28 September 2021

**DECISION**

**RACING VICTORIA**

**and**

**BRIAN PARK**

**Date of hearing:** 31 August 2021

**Panel:** Judge John Bowman (Chairperson) and Mr Greg Childs.

**Appearances:** Mr Sam Cochrane appeared on behalf of the Stewards.

Mr Des O’Keeffe represented Mr Brian Park.

**Charge:** Australian Rule of Racing (“AR”) 232(i) states:

 A person must not:

 (i) give any evidence at an interview, investigation, inquiry, hearing and/or appeal which is false or misleading.

**Particulars of charge:** 1. You are, and were at all relevant times, a jockey licensed by Racing Victoria.

2. On 14 March 2021 you were engaged to ride at and attend the Yarra Valley Racing Club meeting (the Meeting).

3. On 14 March 2021, you failed to attend the Meeting.

4. On 14 March 2021, you were interviewed by Stewards via mobile telephone regarding your failure to attend the Meeting (the Interview).

5. During the Interview, you initially gave evidence along the following lines:

a. You had sustained a puncture to your vehicle tyre on 14 March 2021;

b. You had taken a photo of the puncture that occurred on 14 March 2021 and sent that photo to Steward Geoff Hausfeld; and c. You had travelled in an Uber to Tyrepower on 14 March 2021.

6. During a subsequent interview with Stewards on 27 April 2021, you gave further evidence along the following lines:

a. You did not sustain a puncture to your vehicle tyre on 14 March 2021; and

b. You did not attend Tyrepower on 14 March 2021. 7. Evidence you provided (as noted in particular 5) was false and/or misleading, given evidence you later provided (as noted in particular 6).

**Plea:** Guilty

**DECISION**

Mr Brian Park, you have pleaded guilty to breaches of AR 232(i). You admit that you lied to the Stewards on Sunday, 14 March 2021. Your lie was in effect as to your failure to attend Yarra Valley racecourse on that day. You had one ride there. Your lie was contained in your explanation for non-attendance, namely that your car had a flat tyre. In fact, the car had a flat tyre on the previous Wednesday. Without going into details in great length, in order to support your story, you sent a photo of the flat tyre to the Stewards. Unfortunately for you, the photo was clearly dated on the previous Wednesday, not on Sunday, 14 March 2021.

When interviewed again on 27 April 2021, you clearly admitted that the flat tyre story was false and that you had been lying on 14 March 2021. Mr Des O’Keeffe, on your behalf, explained your domestic pressures that you were under on 14 March 2021. We will not go to these in detail. You have obtained professional assistance in that regard.

You have been a licensed jockey for 24 years. You have no relevant prior convictions. You were under severe financial pressure, having recently suffered a hip injury which kept you out of race riding for 7 weeks. You are yet to receive any work cover payments in that regard.

Lying to the Stewards is a serious offence. General deterrence is an important matter to consider. As stated by Mr O’Keeffe, the job of the Stewards is difficult enough without them being given wilfully false explanations. Given your record and your circumstances, we do not consider specific deterrence to be as large factor as general deterrence. Perhaps it is a reflection of your financial circumstances that you would prefer a suspension rather than a fine. We will bear that in mind.

We have considered the penalties involved for breaches of this Rule. Whilst it is no surprise that the circumstances vary, it seems to us that, on a comparative basis and bearing in mind your personal circumstances and very good record, this offence whilst serious, is very much at the bottom of the range.

You are suspended for a period of 4 weeks. Of that 4 weeks suspension, 2 weeks are in turn suspended for 12 months. If you offend again in this way, a further 2 week suspension will become operative. We agree that this is a serious offence, but there are a number of highly persuasive factors that have led us to the conclusion that 2 weeks of what would otherwise be a 4 week suspension should in turn be suspended.

Mark Howard
Registrar, Victorian Racing Tribunal