21 November 2019

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR SAM TAIBA**

**Date of hearing:** 14 November 2019

**Panel:** Judge John Bowman (Chairperson), Judge Julie Nicholson and Mr Robert Abrahams.

**Appearances:** Mr Russell Anderson appeared on behalf of the Stewards.

 Mr Sam Taiba represented himself.

**Charge:** Australian Harness Racing Rule 187(2) states a person shall not refuse to answer questions or to produce a horse, document, substance or piece of equipment, or give false or misleading evidence or information at an inquiry or investigation.

**Particulars of charge:** 1. On 2 May 2019, you were interviewed by HRV Stewards in relation to the transportation of ‘Nikitaras’ and other Ahmed Taiba trained horses to the Warragul harness racing meeting on 21 April 2019;

 2. During this interview you stated that you drove your own car to Warragul and that Billy Mulcay had floated the horses to the Warragul harness racing meeting;

 3. You knew this to be false as you had driven the float and horses to Warragul on 21 April 2019;

 4. On 2 May 2019, when interviewed by HRV Stewards as part of an investigation you did give false evidence being that you drove your own car to Warragul on 21 April 2019.

**Plea:** Not Guilty

**DECISION**

Mr Sam Taiba, you have pleaded Guilty to a breach of Rule 187(2) in that, on 2 May 2019 when being interviewed by Stewards, you falsely stated that you had driven your car to the Warragul harness racing meeting on 21 April 2019 when in fact you had driven a float containing 3 horses, including Nikitaras, which is owned by you.

You admitted that you had been giving false information during the course of the interview with Stewards. You admitted that the story of driving down in your own car was false. You gave no real explanation as to why you told lies to the Stewards. There is still no real explanation, save that the interview with the Stewards took you by surprise and was demanding.

Mr Anderson, on behalf of the Stewards, has suggested that a substantial fine, namely $1,000 should be imposed. We agree that a substantial fine is warranted. Both individual and general deterrence are to be considered. This is your second conviction for matters of this nature. The image and reputation of the industry are important considerations. The giving of false stories to the Stewards is a serious matter. An appropriate fine should be imposed.

Your family situation is that you are currently not working. You have had some health issues. You are hoping to soon be able to return to your work as a machine operator. In the meantime, your wife is working part-time and some government benefits are being received. You own just one horse. Your brother is involved in harness racing to a much greater extent.

Weighing up all these factors, including your admission of guilt in the one interview, although with no real explanation for what occurred, we are of the view that a fine of $1,000 is appropriate. Indeed, essentially you did not argue with Mr Anderson about his submission in this regard, commenting that it was fair.

However given all the circumstances, we are of the view that $250 of that $1,000 should be suspended for a period of 12 months. $750 is payable now, subject to any arrangement you come to with the Stewards. $250 will be suspended for a period of 12 months as an incentive for you to avoid infringement during this time.

Mark Howard
Registrar, Victorian Racing Tribunal