1 August 2023

**DECISION**

**RACING VICTORIA**

**and**

**WILL GORDON**

**Date of hearing:** 27 July 2023

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

**Appearances:** Mr Corie Waller appeared on behalf of the Stewards.

Mr Will Gordon represented himself.

**Charge:** Australian Rule of Racing (“AR”) 131(a) states:

 A rider must not, in the opinion of the Stewards:

(a) engage in careless, reckless, improper, incompetent or foul riding.

**Particulars of charge:** Will Gordon (Mystery Deel) pleaded guilty to a charge of careless riding under the provisions of AR131(a), in that approaching the winning post on the first occasion, he permitted his mount to shift in when insufficiently clear of Big Town which was taken in onto Sobart, which in turn was taken in onto Simmontavi (NZ) and, as a consequence, Sobart, Simmontavi (NZ) and Big Town were all hampered when crowded for room. Will Gordon had his licence to ride in races suspended for 3 jumps/highweight races, to commence midnight 1 August 2023 and to expire at the conclusion of the 3rd jumps/highweight race at Sandown on 6 August 2023. In assessing penalty, account was taken of his guilty plea, good record, that he made an attempt, albeit belatedly, to straighten and that the carelessness was in the low range.

**Plea:** Guilty

**DECISION**

Mr Will Gordon, you are appealing against the penalty imposed by Stewards following your ride on Mystery Deel in Race 5, the Bet 365 Maiden Highweight Plate, at Casterton on Sunday, 23 July 2023. As is evident from the title of the race, this was a highweight event essentially for jumping jockeys. The Stewards allege that you caused interference to Big Town, ridden by Mr Daniel Small. The race was over 2000 metres and the interference occurred very early in the race. Near the winning post on the first occasion, you had drawn towards the outside of the field and Mr Small had drawn to your outside. He in fact crossed to your inside before the interference occurred. The video material would indicate that you may have had a very early look before crossing towards the rails, but then moved towards them. In the meantime, Mr Small had crossed to your inside. You then moved towards the rails, causing interference to his mount on your inside and with some “knock on” effect to two other horses. You then straightened your mount and the race continued.

Mr Waller, on behalf of the Stewards, described the interference as being in the low range, although raising the possibility of it being somewhere between low and mid range. The bottom line is that the Stewards categorised the level of interference as low, and I would agree with that assessment. The penalty imposed on you, and concerning which you are appealing, is suspension for three highweight or jumping races. The next jumping races are at Sandown. There are three such races. Two of these are the high profile Crisp Steeplechase and the renowned Grand Annual Steeplechase. You have rides in each.

I say now that the impact of the suspension imposed is curious. As I understand it, you will not be able to resume race riding in flat events for approximately another four days after the expiry of your immediate suspension which, on the basis of the present penalty, would terminate after the running of the Great National Steeplechase. This is a difficult concept to grapple with. It may have no adverse impact upon jockeys who ride only in highweight and jumping races. However, you combine riding over the jumps and in highweights with riding on the flat in all types of events. You are one of a couple of jockeys who do this, and you do it very successfully. The impact upon you could be considerably more than just suspension for the races, even if two of those are very high profile.

This is a very peculiar situation and warrants further investigation. I understand that some steps have been taken in this regard.

Returning to the present case, I am of the view that, in all the circumstances this appeal should be upheld and the penalty varied to one of two highweight or jumps races. The interference level was low. You have effectively pleaded guilty from the outset. You have a good record. The potential impact upon you is very considerable, apparently flowing on to four days when you will be unable to ride in flat events. Two of the jumping races coming up are important and prestigious events.

Given the above, suspension for two highweight or jumping events seems to me to be appropriate. I regard you as being in a different category from many of your colleagues and I repeat that, when everything is weighed up, a reduction to suspension for two relevant races seems the correct decision.

Mark Howard

Registrar, Victorian Racing Tribunal