16 September 2021

**DECISION**

**RACING VICTORIA**

**and**

**CELINE GAUDRAY**

**Date of hearing:** 10 September 2021

**Panel:** Judge John Bowman (Chairperson) and Judge Graeme Hicks (Deputy Chairperson).

**Appearances:** Mr Daniel Bolkunowicz appeared on behalf of the Stewards.

Mr Pat Carey represented Ms Celine Gaudray.

**Charge:** Australian Rule of Racing (“AR”) 232(i) states:

A person must not:

1. (i) give any evidence at an interview, investigation, inquiry, hearing and/or appeal which is false or misleading.

(“AR”) 228(b) states:

A person must not engage in:

1. (b) misconduct, improper conduct or unseemly behaviour;

**Particulars of charge:** 1. You are, and were at all relevant times, an apprentice jockey licensed by Racing Victoria.

2. On Wednesday, 25 August 2021, you were at a gathering at an “Airbnb” in Mornington (the Gathering).

 3. On Thursday, 26 August 2021, you were interviewed by Racing Victoria Stewards with the respect to your attendance of others at the Gathering (the interview).

 4. During the interview, you gave evidence along the lines:

* That you, Jamie Kah, Ben Melham, Ethan Brown and two other licensed persons were present at the Gathering.

5. The evidence you provided (as noted in particular 4) was false and/or misleading, given you failed to state that licensed jockey Mark Zahra also attended the Gathering, and was accordingly in breach of AR232(i).

**Plea:** Guilty

**DECISION**

Ms Celine Gaudray, you have pleaded guilty to a breach of AR232(i). You admit that you gave to the Stewards evidence that was false and misleading.

This happened in the context of what occurred at an AIRBNB at Mornington on the night of 21 August 2021. This has received a lot of publicity and we need not go into what took place in great detail. It suffices to say that you breached COVID-19 regulations by participating in drinks and a get together or party with a number of other people, most of whom are also in or connected to the racing industry. When first interviewed on 26 August 2021, you listed the names of other jockeys who were present, but omitted, and wilfully omitted, the name of Mr Mark Zahra from that list of names.

When interviewed in a telephone link-up on 30 August 2021 – a link-up in which your master, Mr Pat Carey, also participated – you admitted that you had given false or misleading evidence to the Stewards in relation to Mr Zahra’s attendance.

The giving of false evidence to the Stewards is understandably a serious offence, even at the best of times. As this tribunal has said before, the work of the Stewards is demanding enough and difficult enough without having to put up with false or misleading evidence and the wastage of valuable time which ensues.

The situation is even more serious in the context of COVID-19 and the restrictions on movement and assembly which are in place. This whole event could have been disastrous, and giving false evidence about it could have had very serious consequences.

We also take into account various other matters. You are a third-year apprentice jockey. Others attending at this party or get together included jockeys who are leaders in the industry. You pleaded guilty at a comparatively early opportunity. You have made an apology which is doubtless heartfelt. Mr Carey has spoken on your behalf, as well as representing you. Impressive written references have been placed before us. You have no prior conviction for this offence or a similar offence.

We accept that you are truly remorseful and appreciate exactly what you have done, how serious it is and how risky it was. You also appreciate the seriousness of giving false or misleading evidence to the Stewards.

Mr Bolkunowicz, on behalf of the Stewards, has argued for a penalty of eight weeks suspension, with six of those weeks of suspension in turn suspended for two years. He has submitted that this penalty should be cumulative upon the three months of suspension which you have accepted in relation to your attendance at the party or get together.

Mr Carey and yourself have made no challenge to this penalty which is sought by the Stewards. Of course, we are not bound by that. We take it into account, but the ultimate decision is still ours.

We regard the proposed penalty as being both sensible and appropriate. We agree that it should be cumulative upon the three months suspension which you are already serving. We agree that you should serve at least part of this further penalty. An additional two weeks seems appropriate in the circumstances. Those circumstances include your age, the fact that you are an apprentice, the company in which you found yourself at the AIRBNB, your early plea of guilty and the other matters which we have mentioned.

Accordingly, the end result is that you are suspended for eight weeks cumulative upon the three months suspension which you are currently serving. Of those eight weeks suspension, six are in turn suspended on the condition that you do not breach this particular rule for a period of two years.

We trust that you have learned a lot from this and we urge you to follow the advice of your master, Mr Pat Carey, in the future, as you have in this matter.

Mark Howard
Registrar, Victorian Racing Tribunal