

**RACING NEW SOUTH WALES APPEAL PANEL**

**IN THE MATTER OF LICENCED TRAINER DARREN EGAN**

**REASONS IN RESPECT OF  
COMMENCEMENT DATE OF PENALTY**

Appeal Panel: **Mr P F Santucci – Convenor and Acting Principal Member**

**Mr L V Gyles SC**

**Mr J Murphy**

Appearances: **Stewards: P. Sweney and J. Johnstone**

**Appellant: J Bryant solicitor**

Date of Hearing: **Written submissions received on commencement date**

Date of Reasons: **2 July 2024**

**REASONS ON COMMENCEMENT DATE OF PENALTY**

1. **THE PANEL:** The Panel has considered the parties submissions in respect of the appropriate starting date for the penalty confirmed in our Penalty Reasons dated 3 June 2024
2. The Panel notes the submission of the Stewards on 25 June 2024:

*Notwithstanding the status of Mr Egan's licence, in circumstances where the disqualification was stayed until 31 January 2024, the appropriate order is that the period of disqualification commences on 1 February 2024 and ends on 31 January 2026.*
3. We note that, since that submission was made, the Stewards have pointed to subsequent conduct they allege to be a breach by Mr Egan of the disqualification, and have therefore asked that the disqualification start from today 2 July 2024.
4. Mr Egan has asked for an earlier date in 2023, on the basis that Mr Egan has not worked since being stood down in November 2023. Mr Egan also argues that 20 December 2023 would be an appropriate date, being the date on which Racing NSW rejected his application for a stablehand licence.

5. Mr Egan has supplied documents to suggest he has divested interest in a racehorse as early as 2021, consistent with compliance with the terms of the penalty.
6. We agree with the position of the Stewards as stated on 25 June 2024.
7. We determine that the disqualification should commence from 1 February 2024, being the date on which the stay ended.
8. In making that determination the Panel does not make any other determinations. To be clear we consider the date on which Racing NSW rejected an application for a licence to be irrelevant. We also consider that current conduct alleged to be a breach of the disqualification penalty should not affect the setting of the appropriate start date for the disqualification.
9. Rather, it appears to us on the submissions that all parties agree the disqualification was in effect from 1 February 2024 once the stay lifted. For that reason Mr Egan has been effectively serving a penalty of disqualification from that time, and that renders it an appropriate starting date.
10. Given that Order 5 made on 3 June 2024 at the conclusion of our reasons on Penalty involved a confirmation of the 2 year disqualification imposed by the Stewards, that order does not require any alteration. We will make an order that clarifies the correct date for the calculation of the 2 year period for disqualification. No further order, or variation of orders is required.
11. To the extent that it is alleged Mr Egan has breached any of the conditions of disqualification, that will be a separate matter for the Stewards to investigate, consider and (in the first instance) make their own determination about.
12. We now consider the matter of the appeal of Mr Egan to be finalised.

### **Final Orders**

13. The Panel makes the following order:
  - (1) Order that the calculation of the 2 year disqualification period confirmed in Order 5 of the Orders made in this matter on 3 June 2024, is to commence from 1 February 2024.

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