



DETERMINATION OF CHARGES ISSUED AGAINST MR ANTHONY GARDINER.

**RNSW Offices
Druitt Street
Sydney**

30 October 2019

Stewards: M F Van Gestel (Chairman)

On Friday 18 November 2016, Racing NSW warned off Mr Anthony Gardiner until such time as he attends Racing NSW to be interviewed and to provide required information. That warning off related to the Stewards Inquiry into the conduct of licensed jockey Mr James McDonald, which ultimately resulted in Mr McDonald being disqualified for having an interest in a bet placed on *Astern* when Mr McDonald rode that horse to win Race 1 – Surf Meets Turf Plate at Randwick on 5 December 2015. On 22 December 2017, Mr Gardiner was interviewed by Stewards, however did not provide evidence to the satisfaction of the Stewards and his warning off remained in place.

On 11 October 2019 Mr Gardiner, assisted by solicitor Mr P Beazley, appeared before Racing NSW Chairman of Stewards Mr Marc Van Gestel, who was assisted by Racing NSW General Counsel Mr Pete Sweney.

During the course of that interview, Mr Gardiner gave evidence that he had participated in conduct that was in breach of the Rules of Racing, namely betting for a jockey in breach of AR236, failing to attend and give evidence at an inquiry when directed by the Stewards in breach of AR232(h) and giving false or misleading evidence in breach of AR232(i). On Wednesday 23 October 2019, the Stewards issues the below charges to Mr Gardiner. On that same date, Mr Gardiner pleaded guilty to those charges.

1. Charge 1 – AR236 Betting for a jockey

The details of the charge being that Mr Gardiner did place a bet of \$1000 for jockey James McDonald on the racehorse *Astern* when it raced in Race 1 Surf Meets Turf Plate conducted at Randwick racecourse on 5 December 2015.

2. Charge 2 – AR232(h) Failing/refusing to attend an interview

The details of the charge being that Mr Gardiner did fail and/or refuse to attend an interview before Racing NSW Stewards on 17 November 2016 when directed by Racing NSW Stewards to do so.

3. Charge 3 – AR232(i) Providing false evidence on 22 December 2017

The details of the charge being that Mr Gardiner did provide evidence at an interview before Racing NSW Stewards on 22 December 2017 that he had not placed a bet for jockey James McDonald on the racehorse *Astern* when it raced in Race 1 Surf Meets Turf Plate conducted at Randwick racecourse on 5 December 2015, in the knowledge that such evidence was false.

Penalty

In assessing penalty, the Stewards have taken into account the following matters

- Mr Gardiners guilty plea to the three charges;
- Precedent penalties for similar offences;
- His co-operation at the interview conducted on 11 October 2019;
- Commonality between the charges; and
- Seriousness of the offences

Having given careful consideration to those matters, the Stewards determine that the appropriate penalties for the individual charges is as set out below:

- **Charge 1 – AR236 Betting for a jockey** - Period of disqualification of 24 months reduced to 18 months for the guilty plea;
- **Charge 2 – AR232(h) Failing/refusing to attend an interview** – Period of disqualification of 24 months reduced to 9 months for the guilty plea;
- **Charge 3 – AR232(i) Providing false evidence on 22 December 2017** – Period of disqualification of 24 months reduced to 9 months for the guilty plea.

The above individual penalties total a period of disqualification of three years. However, having regard to the principles of commonality, concurrency and totality, the Stewards have determined that Mr Gardiner be disqualified for a period to commence on 18 November 2016, the day his warning off came into effect, and to expire on Wednesday 30 October 2019.

Further, Racing NSW has now lifted the warning off placed upon Mr Gardiner on the basis that he has attend a Stewards interview and provided evidence to the satisfaction of the Stewards. Accordingly, at the warning off is lifted and the period of disqualification has expired, Mr Gardiner is no longer subject to any of the restrictions imposed in respect of a disqualification or warning off.

Relevant Rules

AR 236 Betting with or for a jockey

A person must not bet with or for a jockey or apprentice jockey, or give or offer a rider any pecuniary or other gift or consideration, contrary to these Australian Rules.

AR 232 Failure to observe processes and directions of PRAs or Stewards

A person must not:

(h) refuse or fail to attend or give evidence at an interview, investigation, inquiry, hearing or appeal when directed or requested to do so by a PRA, the Stewards or a person authorised by a PRA or the Stewards;

AR 232 Failure to observe processes and directions of PRAs or Stewards

A person must not:

(i) give any evidence at an interview, investigation, inquiry, hearing and/or appeal which is false or misleading.

M F Van Gestel
Chairman of Stewards
General Manager - Integrity