

# RACING NSW – STEWARDS REPORT



INQUIRY INTO STABLE FOREMAN MR COLUM MCCULLAGH BREACHING RACING NSW  
COVID-19 POLICY.

Racing NSW Offices  
Druitt Street  
Sydney  
(by Video Conference)

30 December 2021

Stewards: M F Van Gestel (Chairman)  
S G Railton  
T P Moxon

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Racing NSW Stewards today conducted an inquiry into stable foreman Mr Colum McCullagh breaching the Racing NSW COVID-19 Policy and NSW COVID-19 Health requirements. Evidence today was taken from Mr McCullagh and his employer licensed trainer Mr Peter Snowden.

## Charges – Colum McCullagh

### 1. *AR 228(a) Conduct detrimental to the interests of racing.*

Details of the charge being after displaying COVID-19 like symptoms on Sunday 19 December 2021, he obtained a COVID-19 test in agreement with Mr Snowden and then attended Randwick, Wyong and Canterbury racecourses and the licensed stable premises of training partnership Mr Peter and Paul Snowden on 20 and/or 21 December 2021, prior to receiving his COVID-19 test result, which returned positive on morning of 21 December 2021. Such conduct being in breach of the Racing NSW COVID-19 Policy and NSW Health requirements and being prejudicial to the interests of racing.

**Plea: Guilty**

### 2. *AR 233(a) Breach of Racing NSW Policy*

Details of the charge being after displaying COVID-19 like symptoms on Sunday 19 December 2021, he obtained a COVID-19 test in agreement with Mr Snowden and then attended Randwick, Wyong and Canterbury racecourses and the licensed stable premises of training partnership Mr Peter and Paul Snowden on 20 and/or 21 December 2021, prior to receiving his COVID-19 test result, which returned positive on morning of 21 December 2021. Such conduct being in breach of the Racing NSW COVID-19 Policy

**Plea: Guilty**

## Penalty

Stewards considered the following matters in respect to penalty.

1. Guilty plea at earliest opportunity and contrition displayed.
2. Personal and professional circumstances.
3. Good record.
4. Principles applied by Stewards when issuing penalties as a protective order.
5. Precedent penalties.
6. Relevant circumstances of this case, including the symptoms he had were not uncommon for him to experience and he had been prescribed medication to treat.

Mr McCullagh's stablehand licence was suspended for a period of 3 months for both offences, reduced from 4 months for his guilty plea and other subjective circumstances. Stewards determined that both penalties were to be served concurrently, backdated to commence on 21 December 2021, the day Mr McCullagh isolated, and to expire on 21 March 2022.

Under the provisions of AR270, Stewards determined that Mr McCullagh not be permitted to attend

- Mr Snowden's stable area during the period of suspension.
- Any racecourse for the purpose of supervising trackwork (trainers stand or any other position).
- Any area on raceday that is restricted to licensed personnel (including but not limited to the weighing room and tie-up stalls).

## Charge – Peter Snowden

### 1. *AR 227(a) Negligence which led to a breach of the Rules*

Details of the charge being that after agreeing that Mr McCullagh should obtain a COVID-19 test on 19 December 2021, due to displaying COVID-19 like symptoms, he negligently failed to ensure that Mr McCullagh had received his negative COVID-19 test result and allowed Mr McCullagh to attend work at Randwick, Wyong and Canterbury racecourses and his licensed stable premises on 20 and/or 21 December 2021, prior to receiving his positive test result on 21 December 2021. Such negligence led to Mr McCullagh breaching AR233(a).

**Plea: Guilty**

## Penalty

Stewards considered the following matters in respect to penalty.

1. Guilty plea at earliest opportunity and contrition displayed.
2. Personal and professional circumstances.
3. Excellent record and high standing he holds in the racing industry.
4. Principles applied by Stewards when issuing penalties as a protective order.
5. Precedent penalties.
6. Relevant circumstances of this case, including the symptoms Mr McCullagh was displaying was not uncommon for him to experience.

Mr Snowden was fined \$9,000 reduced from \$12,000 for his guilty plea.

## Relevant Rules

### **AR 227 Breaches of the Rules**

*Without limiting any other powers, a PRA or the Stewards may penalise any person who:*

- (a) commits any breach of the Rules, or engages in conduct or negligence which has led or could have led to a breach of the Rules;*

### **AR 228 Conduct detrimental to the interests of racing**

*A person must not engage in:*

- (a) conduct prejudicial to the image, interests, integrity, or welfare of racing, whether or not that conduct takes place within a racecourse or elsewhere.*

### **AR 233 Other misconduct offences**

*A person must not:*

- (a) breach a policy, regulation or code of practice published by Racing Australia or a PRA;*

### **AR 270 Orders that can be made in relation to a suspended person**

*In addition to any of the restrictions that may apply to a suspended person under the Rules, the PRA or the body which imposed the suspension may order the suspended person:*

- (1) not to enter designated places at racecourses except at times or on conditions as may be specified in the order;*
- (2) not to participate in social or mainstream media in relation to any matter in connection with racing or wagering; and*
- (3) to comply with such conditions as may be necessary or desirable to prevent conduct by the suspended person that could be prejudicial to the image, interests, integrity or welfare of racing,*

*and the suspended person must comply with any such order.*

**M F VAN GESTEL  
CHAIRMAN OF STEWARDS  
GENERAL MANAGER - INTEGRITY**