



HEARING OF CHARGES OF SEXUAL HARASSMENT ISSUED AGAINST LICENSED TRAINER MR DARREN EGAN

**Racing NSW Offices
Druitt Street
Sydney**

7 December 2023

**Stewards: S G Railton (Chairperson)
J R Johnstone
M A Holloway**

Racing NSW Stewards today considered five (5) charges of sexual harassment, under AR233(c), issued against licensed trainer Mr Darren Egan.

Following an investigation by Racing NSW Investigators, an initial charge was issued against Mr Egan on 17 November 2023.

On 21 November 2023, Mr Egan's trainer's licence was suspended under the provisions of AR23, pending the hearing and determination of that charge.

The remaining charges under AR233(c) were issued against Mr Egan on 23 November 2023.

At today's hearing, evidence was taken from Mr Egan, who was assisted by Mr Joe Bryant, Solicitor, and from five industry participants who were the subject of the charges issued.

Charge 1 – AR233(c) Sexual Harassment

That between 15 October 2023 and 12 November 2023, he engaged in sexual harassment of a person engaged in and/or participating in the racing industry.

Plea: Not Guilty Finding: Guilty

Charge 2 – AR233(c) Sexual Harassment

That between 12 September 2022 and 9 November 2022, he engaged in sexual harassment of a person engaged in and/or participating in the racing industry.

Plea: Guilty

Charge 3 – AR233(c) Sexual Harassment

That on both 4 November 2023 and 9 November 2023, he engaged in sexual harassment of a person engaged in and/or participating in the racing industry.

Plea: Guilty

Charge 4 – AR233(c) Sexual Harassment

That between 18 April 2022 and 28 October 2023, he engaged in sexual harassment of a person engaged in and/or participating in the racing industry.

Plea: Not Guilty Finding: Guilty

Charge 5 – AR233(c) Sexual Harassment

That between 9 May 2022 and 9 September 2023, he engaged in sexual harassment of a person engaged in and/or participating in the racing industry.

Plea: Not Guilty Finding: Guilty

Penalty

Stewards considered submissions made by Mr Bryant on behalf of Mr Egan in respect of penalty. The following penalty considerations were taken into account.

1. The objective seriousness of the conduct which occurred over a prolonged time period.
2. Principle of specific and general deterrence and what message is to be sent to the industry, and greater public, in respect to such conduct.
3. Purpose for issuing penalties as a protective measure for the image and integrity of the thoroughbred racing industry.
4. Guilty plea in respect of charges 2 & 3.
5. Disciplinary history & years involved in the industry.
6. Personal and professional circumstances.

Charge 1 – 4 month disqualification

Charge 2 – 4 month disqualification, reduced to 3 months for guilty plea.

Charge 3 - 4 month disqualification, reduced to 3 months for guilty plea.

Charge 4 – 12 month disqualification

Charge 5 – 12 month disqualification

Having regard to the principle of totality of penalty, Stewards ruled that the total penalty imposed upon Mr Egan is that he be disqualified for a total period of 2 years. Such disqualification to commence on 21 November 2023, the day on which Mr Egan was stood down under AR23, and to expire on 21 November 2025.

Mr Egan was advised of his appeal rights.

Relevant Rules

AR 233 Other misconduct offences

A person must not:

...

(c) engage in sexual harassment of a person employed, engaged in, or participating in the racing industry.

AR 2 Dictionary

Sexual harassment means:

(a) subjecting a person to an unsolicited act of physical intimacy; or

(b) making an unsolicited demand or request (whether by demand or implication) for sexual favours from a person; or

(c) making a remark with sexual connotations relating to a person; or

(d) engaging in any other unwelcome conduct of a sexual nature in relation to a person, where the person engaging in the conduct described in paragraphs (a), (b), (c) or (d) does so:

(i) with the intention of offending, humiliating or intimidating the other person; or

(ii) in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

The conduct described in paragraphs (b), (c) and (d) includes, without limitation, conduct involving the internet, social media, a mobile phone, or any other mode of electronic communication.

AR23 Suspension pending the hearing and determination of a charge

Without limiting any other rules or Stewards' powers, if a person has been charged with a breach of the Rules or with the commission of an indictable criminal offence, and if the Stewards are of the opinion that the continued participation of that person in racing might pose an unacceptable risk of prejudicing the image, interests, integrity or welfare of racing, the Stewards may pending the hearing and determination of the charge:

(a) suspend any license, registration, right or privilege, granted to that person under these Australian Rules.

**S G Railton
Chairman of Stewards
Racing NSW**