2 July 2024

**DECISION**

**RACING VICTORIA**

**and**

**SALLY WYNNE**

**Date of hearing:** 12 June 2024

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**Panel:** Judge John Bowman (Chairperson) and Ms Judy Bourke.

**Appearances:** Mr Dion Villella appeared on behalf of the Stewards.

Mr Des O’Keeffe represented Ms Sally Wynne.

**Charge:** Australian Racing Rule 228(b), reads as follows:

Conduct detrimental to the interests of racing

A person must not engage in:

(b) misconduct, improper conduct or unseemly behaviour

**Particulars:** Rider Sally Wynne pleaded guilty to a charge, under the provisions of AR228(b) in that during a live post race interview with racing.com she misconducted herself by making comments which in the opinion of Stewards were inappropriate. S. Wynne was subsequently fined $400 in assessing the penalty Stewards took into account her guilty plea and her record.

**Plea:** Guilty

**DECISION**

Ms Sally Wynne, you are appealing against the penalty imposed on you by Stewards in relation to a remark made by you when interviewed on television following your winning ride in Race 3 at Bairnsdale on 15 April 2024. The remark was made about the trainer of the winner. That trainer is Mr Adam Hanley. We accept that he is a close friend of yours and that a good deal of humorous banter takes place between the two of you. We also accept that you do a considerable amount of work for him and that he has a high opinion of you as a jockey and a horsewomen. The penalty imposed by the Stewards was a fine of $400.

The remark was as follows:-

“Well, he’s a special needs person”. As stated this was in a post-race interview. This live interview was conducted by Ms Katie Watts of Racing.com. We note that Mr Hanley was standing a short distance behind you. This was clearly a bit of banter, an attempt of humour which fell flat. We accept that it was in the context of having just ridden a winner trained by a good friend.

We understand from Mr Dion Villella, who later interviewed you and conducted the Stewards case before us, that there was one complaint concerning your remark and this in effect activated the involvement of the Stewards. Their case was presented, and presented fairly, as a result.

On your behalf, Mr Des O’Keefe spoke to written submissions. We accept that you are genuinely sorry if you offended anyone and that it was a spontaneous attempt at humour between friends and in the context of just having ridden a winner.

We also accept that you have been a licensed jockey for 33 years and have never before been charged with any form of misconduct. We accept that you have been interviewed many times and, as stated, have an unblemished record.

We accept that you are highly unlikely to re-offend in relation to matters such as this and are truly remorseful.

Further, whilst you have been riding for many years and do a little training, you are not a big earner. In the last completed season, your gross earnings from being a jockey were in the region of $45,000.

We are not of the view that, given what has occurred and your excellent record, specific deterrence has much of a role to play.

We are of the opinion that, bearing in mind all the circumstances, including the unusual notion of the charge in relation to general deterrence, the fine of $400 was appropriate in relation to quantum, but that it should be suspended for a period of 12 months.

In so doing, whilst both acknowledging the submissions of the Stewards and the unfortunate nature of your remark, we take into account your excellent record, your financial situation and the fact that this was a spontaneous remark about a good friend in the context of having just ridden a winner for him.

Thus, as stated we have suspended the $400 fine for a period of 12 months. We are confident that you shall not breach that suspended suspension and thus activate the fine.

Mark Howard

Registrar, Victorian Racing Tribunal