

MR MATTHEW JOHNSTONE INQUIRY

OCTOBER 8, 2018

HARNESS Racing New South Wales (HRNSW) Stewards conducted an inquiry on Friday October 5, 2018, into the nomination and subsequent scratching of POCO ACES in Race 5 at Leeton on Saturday September 8, 2018, and the location of the horse on September Saturday 8 and Sunday 9.

Mr Johnstone appeared at the inquiry and provided evidence into POCO ACES and the circumstances surrounding the nomination, scratching and location of that horse.

It was established that POCO ACES was not in work at the time and the nomination was not for the purpose of racing.

Mr Johnstone pleaded guilty to a charge issued pursuant to NSWLR 216 for falsely nominating POCO ACES to race at Leeton on Saturday September 8, 2018, for the purpose of affecting the number of horses available for the race.

In respect of that charge, Mr Johnstone was fined \$1000.

In considering penalty Stewards were mindful of the following:

- Mr Johnstone's guilty plea;
- Mr Johnstone's offence history;
- Mr Johnstone's licence history and other personal subjective facts;
- The penalty to act as a general and specific deterrence.

Mr Johnstone pleaded guilty to a further charge issued pursuant to AHRR187(2) for providing false and misleading evidence during this investigation regarding the nomination, scratching, and location of POCO ACES. This false and misleading evidence was directed to:

- HRNSW Investigator, Ms Ackland, during a stable inspection conducted on Saturday September 8.
- HRNSW Stewards during an interview at Leeton prior to and following Race 5.
- HRNSW Chairman of Stewards, Mr Adams, on Sunday September 9, 2018.

In respect of that charge, Mr Johnstone was disqualified for a period of three (3) months which was ordered to commence immediately.

In considering penalty Stewards were mindful of the following:

- The serious nature of the offence;
- The degree and extent of the false and misleading evidence provided to HRNSW Investigator and Stewards;
- Mr Johnstone's guilty plea;
- Mr Johnstone's offence history;
- Mr Johnstone's licence history and other personal subjective facts;
- The penalty to act as a general and specific deterrence.

Mr Johnstone's was advised of his right to appeal this decision.

**For further information on this matter contact:
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