



CONTINUATION OF AN INQUIRY INTO AN ALLEGED INCIDENT AT GOSFORD ON MONDAY 18 FEBRUARY 2019

**Racing NSW Offices,
Druitt Street, Sydney**

Monday 21 October 2019

STEWARDS: T P Moxon (Chairman)
J J E Earl

The Stewards today continued an inquiry into an incident that occurred on Faunce Street, Gosford at approximately 6:15am on the morning of Monday 18 February 2019. The Stewards opened an inquiry on Thursday 28 February 2019, where evidence was taken from a number of witnesses including Mr Creed Gradwell. The inquiry was adjourned pending the determination of criminal charges issued against Mr Newing.

After considering all the evidence, the following charge was issued against Mr Tony Newing under AR228(b)

The particulars of the charge being that licensed trainer Mr Tony Newing did on the morning of Monday 18 February 2019 improperly conduct himself in that he approached a vehicle occupied by Mr Creed Gradwell and Mr George Wasson and then proceeded to punch Mr Gradwell on a number of occasions to the head resulting in Mr Gradwell sustaining a fracture to his maxilla.

Mr Newing declined to enter a plea to the charge and requested an adjournment to seek legal advice in regards to the charge that had been issued. Stewards acceded to a request from Mr Newing, that as the incident that occurred on Monday 18 February is an on going criminal matter, a plea to the charge is to be reserved until that process has been completed and accordingly the inquiry was adjourned.

Following the matter proceeding before Gosford Local Court the Stewards were provided with agreed facts between Mr Gradwell and Mr Newing in regards to the incident that occurred on Faunce Street, Gosford on the morning of 18 February 2019.

After considering the agreed facts the Stewards amended the original charge issued against Mr Newing.

Mr Newing pleaded guilty to a charge under AR228(b) in that he did engage in improper conduct on the morning of Monday 18 February 2019 on Faunce Street, Gosford in that he;

1. Did approach a vehicle occupied by Mr Creed Gradwell and Mr George Wasson and close the driver's side door which struck Mr Gradwell on the right cheek causing an injury, namely a fractured maxilla.
2. Did then open the driver's side door and grabbed Mr Gradwell on his upper chest/neck region.

After considering the matter of penalty Stewards were of the opinion that the appropriate penalty was a suspension of 4 months. However after taking into consideration Mr Newings guilty plea the penalty was reduced to a 3 month suspension.

Acting under the provisions of AR 283(7) the commencement of the suspension was deferred for 7 days and Mr Newing's licence was suspended for a period to commence on Tuesday 29 October 2019 and to expire on Wednesday 29 January 2020.

Mr Newing was advised of his rights of appeal.

Relevant Rules:

AR 228 Conduct detrimental to the interests of racing

A person must not engage in:

(b) misconduct, improper conduct or unseemly behaviour;

AR 283 Penalties

(7) A person or body authorised by these Australian Rules to suspend or disqualify any trainer may defer the commencement of the period of suspension or disqualification for no more than 7 clear days following the day the suspension or disqualification was imposed, and upon terms and conditions considered fit.

**T P Moxon
Racing NSW Stewards**