20 August 2024

**DECISION**

**RACING VICTORIA**

**and**

**WILL GORDON**

**Date of hearing:** 20 August 2024

**Date of decision:** 20 August 2024

**Panel:** Judge John Bowman (Chairperson), Mr Des Gleeson and Ms Maree Payne.

**Appearances:** Mr Marwan El-Asmar, instructed by Mr Scott Hunter appeared on behalf of the Stewards.

Mr Damian Sheales appeared on behalf of Mr Will Gordon.

**Charges:** Australian Racing Rule (“AR”) 228(b) states:

 AR 228 Conduct detrimental to the interests of racing

A person must not engage in:

(b) misconduct, improper conduct or unseemly behaviour

Australian Racing Rule (“AR”) 188(c) states:

AR 188 Riders’ obligations in relation to safety vests

A rider must not:

(c) weigh-out or attempt to weigh-out for a race or ride in any race unless the rider is wearing an approved safety vest.

**Particulars:** **Charge 1 – AR 228(b)**

1. You are, and were at all relevant times, a jockey licensed by Racing Victoria and bound by the Rules of Racing.

2. Between 1 July 2023 and 30 September 2023, you purchased a total of 11 safety vests from South Africa (the Safety Vests), which you knew were not approved in accordance with AR 123 of the Rules of Racing.

3. Between 1 July 2023 and 31 March 2024, you sold 10 Safety Vests to a total of 9 jockeys licensed by Racing Victoria.

4. Your conduct, as noted in particulars 2 and 3, amounted to misconduct and/or improper conduct.

**Charge 2 – AR 188(c)**

1. You are, and were at all relevant times, a jockey licensed by Racing Victoria and bound by the Rules of Racing.

2. Between 1 July 2023 and 31 May 2024, you weighed out “a couple of times” using a Racelite imitation safety vest, which was not approved in accordance with AR 123 of the Rules of Racing.

**Plea:** Guilty

**DECISION**

Mr Will Gordon, you are appealing against one of two decisions of the Stewards of 20 June 2024.

The decision against which you are appealing relates to a breach of AR 228(b) and concerns an offence which could be summarised as involving improper conduct and the like. It concerns the purchasing of some 11 unapproved safety vests from South Africa and the provision of ten of these to fellow jockeys. You also wore one vest.

You are pleading guilty to this breach of AR 228(b). Thus, the appeal is in relation solely to penalty. The penalty imposed by the Stewards was of three months suspension.

Presumably in light of your guilty plea this morning, it was put by Mr El-Asmar on behalf of the Stewards that the appropriate penalty was suspension for two months. You had earlier pleaded Not Guilty, although you were at least reasonably frank in your admissions.

As stated, what you were doing was purchasing safety vests from South Africa and providing them to jockeys who requested them. They are a little lighter than the authorised vests used here.

It is not suggested that you made any money out of this. Your financial records have been inspected by the Stewards and there is no indication of any financial benefit to yourself. Essentially these lighter vests were used by the relevant jockeys when weighing out. It is also not suggested that you put any pressure on your colleagues to purchase these vests. Word seems to have got around about them without you putting any sales pressure on your colleagues and, as stated, no financial benefit flowed to you.

As stated, these were unauthorised vests, and therefore prohibited from relevant use. The safety and well-being of jockeys in a matter of very high priority. Ensuring that approved safety vests are worn is a very important part of that safety regime.

We have taken into account the helpful submissions of Mr Sheales on your behalf. Whilst you do have a record of a prior offence, it does not seem to be particularly relevant.

In all the circumstances, we are of the view that a period of suspension is warranted. These are facts involving jockey safety and well-being. You were not carrying on this actively for a purpose of profit, but at the request of your fellow jockeys. However, issues of safety clearly arise.

Bearing all of the above in mind, we uphold the appeal. On Charge 1, we impose a penalty of two months suspension, but with one of those two months in turn suspended for 12 months. The suspended penalty will only be activated if you are found to have committed a relevant offence.

You are not appealing Charge 2 and accordingly the fine of $2,000 remains in place.

Mark Howard

Registrar, Victorian Racing Tribunal