesday 18 February 2020 and expires on Thursday 18 June 2020. A fine of \$1250 is also imposed.

**Relevant Rules**

**AR228(c)** - A person must not engage in improper or insulting behaviour at any time towards a PRA, the Stewards, a Club, or any official, employee, contractor or agent of any of them in relation to the relevant person’s functions, powers or duties;

**AR283(7)** – A person or body authorised by these Australian Rules to suspend or disqualify any trainer may defer the commencement of the period of suspension or disqualification for no more than 7 clear days following the day of the suspension or disqualification was imposed, and upon terms and conditions considered fit.

**AR283(8)** – Notwithstanding that the commencement of a period of disqualification may be deferred under subrule (7), a trainer must not start a horse in any race from the time of the decision to disqualify that trainer until the expiration of the period of disqualification.