

RACING APPEAL PANEL OF NSW

APPEAL OF BLAIKE MCDOUGALL

Panel: Mr R Beasley SC, Principal Member; Mr J Murphy; Mr C Tuck

Appearances: For Racing NSW, Mr C Albrecht
For Mr McDougall, Mr P O'Sullivan, solicitor.

Date of Hearing: 3 July 2020

Date of orders: 3 July 2020

Date of Reasons: 7 August 2020

REASONS FOR DECISION

1. Licensed jockey Blaike McDougall was charged with a breach of AR 229(1)(h) of the Australian Rules of Racing (**Rules**) at the Hawkesbury Racecourse on 23 June 2020. That Rule is in the following terms:

A person must not make a false or misleading statement or declaration in relation to a matter in connection with the administration or control of racing..

2. The relevant particulars of the charge were:

“...you did provide false and misleading evidence in that you denied ownership of ...unapproved riding boots and after following an inspection of the jockey’s room which found a pair of unapproved riding boots and when questioned on a number of occasions as to whether you were the owner, you denied ownership of those riding boots until after some time when you did admit ownership...”

3. Mr McDougall pleaded guilty to the charge. Stewards penalised him with a full suspension of his licence to ride for a period of six weeks. He was also found to be in breach of AR 229(1)(a) (improper conduct) for presenting himself to weigh out in unapproved boots. For

this charge, he was fined \$500. He appeals to the Panel only in relation to the suspension imposed upon him.

4. The less said about this appeal, probably the better. That observation should not be taken as a finding by the Panel that the offending here is trivial. The circumstances may be vaguely ridiculous, but lying to Stewards is never a trivial matter, and will usually result in lengthy penalties, and frequently a disqualification (see, for example, the Panel's decision in *Poidevin* (20 July 2018), and the Tribunal's subsequent decision on further appeal in *Poidevin* (3 April 2019)).
5. Dishonesty and lack of full frankness with Stewards should never be considered a minor breach of the Rules. The Appellant lied to Stewards. That is a serious matter, relating to the integrity of the sport. The issues pertaining to the ownership of the Appellant's boots however are not absolutely central to the integrity of racing. The appellant lied more than once, then, in the same hearing, decided to fess up. The image of racing was not irretrievably damaged by the Appellant's untruths in the circumstances, but it has, rightly, cost him a suspension.
6. A full suspension is close to a disqualification. The Panel agrees that the Appellant's lapse in judgement here requires a suspension – particularly for reasons of deterrence, and ensuring the integrity of the sport is upheld by discouraging licensed persons from lying to the Stewards. However, we are of the view that the appropriate penalty is a suspension from riding, for a period of a month.
7. The Panel makes the following orders:
 - (a) Finding of breach of AR 229(1)(h) confirmed.
 - (b) Appeal against penalty allowed.
 - (c) In lieu of a full suspension of six weeks, the appellant's licence to ride is suspended for one month, commencing on 10 July 2020, and expiring on 10 August 2020, on which day the appellant may ride.
 - (d) Appeal deposit to be refunded.