13 April 2022

**DECISION**

**RACING VICTORIA**

**and**

**WILL GORDON**

**Date of hearing:** Thursday, 31 March 2022

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

**Appearances:** Mr Scott Hunter and Mr Sam Cochrane appeared on behalf of the Stewards.

Mr Matthew Hyland represented Mr Will Gordon.

**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.

**Particulars of charge:**

1. You are, and were at all relevant times, a jockey licensed by Racing Victoria.
2. On 29 November 2021, you were engaged to ride Alfiore in race 4 at Bet365 Park Kyneton (the **Engagement**).
3. On 29 November 2021, you were interviewed by the Racing Victoria Stewards regarding your failure to fulfil the Engagement (the **First Interview**).
4. During the First Interview, you gave evidence along the following lines:
	1. You had an issue with your car battery and difficulty starting the car;
	2. You used a phone in the motel room to call RACV;
	3. RACV attended the motel to assist with starting the car; and
	4. By the time RACV had sorted the issue, you were unable to make the Engagement.
5. On 1 December 2021, you attended a further interview with the Stewards (the **Second Interview**).
6. During the Second Interview, you gave evidence along the following lines:
	1. Your car did not have a flat battery;
	2. You never used the phone in the motel room;
	3. You never made contact with RACV;
	4. You were struggling to make weight on Alfiore to allow you to fulfil the Engagement; and
	5. You decided to make up an excuse to avoid the embarrassment of not making weight.
7. On the basis of the evidence you gave in the Second Interview (as noted in particular 6), you gave evidence during the First Interview (as noted in particular 4) that you knew was false and/or misleading, and was accordingly in breach of AR 232(i).

**Plea:** Guilty

**DECISION**

Mr Will Gordon, you have pleaded guilty to a breach of AR 232(i) – the giving of false or misleading evidence at an interview, investigation, inquiry or the like. The date of this offence was 29 November 2021.

I accept that the circumstances were as follows. You were engaged to ride in Race 4 at Kyneton on that day. You failed to fulfil that engagement. When interviewed, you gave to the Stewards the excuse that there was a problem with the battery of your car. You were at a motel in Warrnambool, where you had ridden on the previous day. By the time that the RACV arrived and got the car started, you were unable to make the trip to Kyneton in sufficient time to honour your commitment. You effectively repeated this version of events concerning the car battery to the Stewards. The Stewards examined your mobile phone and the fact that you had rung from Warrnambool was confirmed. The Stewards made it obvious that they going to investigate the matter with the RACV.

As I understand it, you subsequently made contact with the Stewards two days later, on 1 December 2021, having also contacted them on the previous day. You admitted that the story of a false battery was false and that you had in fact been out on the night of 28 November in Warrnambool. You had dinner and some drinks. Apart from anything else, you realised that you would struggle to make the weight. You are naturally a heavier jockey and ride over the jumps, as well as doing some flat riding. You lied to the Stewards about the battery. I accept that you panicked. It was also probably obvious to you that enquiries by the Stewards with the RACV would lead to further questioning.

Mr Matthew Hyland, on your behalf, stated that, at the Warrnambool meeting on 28 November 2021, you had ridden the winner of the Jericho Cup, the biggest win in your career here. You had dined out and had some drinks. That was the cause of your problems. You panicked, lied and then the next day made contact again with the Stewards.

As I have said in previous like cases, the breach of AR 232 (i) is a serious matter. The Stewards have onerous duties to perform, without having to put up with people wilfully giving them false information. That is particularly so on race days.

Mr Hyland referred me to my decision in the case of Mr Brian Park. Your case has some similarities and some differences. Mr Park had been under stress because of domestic pressure and a recent injury.

On the other hand, Mr Park’s false story, which concerned a flat tyre preventing him from fulfilling a riding obligation, involved him in producing to the Stewards a photograph of the flat tyre. He failed to notice that the date on it was four days prior to the relevant date. It was this that brought him undone.

As I understand it, you came forward voluntarily on the day following the giving of the false information and, so to speak, “tapped the mat”. That is to your credit.

As stated, you are a heavier jockey. We are just coming into the start of the jumping season. Indeed, there have already been a few events in Western Victoria. This is a busy time for you. I would add that you are a popular jockey, over the jumps and on the flat, although your weight probably limits you to some extent on the flat. There is no suggestion that you have anything other than an excellent record.

I note the references which have been produced to the Tribunal. I accept that this was out of character behaviour, for which you very rapidly apologised and corrected.

Weighing all these matters up, it seems to me that the appropriate penalty is that imposed in the case of Mr Brian Park. This offence whilst serious is at the bottom of the range.

You are suspended for a period of 4 weeks, 2 weeks of that are in turn suspended for 12 months. Mr Hyland will explain to you the effects of another breach. The suspension shall start at midnight on Sunday, 3 April 2022.

Mark Howard
Registrar, Victorian Racing Tribunal