21 November 2019

**DECISION**

**RACING VICTORIA**

**and**

**MR JACOB RULE**

**Date of hearing:** 20 November 2019

**Panel:** Judge John Bowman (Chairperson) and Mr Des Gleeson

**Appearances:** Mr Daniel Bolkunwicz appeared on behalf of the Stewards.

Mr Peter Jurkovsky appeared on behalf of Mr Rule.

**Witnesses:** Ms Lisa Stevens appeared as a witness.

Mr Jacob Rule appeared as a witness.

**Charges and Particulars:**

**CHARGE ONE: AR 228(b)**

The Stewards charge you with breaching AR 228(b) which reads as follows:

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

*A person must not engage in:*

*…*

*(b) misconduct, improper conduct or unseemly behaviour*

*…*

**Particulars of Charge**

1. You are, and were at all relevant times, a jockey licensed by Racing Victoria.
2. You rode Highland Jakk in Race One, The Big Screen Company Three Year Old Maiden at Bendigo on Thursday, 26 September 2019.
3. After the race and following dismounting, you handed your saddle to licenced jockey Samuel Payne
4. You engaged in the action noted in particular 3 to reduce your weight when weighing in.
5. The above conduct was improper and therefore in breach of AR228(b).

**CHARGE TWO: AR232(i)**

The Stewards charge you with breaching AR 232(i) which reads as follows:

**AR 232 Failure to observe processes and directions of PRAs or Stewards**

*A person must not:*

…

1. *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. You rode Highland Jakk in Race One at Bendigo on Thursday, 26 September 2019.
3. On 26 September 2019, you were interviewed by the Stewards with regard your saddle, during which you gave evidence that:
   1. you had dropped it accidentally;
   2. Sam Payne had picked it up;
   3. you were unaware of how Sam Payne had picked it up;
   4. you were unsure where you had dropped it; and/or
   5. you only became aware that it was missing when questioned about it.
4. In a subsequent interview conducted by the Stewards with you on 26 September 2019, you then gave evidence that:
   1. you were struggling to make the weight for Race one;
   2. you requested that Sam Payne hold your jockey saddle when you were weighing in following Race one;
   3. you told Sam Payne to “stick to your guns” and continue to lie to the Stewards; and/or
   4. all the other relevant evidence given earlier was untrue.
5. Your evidence as noted in particular 3 was false and/or misleading, and accordingly in breach of AR 232(i).

**CHARGE THREE: AR 211**

The Stewards charge you with breaching AR 211 which reads as follows:

***AR 211 Horse overweight by more than 0.5kg***

* + 1. *A rider must ensure that his or her horse does not carry more than 0.5kg in a race over the weight that it is required to carry.*
    2. *If a rider breaches subrule (1), any other person at fault for the breach may also be penalised.*

**Particulars of Charge**

1. You are, and were at all relevant times, a jockey licensed by Racing Victoria.
2. You rode Highland Jakk in Race One at Bendigo on Thursday, 26 September 2019.
3. On Thursday, 26 September 2019, after riding in Race One at Bendigo, you weighed in 1.2kgs above your mount’s declared weight, which was in breach of AR 211(1).

**Plea:** Guilty to all charges

**DECISION**

Mr Jacob Rule, you have pleaded “guilty” to 3 charges. They arise out of occurrences at Bendigo races on 26 September 2019. You had a ride in race 1 on Highland Jakk, which ultimately ran 3rd. The offences arise out of an attempt by you to weigh in without your saddle in an endeavour to be within ½ a kilogram of your allotted weight. We say now that it was a very amateurish attempt. You sought and obtained the assistance of Mr Sam Payne, another jockey who is a longstanding friend of yours and who has also been charged with 2 offences arising out of the same circumstances. Essentially, the attempt was based upon trying to weigh in without your saddle.

Thus, the first charge relates to a breach of AR228(b) – misconduct or improper conduct.

The second charge relates to the false and misleading evidence which you gave to the Stewards when questioned about what had occurred. Essentially, you initially told Stewards that you must have dropped the saddle before weighing in. This became patently false when some video was shown. You have pleaded guilty to a breach of AR232(i).

The third charge to which you plead guilty is a breach of AR211 – effectively carrying more than 0.5 kilograms over the required weight.

Mr Jurkovsky, appearing on your behalf, put before us some impressive written references. You also made an oral statement to the Board in which you expressed remorse and accepted full responsibility for what had occurred, including the involvement of your friend Mr Payne.

In addition, helpful evidence was given by Ms Lisa Stephen, sports psychologist from Racing Victoria Limited and the VJA. We note that, insofar as this was expert evidence, the Stewards had not had the opportunity to obtain any such evidence on their own behalf.

You are aged 29 years. You have been a jockey for over 10 years. In recent times you have had weight problems. There have also been financial pressures in your personal life and you have been on anti-depressant medication. The ride at Bendigo on 26 September 2019 was your first for some months and it was a struggle for you to lose the weight. The ride became available at short notice and out of loyalty to Mr Rob Hickmott, for whom you do considerable work, you took it when you almost certainly should not have done so.

The bottom line is this. Appropriate penalties must be imposed. Specific and general deterrence must be born in mind, and particularly general deterrence. Attempts to deceive the Stewards in relation to weighing in, and to give them false accounts as to what had occurred, represent behaviour that clearly is totally unacceptable. You also prevailed upon your friend, Mr Sam Payne, to assist you, getting him into trouble.

A period of suspension is required. On the first charge of the breach of AR228(b), you are suspended for a period of 2 months from 20 November 2019. On the second charge – breach of AR232(i) - you are suspended for a period of 1 month – a total of 3 months from 20 November 2019. The first month of the suspension includes suspension from riding in trials, jump outs and trackwork. Thereafter, the remaining 2 months of the suspension are for race riding only. On charge 3 – the breach of AR211 – you are fined the sum of $500.

Mark Howard  
Registrar, Victorian Racing Tribunal