

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 21 June 2011

SUBJECT: **HEARING RESULT – TRAINER: CIARON MAHER**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy Chair),
Mr Bill Knights.

Appearances Mr Peter Jurkovsky of Ebejer & Associates Lawyers appeared on behalf
of Mr Maher.
Racing Victoria's James Ogilvy appeared on behalf of the Stewards.

Charge 1 Breach of AR 175(gg) – false statement.

Charge 2 Breach of AR 175(g) – false evidence.

The charges relating to Mr Maher's scratching of the horse *Bruno* from
Race 7 at Casterton on Sunday, 29 May 2011.

Plea Charge 1 – Guilty.
Charge 2 – Guilty.

Decision Charge 1 – Mr Maher convicted and fined the amount of \$2,500.
Charge 2 – Mr Maher convicted and fined the amount of \$7,500.

A total of \$10,000 due on or before midnight on 21 July 2011.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**JUDGE RUSSELL LEWIS (CHAIRMAN)
MR B FORREST (DEPUTY CHAIR)
MR B KNIGHTS**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF: CIARON MAHER -
BREACH OF AR175 (gg) & ar 175 (g)**

MELBOURNE

TUESDAY, 21 JUNE 2011

MR P JURKOVSKY appeared on behalf of Mr C Maher

MR J OGILVY appeared on behalf of Stewards

CHAIRMAN: Yes, in this case there is a majority decision and one dissension and I'll ask Mr Forrest to announce the majority decision.

DEPUTY CHAIRMAN: Thank you Mr Chairman. The facts in this matter are not in dispute and I don't propose to go over that ground. We've considered the submissions made on behalf of the Stewards and Mr Maher and having regard to the sentencing principles and the matters personal to Mr Maher, including the fact that he has no prior offences of this nature, we have determined to, or the majority determined to impose monetary penalties which reflect, in our view, the deliberate falsehoods of Mr Maher which reflect adversely on him in this case. In our view, Mr Maher is to be fined on Charge 1, the sum of \$2,500 and on Charge 2, which we'd regard as a more serious breach, given the opportunities he had to rectify his situation and proceeded with the falsehoods, on Charge 2 he'll be fined \$7,500, total of \$10,000 payable to RVL by the 21st July 2011.

MR KNIGHTS: I'd just like to say that I agree with Mr Forrest on that charge.

CHAIRMAN: Yes, I would disagree with the majority view, I agree that the sum of \$2,500 is an appropriate penalty in relation to charge 1, however I differ as to the penalty on charge 2, in my view, charge 2 is a serious offence, the principal of general deterrence is a significant sentencing consideration, as is deterrence to the individual offender. Further, in my view, the persistent nature of the lies told is an aggravating feature of Mr Maher's conduct and a further principal is that there should be formal denunciation of such conduct. In my view, Mr Maher had the opportunity to make a clean breast of things at the beginning of the steward's inquiry, but decided to persevere with the lie that the horse was lame and once he embarked on that course, there ensued a, responses which amounted to, at the very least, prevarication and certainly a number of outright lies. I accept that there are mitigating factors, that is, that Mr Maher has no prior convictions and that he has had references testifying to his previous good character, noting that good character does not alter proven facts. I also take into account his plea of guilty, but in my view that is simply a recognition of the inevitable. In relation to charge 2, any penalty in my view, should send a message to the racing community that false evidence given by a licensed person at a Stewards inquiry, will not be tolerated, in my view, the only appropriate penalty in relation to charge 2 is a period of suspension and I will propose a period of suspension of two months, I would give Mr Maher until midnight the 30th June 2011, to make the necessary arrangements regarding his horses, so that the suspension would commence at midnight on the 30th June 2011 and expire at midnight on the 31st August 2011.

MR JURKOVSKY: Thank you Mr Chairman and the Board.

END OF EXTRACT