

# Stewards' Report

## Stewards Report: Nigel Seymour and Kerrod Smyth

**Date: 17 May 2021**

**Panel: J Adams, C Allison, E Suli.**

Queensland Racing Integrity Commission (QRIC) Stewards today concluded an inquiry into alleged bets placed on *Lily Ofthe Glen* in race 3 at the Rockhampton Jockey Club on 18 December 2020 by Licensed Trainer Kerrod Smyth on behalf of Jockey Nigel Seymour.

After examining phone, banking and betting records Stewards were able to ascertain that Jockey Seymour provided a cash payment of \$200 to Mr Smyth who at the direction of Jockey Seymour, placed a win bet through Mr Smyths TAB account. Stewards were also able to ascertain that Jockey Nigel Seymour, through a third party, facilitated a \$1000 bet on behalf of Mr Smyth and Jockey Seymour.

After considering all of the evidence, Mr Seymour was issued with a charge pursuant to AR 115(1)(e) which states:

Jockey and apprentice jockey misconduct

(1) A jockey or apprentice jockey must not:

(e) bet, or have any interest in a bet, on any race or contingency relating to thoroughbred racing involving a race in which he or she is riding.

The particulars of the charge being that Nigel Seymour as a licensed Jockey had an interest in two bets totalling \$700 on *Lily Ofthe Glen* in Race 3 at Rockhampton Jockey Club on 18 December 2020, when he rode *Lily Ofthe Glen* in that race.

Jockey Seymour pleaded guilty to the charge and made further submissions in relation to penalty.

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After considering all the evidence, Mr Smyth was issued with a charge pursuant to AR 236 which states:

Betting with or for a jockey

A person must not bet with or for a jockey or apprentice jockey or give or offer a rider any pecuniary or other gift or consideration, contrary to these Australian Rules.

The particulars of the charge being that Kerrod Smyth as a licensed Trainer placed a bet for Jockey Nigel Seymour of \$200 on *Lily Ofthe Glen* in Race 3 at Rockhampton Jockey Club 18 December 2020, when Nigel Seymour rode *Lily Ofthe Glen* in that race.

Mr Smyth pleaded not guilty and made submissions in defence of the charge.

After considering these submissions, Mr Smyth was found guilty.

#### Penalty

When considering an appropriate penalty, Stewards view breaches of this kind very seriously, as it can have a detrimental effect on the image of racing, and penalties must serve as a general deterrent to illustrate to the entire racing industry that these activities cannot be condoned. Stewards also considered previous penalties for breaches of these rules, including minimum mandatory penalties, penalty submissions, pleas and Mr Smyth and Jockey Seymour's records.

#### Nigel Seymour

When considering an appropriate penalty, AR115(3) states that if a jockey or apprentice jockey breaches subrule (1)(e), a disqualification of not less than 2 years under AR283(6) must be imposed unless there is a finding that a special circumstance exists. When considering LR117(b), In this regard, Stewards also considered whether special circumstances existed which would allow for a reduction in the minimum mandatory penalty. Stewards were able to establish special circumstances, which allowed for a reduction in penalty of 3 months.

Mr Seymour was disqualified for 21 months.

Acting under the provision of AR283(4) stewards ordered Mr Seymour's disqualification to be served cumulatively with a period of disqualification imposed on 10 February 2021 to start 11 November 2021 to 11 August 2023.

#### Kerrod Smyth

Having regard to the mandatory minimum penalty of 2 years disqualification applied for a breach of AR115(1)(e), the Stewards determine that Mr Smyth be disqualified for a period of six (6) months for this breach which reflects the seriousness of his conduct in being involved in a breach of AR115(1)(e) by Mr Seymour.

Kerrod Smyth was disqualified from 23 May 2021 to 23 November 2021.

Both Mr Seymour and Mr Smyth were advised of their rights to an internal review.