15 June 2021

**DECISION**

**RACING VICTORIA**

**and**

**WILL GORDON**

**Date of hearing:** 28 May 2021

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr James Hitchcock appeared on behalf of the Stewards.

Mr Will Gordon, supported by Mr Matthew Hyland, represented himself.

**Charge:** Local Rule (“LR”) 41A(1)(a)(ii) states:

 (1) Further to the provisions of AR 132(11), and for the purpose of AR 132(7) (a) and (b) only:

(a) In a jumps race, official jumps trial or jump-out (including a jumps schooling event) prior to the 100 metre mark:

(ii) the whip shall not be used on more than 10 occasions.

**Particulars of charges:** Rider Will Gordon was fined $500 under the provisions of LR41A(1)(a)(ii) for using his whip on 11 occasions, which is one time more than permitted, prior to the 100m. In assessing penalty, Stewards took into account his excellent record, the fact it was a feature race and that he placed 2nd.

**Plea:** Guilty

**DECISION**

Mr Will Gordon, you are appealing against the amount of the penalty imposed on you for a breach of LR 41A (1) (a) (ii) – that is, for using the whip 11 times prior to the 100 metre mark, one in excess of the permitted use.

The charge relates to your ride on The Statesman in the Australian Hurdle at Sandown on 23 May last. The Statesman finished second, beaten approximately 10 lengths. There was a gap of four or more lengths to the third horse. The Australian Hurdle is a feature race. The Stewards fined you the sum of $500. You are appealing in relation to the amount of that fine.

Use of the whip is a subject that is very much in the public eye, as are issues generally in relation to the welfare of horses. The Rule has been introduced to regulate the use of the whip and to ensure that the image of racing is protected accordingly.

I accept that you have an excellent record in relation to the whip rule and generally. It is apparent that you are a very versatile and accomplished jockey, be it over the jumps or on the flat. I also accept that your last relevant and eleventh strike with the whip was very close to the 100 metre mark – only a stride or two before it.

I also accept that the last jump is on the outside of the track, which is a little unusual, resulting in horses tending to finish closer to the outside rail. This may cause some problems in lining up exactly where the 100 metre mark is, although Mr Hitchcock, on behalf of the Stewards, stated that the red marking paint denoting the last 100 metres is on both rails.

I have taken into account all of the above, including your excellent record and the table of penalties imposed on jockeys in jumping races for a similar offence.

On balance, it seems to me that the fine of $500 is reasonable. This was a feature jumps race. The breach of the whip rule was not great – only one over – but the penalty is in line with those handed out to others in similar circumstances.

In short, the appeal is dismissed.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal