



**RACING NSW STEWARDS DECISION IN RESPECT TO PENALTY FOR CHARGES ISSUED AGAINST
MR MARC LAMBOURNE AND MR GLENN POLLETT.**

**Stewards: M F Van Gestel (Chairman)
W R Birch**

Date: 3 September 2020

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1. Racing NSW Stewards today gave consideration to penalty in respect to the following charges issued against Mr Marc Lambourne and Mr Glenn Pollett.

Mr Lambourne

- a. AR228(a) – Conduct prejudicial to the image of racing, by making and publishing comments in respect to licensed jockey James McDonald that would give rise to a particular suspicion in the mind of a reasonable person that jockey James McDonald was betting on thoroughbred racing in breach of the Australian Rules of Racing, when he had no such evidence to support those allegations.
- b. AR228(d) – Publishing defamatory comments about licensed jockey James McDonald.
- c. AR232(b) – Failing and/or refusing to comply with a direction of the Stewards in that on 16 May 2020 he posted on twitter a section of a video recording of the Stewards inquiry conducted on 30 April 2020, despite being provided with a direction not to provide the video recording to any third party other than his legal representative.

Mr Pollett

- a. AR228(a) – Conduct prejudicial to the image of racing, by making comments in respect to licensed jockey James McDonald that would give rise to a particular suspicion in the mind of a reasonable person that jockey James McDonald was betting on thoroughbred racing in breach of the Australian Rules of Racing, when he had no such evidence to support those allegations.
2. Submissions were received on behalf of Mr Lambourne and Mr Pollett from solicitor Mr Andrew Capelin.

3. In those submissions it was submitted that
 - a. The objective seriousness of the offences was at the lower scale.
 - b. No paying subscriber was offended by the comments.
 - c. Mr Pollett issued an apology to Mr McDonald.
 - d. Conduct exhibited was less serious than the matter of Zerafa, whereby a \$1500 fine was issued.
 - e. Breaches occurred in COVID-19 lockdown
 - f. Personal circumstances of both having been involved in the racing industry for a significant period of time.

Stewards Considerations

4. Having considered the submissions of Mr Capelin the Stewards have also taken into account
 - a. Not guilty pleas of both parties to all charges.
 - b. The Stewards finding that the comments made were defamatory to jockey James McDonald and in addition was prejudicial to the image of racing, and therefore the Stewards find the offending conduct objectively serious.
 - c. Mr Lambourne's previous offence in 2006 whereby he was fined \$1500 for making improper comments on a radio program in 2004.
 - d. Mr Pollett's prior offence in 2016 whereby he was fined \$10,000 (\$5000 stayed for good behaviour for a period of 2 years) for conduct prejudicial to the image of racing and improper conduct, in respect to comments made about seriously injured jockeys.
 - e. Mr Pollett's comments made were objectively more serious than Mr Lambourne's.

Stewards Determination

5. Mr Lambourne

- a. AR228(a) – \$2000 fine
- b. AR228(d) – \$2000 fine
- c. AR232(b) – \$2000 fine

6. Mr Pollett

- a. AR228(a) – \$5000 fine

Relevant Rules

AR 228 Conduct detrimental to the interests of racing

A person must not engage in:

- (a) conduct prejudicial to the image, interests, integrity, or welfare of racing, whether or not that conduct takes place within a racecourse or elsewhere;*

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(d) publishing or posting on any social media platform or channel any material, content or comment that is obscene, offensive, defamatory, racist, threatening, harassing,

AR 232 Failure to observe processes and directions of PRAs or Stewards

A person must not:

(b) fail or refuse to comply with an order, direction or requirement of the Stewards or an official;

**M F VAN GESTEL
CHAIRMAN OF STEWARDS
GENERAL MANAGER - INTEGRITY**