



DECISION
RACING VICTORIA STEWARDS
and
MATTHEW LEEK

Date of Hearing 5 December 2018

Panel Judge John Bowman (Chair)

Appearances Andrew Bell instructed by Daniel Bolkunowicz appeared on behalf of the stewards.

Damian Sheales appeared on behalf of Matthew Leek.

Charge 1 AR 175

The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise:

(q) Any person who in their opinion is guilty of any misconduct, improper conduct or unseemly behaviour.

Summary The Stewards allege on 27 June 2018 at Pakenham Racecourse (Racing.com Park) licensed Trainer John Gunning came to speak with Mr Leek in the tie up stalls, and that after a verbal exchange, Mr Leek punched and/or kneed Mr Gunning.

Mr Leek's conduct, as set above, constitutes unseemly behaviour, and was in contravention of AR 175(q).

Plea Guilty

Penalty Charge 1 – Mr Leek convicted and fined \$5,000.

Payment due in 3 months from today's date.

Grace Gugliandolo
Registrar
Racing Appeals and Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

MATTHEW LEEK

RACING VICTORIA CENTRE, FLEMINGTON

WEDNESDAY, 5 DECEMBER 2018

MR A. BELL appeared on behalf of the RVL Stewards

MR D. SHEALES appeared on behalf of Mr M. Leek

CHAIRMAN: Mr Matthew Leek, you have pleaded guilty to a breach of AR 175(q), in that on 27 June 2018, you engaged in unseemly behaviour. This behaviour involved a verbal exchange with and some physical violence towards a fellow trainer, Mr John Gunning, in the tie-up stalls at Pakenham racecourse.

I say at the outset that these altercations between trainers at racecourses, particularly on non-race-days, are too common. It is not a good look for the industry to have trainers involving themselves in altercations, whether it be relating to use of the facilities or to other matters.

As I said in the matter of Stewards v Pat Carey, this is not the Wild West, even if there are a lot of horses around. I take into account the fact that you have pleaded guilty, even if not at the outset. Nevertheless, if there is a plea of guilty, this has saved the necessity of witnesses such as Mr Gunning and others being called to give evidence. Secondly, you may not have a complete unblemished record. A previous offence in relation to AR 175(q) resulted in a small fine.

I accept that there was some provocation perceived by you, but nowhere near the perceived provocation in the case of Mr Carey which involved his perception of bad behaviour towards his young grandson. Then again, the damage done to the victim in Mr Carey's case was far greater than that done in the present case. You have said through Mr Sheales that you have apologised to Mr Gunning which is commendable and sensible, given your everyday

dealings with him, he being effectively the trainers' representative at Pakenham.

The legal representatives on both sides in the present case submit that in recent cases of this nature, that of Pat Carey is effectively the closest in nature to the present case, although it is submitted by Mr Sheales that there are differing circumstances and seldom, if ever, in these matters is there a complete overlap.

I agree that a fine rather than a period of suspension should be imposed.

Mr Carey was fined \$4000. I am of the view that your financial penalty should be greater. Whilst there was more damage done in Mr Carey's case, the provocation, as stated, was far greater, and he had an excellent record over 43 years in the industry. He also produced excellent character references.

I appreciate that you are the trainer of a comparatively small team and that you have considerable financial pressures.

Balancing all these matters up, I am of the view that a fine of \$5000 is appropriate. That is the penalty which I impose. There will be a stay of three months in relation to payment of the fine.
