20 July 2023

**DECISION**

**RACING VICTORIA**

**and**

**BELINDA WRIGHT**

**Date of hearing:** 11 July 2023

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Judy Bourke.

**Appearances:** Mr Jack Anderson appeared on behalf of the Stewards.

Ms Belinda Wright represented herself.

**Charge:** Australian Racing Rule (“AR”) 229(1)(a) states:

1. A person must not:

(a) engage in any dishonest, corrupt, fraudulent, improper or dishonorable action or practice in connection with racing.

**Particulars of charge:**1.You are, and were at all relevant times, a Stable Employee registered with Racing Victoria.

2. On 4 October 2022, a Jockey Licence Application Form (2022/23), along with a Jockey Licence Personal Information Form, was submitted by you or on your behalf to the Racing Victoria Compliance and Regulation Unit.

3. The Jockey Licence Application Form (2022/23) was signed by you on 4 October 2022.

4. Parts A and B of the Jockey Licence Personal Information Form was signed by you and witnessed by your partner, Mr. Gregory Roberts, on 30 September 2022.

5. Part C and the Declaration Section of the Jockey Licence Personal Information Form, which were required to be completed by a licensed medical practitioner, indicate Dr Nathan Engel was the examining doctor who performed the medical examination.

6. On 21 November 2022, Dr Nathan Engel advised Racing Victoria that he did not perform any medical examination relating to yourself, as purported in Part C, nor did he complete the Declaration Section in the Jockey Licence Personal Information Form.

7. On 30 November 2022, you were interviewed by Racing Victoria Stewards, where you admitted to completing Part C and signing the Declaration Section of the Jockey Licence Personal Information Form.

8. Your conduct, in completing and submitting the Jockey Licence Application Form (2022/23) and Jockey Licence Personal Information Form, whilst purporting that Part C and the Declaration Section of the latter were completed by Dr Nathan Engel, was dishonest, fraudulent and improper, and accordingly in breach of AR 229(1)(a).

**Plea:** Guilty

**DECISION**

1. Ms Belinda Wright is a registered stablehand licensed by Racing Victoria (“RVL”). Ms Wright was originally from Wagga Wagga in New South Wales. She was licensed in New South Wales as a track rider. In previous years she had been a very successful apprentice in southern New South Wales and Canberra before a serious injury curtailed her career and affected her mental well-being. She applied for a jockey licence in late September 2022.
2. Ms Wright’s partner submitted two forms to RVL. The first was a jockey licence application form and the second was a jockey licence personal information form. The second form contained parts (a), (b) and (c) and a declaration section. Part (c) of the declaration section was required to be completed by a medical practitioner who examined the licensed applicant. The form completed by Ms Wright contained section (c) and a declaration section purportedly filled in and signed by Dr Nathan Engel. The signature was forged by Ms Wright and the details allegedly filled in by a medical practitioner were filled in by her.
3. Stewards questioned Dr Engel about the form. Dr Engel told them that the form was a forgery in that his signature had been forged. He said that he did not examine Ms Wright at the time suggested by her on the form. Stewards subsequently conducted an interview with Ms Wright. Initially she obfuscated and denied forging Dr Engel’s signature, but ultimately she said that “I guess I signed it and made a mistake”.
4. Consequently, Stewards have charged Ms Wright under Australian Racing Rule 229(1)(a) which proscribes conduct which is dishonest, fraudulent and improper.
5. Ms Wright has pleaded guilty to the Charge. The Charge is a very serious one which would usually result in a severe penalty.
6. Improper, fraudulent and dishonest conduct is conduct that is unbecoming for Racing Victoria participants.
7. In setting a penalty we take into account general and specific deterrence. We also take into account a recent penalty in a harness racing context, plus the lack of prior transgressions by Ms Wright. We further take into consideration the importance of probity and that participants be required to prove their medical fitness for roles, especially the role of a jockey. The role of a jockey includes safeguarding not only their own welfare but that of their fellow jockeys in a dangerous occupation. The good name of the industry is affected by transgressions like this one.
8. In setting down a penalty, we take into account the penalty imposed involving forging medical certificates to obtain drivers licences in harness racing in the matter of Schembri (19 December 2019). In that matter Mr Schembri received a penalty of 15 months disqualification. A not guilty plea was entered and the forgery had been occurring for several years. Mr Schembri had prior transgressions.
9. In this case, the Stewards asked for a penalty of 4-6 years disqualification. In our view, a penalty of the level suggested by the Stewards is excessive and would be crushing to a relatively young person who has experienced great hardship in her racing career, including bouts of significant depression. While being remorseful and accepting that her behaviour was wrongful, Ms Wright was experiencing distress at the time concerning the ill health of her mother. That is no excuse for her conduct, but it helps to explain it and the circumstances surrounding it.
10. In all the circumstances we are comfortably satisfied that this charge is proven. We impose a period of disqualification of 12 months commencing from today.

Mark Howard

Registrar, Victorian Racing Tribunal