7 July 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**PAUL PARSONS**

**Date of hearing:** 4 July 2023

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Julie Nicholson.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Paul Parsons represented himself.

**Charges:** Australian Harness Racing Rule (“AHRR”) 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.*

Australian Harness Racing Rule (“AHRR”) 187(6) states:

*A person shall not frustrate or endeavour to frustrate an inquiry or investigation.*

**Particulars of charges: CHARGE 1 – 187(2)**

1. You were, at all relevant times, a Grade B Trainer licensed by Harness Racing Victoria (**HRV**) and a person bound by the Australian Harness Racing Rules.
2. On 15 September 2021 at the Terang harness racing meeting, you were required to attend a Stewards’ Inquiry before Kylie Harrison (HRV Senior Steward), Adrian Crowther (HRV Senior Steward) and John Packer (HRV Steward) (**the Inquiry**).
3. During the Inquiry, you gave evidence that you did not have the phone number for the unlicensed person who was said by you to be “William Smith” (but who was in fact Robert Cachia).
4. The evidence that you gave (as noted in paragraph 3) was knowingly false or misleading, given that you knew that you had Robert Cachia’s phone number.

**CHARGE 2 – 187(2)**

1. You were, at all relevant times, a Grade B Trainer licensed by Harness Racing Victoria (HRV) and a person bound by the Australian Harness Racing Rules.
2. On 15 September 2021 at the Terang harness racing meeting, you were required to attend a Stewards’ Inquiry before Kylie Harrison (HRV Senior Steward), Adrian Crowther (HRV Senior Steward) and John Packer (HRV Steward) (the Inquiry).
3. During the Inquiry, you gave evidence that you did not have the phone number for the unlicensed person who was said by you to be “William Smith” (but who was in fact Robert Cachia).
4. The evidence that you gave (as noted in paragraph 3) was knowingly false or misleading, given that you knew that you had Robert Cachia’s phone number.

**CHARGE 3 – 187(2)**

1. You were, at all relevant times, a Grade B Trainer licensed by Harness Racing Victoria (**HRV**) and a person bound by the Australian Harness Racing Rules.
2. On 15 September 2021 at the Terang harness racing meeting, you were required to attend a Stewards’ Inquiry before Kylie Harrison (HRV Senior Steward), Adrian Crowther (HRV Senior Steward) and John Packer (HRV Steward) (**the Inquiry**) for questioning.
3. During the Inquiry, you gave evidence that the son of the unlicensed person said by you to be “William Smith” (but who was in fact Robert Cachia) was named “David Smith”.
4. The evidence that you gave (as noted in paragraph 3) was knowingly false or misleading, given that you knew that the name of the unlicensed person’s son was David Cachia.

**CHARGE 4 – 187(6)**

1. You were, at all relevant times, a Grade B Trainer licensed by Harness Racing Victoria (**HRV**) and a person bound by the Australian Harness Racing Rules.
2. On 15 September 2021 at the Terang harness racing meeting, you attended a Stewards’ Inquiry before Kylie Harrison (HRV Senior Steward), Adrian Crowther (HRV Senior Steward) and John Packer (HRV Steward) (**the Inquiry**), the subject of which included the identity and phone number of the unlicensed person that arrived with you at the Terang harness racing meeting.
3. At 6:40pm on 15 September 2021, you modified the contact name for Robert Cachia’s phone number on your mobile phone to “Smithy”, to be consistent with your false or misleading evidence in the Inquiry that the name of the unlicensed person was “William Smith”, and by doing so, you endeavoured to frustrate the Inquiry.

**Plea:** Guilty

**DECISION**

1. On 15 September 2021, Mr Paul Parsons travelled to the Terang Harness Racing meeting with two men and transported a horse called Zara’s All Good to the meeting.
2. Mr Parsons was the trainer of the horse and is a Grade B licensed trainer registered with Harness Racing Victoria (“HRV”). The two other men were Mr Shaun Taylor, a licensed stablehand and owner of the horse and Mr Robert Cachia, an unlicensed person.
3. As of September 2021, COVID-19 protocols were in place at HRV meetings whereby only licensed persons were allowed to enter the racecourse. This was the price the sport paid for its social licence of continuing to operate when many other activities no longer did. Strict compliance with COVID-19 protocols was vital for harness racing and any breach had the potential to shut down the industry.
4. Mr Cachia was not permitted to enter the racecourse and told a HRV official that he would remain in the vehicle in the car park. Mr Parsons had informed Stewards that Mr Cachia drove the others to the meeting. However, Mr Cachia did not remain in the vehicle and was seen by a HRV official near the stalls where the Parsons horse was stabled.
5. An inquiry was held into the presence of an unlicensed person on the racecourse and concerning what Mr Parsons had said to Stewards about that person’s identity.
6. At an inquiry held on the night of the race (15 September 2021), Mr Parsons told Stewards that Mr Cachia was “William Smith”, when he knew that to be untrue.
7. Mr Parsons also told Stewards that he did not have the phone number of the unlicensed person when he in fact did have that number for Mr Cachia.
8. Mr Parsons also told Stewards that Mr Cachia’s son’s name was David Smith, when he knew it to be David Cachia.
9. At about 6.40pm on 15 September 2021 Mr Parsons changed the contact name “Robert Cachia” in his phone to read “Smithy” so as to be consistent with the earlier false evidence he had given to the Stewards and to try and frustrate the inquiry.
10. Mr Parsons has been charged by HRV Stewards with four charges in relation to the above conduct. He has pleaded guilty to all four charges. We are comfortably satisfied on the evidence before us that all four charges are made out.
11. Charge 1 is under Australian Harness Racing Rule (“AHRR”) 187(2), which, amongst other things, proscribes the giving of false evidence at an inquiry. The subject of Charge 1 is the evidence given by Ms Parsons concerning the identity of Mr Cachia being William Smith.
12. Charge 2 is also under AHHR 187(2) and concerns false evidence given about not knowing Mr Cachia’s phone number.
13. Charge 3 is again under AHHR 187(2) and concerns Robert Cachia’s son being described as “David Smith”.
14. Charge 4 is under AHRR 187(6), which proscribes the frustration of or attempted frustration of an inquiry. This charge concerns the change of the entry of Mr Cachi to one of “Smithy” in the contact section of Mr Parson’s mobile phone.
15. The above charges are very serious, given that they concern facts designed to circumvent the COVID-19 protocols by attempting to disguise the identity of an unlicensed person on the racecourse. This person had previously been licensed almost 20 years before the event of 15 September 2021. General deterrence is of considerable importance in setting a penalty. Also relevant is the clean record of Mr Parsons and his subsequent co-operation with the Stewards. Mr Parsons was also very contrite in relation to the offences.
16. The offences here are serious, because participants have an obligation to be honest with Stewards. It is hard enough for Stewards to perform their roles without being misled and lied to by industry participants.
17. One the most serious of the Charges is Charge 4 under AHRR 187(6). Bearing in mind recent penalties for like matters and our considerations referred to earlier, we impose a period of suspension of 3 months. The suspension shall commence immediately.
18. On the Charges under AHRR 187(2), having regard to recent penalties in like matters, we impose a $1,500 fine on Charge 1. We impose the same fine on Charges 2 and 3, but make those penalties wholly concurrent with the $1,500 fine under Charge 1. This amounts to an active fine of $1,500.
19. We note that the parties were in agreement as to the penalties to be imposed. The suspension and ultimately the fines for the first 3 charges are based on them occurring in one course of conduct.

Mark Howard

Registrar, Victorian Racing Tribunal