

TASMANIAN RACING APPEAL BOARD

Appeal No 7 of 2018-19

Panel:	Tom Cox (Chair) Wendy Kennedy Suzanne Martin	Appellant:	Taylor Ford
Appearances:	Anthony O'Connell on behalf of the Appellant Roger Brown on behalf of the Stewards	Rules:	AHRR 187 (2)
Heard at:	Level 2 Marine Board Building 1 Franklin Wharf Hobart, Tasmania.	Penalty:	Two months disqualification
Date:	30 November 2018	Result:	Dismissed

REASONS FOR DECISION

1. The appellant complains about the severity of a two month period of disqualification imposed by the stewards following an inquiry in which Ms Ford admitted giving false and misleading evidence to the stewards contrary to AHRR 187(2).
2. The particulars of the charge are set out in the stewards' inquiry on 9 November 2018:
the particular of this charge are that you as a licensed person have given to [sic], we'll say completely contradictory accounts of events which occurred on the 18th of September and those contradictory accounts were given first of all to Mr Brown on the 18th of September and .. were then contradicted...in fact you recanted those statements when you appeared before stewards a fortnight ago. So the particulars are that in the two, two facets of this inquiry or investigation you've given conflicting evidence, two stories. The fact they don't reconcile, they're completely at odds with each other and we believe that constitutes misleading at the least or false evidence.
3. The appellant pleaded guilty to the particulars in those terms. Before this Board, the appellant submitted that there was uncertainty as to what exactly the appellant had given contradictory accounts about. It appears to us that she initially complained that she had an altercation with her father in which she was assaulted and further that she complained that he had injected prohibited substances to horses whilst not the holder of a racing licence. Later she recanted both allegations. To us it matters not whether she gave false evidence in respect of one or two events. Any uncertainty to our mind, does not dramatically affect the culpability of the conduct which, in essence, is simply that she gave false evidence at an inquiry before the stewards.
4. The appellant submits the disqualification is unduly harsh, given her troubled mindset at the time of the initial complaint. She claims that she made the allegations against her father because she was "lashing out at him." Further, it is submitted that

her limited education and ability to articulate herself should have been taken into account by the stewards. It was also submitted with supporting medical evidence, that she is impulsive and prone to strike out at persons, in particular family members, with false allegations of fact. She had also broken up with her girlfriend in the period before the first complaint and this had a dramatic effect on her, aggravated by her difficult familial relationships.

5. In our view, the period of two months disqualification is entirely appropriate. The giving of false and misleading evidence to stewards significantly undermines the integrity of the industry; hinders the stewards' performance of their duties; engenders cost and delay; and, above all, poses the risk that persons who have not breached the rules may be subject unfairly to investigation and sanction.
6. We also note that the appellant sent an email to the Chairman of Stewards, Mr Crowther two weeks after she made her initial complaints. That email simply sought to recant the allegations without any particular explanation for doing so. In our view, this conduct should not mitigate the penalty and even if some credit should be given to Ms Ford for promptly recanting the allegations, the penalty imposed by the stewards was fair in all the circumstances.
7. The appeal is dismissed. Further, the appellant will forthwith pay 50% of the deposit and pay 50% of the transcript fees.