21 November 2019

**DECISION**

**RACING VICTORIA**

**and**

**MR SAMUEL PAYNE**

**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 Des O’Keeffe appeared on behalf of Mr Payne.

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

Mr Peter Griffiths 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:*

*…*

1. *(b) misconduct, improper conduct or unseemly behaviour*
2. *…*

**Particulars of Charge**

1. You are, and were at all relevant times, a jockey licensed by Racing Victoria.
2. Following the running of Race 1, The Big Screen Company Three-Years-Old Maiden at Bendigo on 26 September 2019, you accepted a saddle handed to you prior to licensed jockey Jacob Rule weighing in.
3. You engaged in the action noted in particular 2 to assist Jacob Rule to attempt to reduce his weight when weighing in.
4. 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. On 26 September 2019, you were interviewed by the Stewards, during which you gave evidence that:
3. you had not had any interaction with Jacob Rule;
4. you saw Jacob Rule’s saddle on the ground and thought you would put it near the door near the Stewards’ room; and/or
5. when Jacob Rule came out looking for his saddle, you showed him where you had put it.
6. In a subsequent interview conducted by the Stewards with you on 26 September 2019, you then gave/accepted evidence that you were not fully honest with the Stewards in your previous interview, in that the evidence you previously gave was not the truth, and that you had indeed deliberately taken Jacob Rule’s saddle following a conversation with him.
7. The evidence given by you during the initial interview with the Stewards on 26 September 2019 as set out in particular 2 above, was false and/or misleading and therefore in contravention of AR 232(i).

**Plea:** Guilty to both charges

**DECISION**

Mr Sam Payne, for your role in this series of events, you have been charged with a breach of AR228(b) – engaging in misconduct or improper conduct. You have also been charged with a breach of AR232 giving of false or misleading evidence.

We will not go through the sequences of events again. We accept that you were the minor player in what occurred, and that Mr Rule has attempted to take all responsibility. However, that does not mean that you did not commit serious offences.

Very powerful evidence was given on your behalf by Mr Peter Griffith, a high-ranking member of the Police Force, who emphasised that he was giving evidence as a private individual who has long known you and your family. Very helpful evidence was also given by your treating psychologist, Dr Lisa Stevens.

We accept that you were under very considerable stress at the time of these offences. We will not go into the details. Suffice to say that we accept the evidence of Dr Stevens.

We accept that, when this offending occurred, you were under considerable pressure generally and you were placed under further pressure by Mr Rule. He has accepted full responsibility.

We note that you are 26 years of age, have been a jockey for about 12 years and ride principally at provincial meetings. You also ride trackwork for which you are not paid, most of it for trainers in Ballarat.

Again, matters of specific and general deterrence must be born in mind, and particularly general deterrence. We would refer to what we have said in relation to this in the matter of Mr Rule.

In the particular circumstances of your case, we have determined to impose the following penalties.

On the first charge – the breach of AR228(b) – you are suspended for a period of 4 weeks. On the second charge – the breach of AR232 – you are also suspended for a period of 4 weeks. The penalties are cumulative, meaning a total suspension period of 8 weeks. However, of that period of 8 weeks, we suspend 6 weeks for a period of 12 months.

The suspension is under AR266, meaning that you can continue to ride trackwork and the like. You are suspended from racing riding during the relevant period.

Mark Howard  
Registrar, Victorian Racing Tribunal