

# **DECISION**

## **Of**

### **Queensland Racing Integrity Commission Stewards**

### **Regarding**

### **Ms Linda Gersekowski**

**Delivered on:** 29 September 2025

**Date of hearing:** 25 September 2025

**Panel:** Mr Joshua Adams (Chairperson) and Mr Paul Zimmermann

**Appearances:** Ms Linda Gersekowski.

**Charge :** Australian Rule of Racing ("AR") 229(1)(a) states:

(1) A person must not:  
(a) engage in any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing;

**Particulars of Charge:** Ms Linda Gersekowski a licensed Trainer with the Queensland Racing Integrity Commission, in contravention of Australian Rule of Racing AR229(1)(a) engaged in fraudulent behaviour in connection with racing.

1. Ms Linda Gersekowski was at all relevant times a licensed Trainer with the Queensland Racing Integrity Commission.
2. As a requirement of Ms Gersekowski's Trainers license, she was required to obtain a Health Assessment Results form completed by a Medical Practitioner to allow her to ride trackwork.

3. Ms Gersekowski permitted a fraudulent Health Assessment Results Form to be submitted on her behalf for the 2024/2025 which was not completed by a Medical Practitioner.
4. Ms Gersekowski in submitting a Health Assessment Results Form that was not completed by a Health Practitioner was fraudulent and accordingly in breach of AR229(1)(a).

**Plea:** Guilty

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### **Penalty Submissions:**

Stewards were presented with detailed written submissions from Ms Gersekowski.

1. She expressed remorse for the situation and accepted that the licensing medical requirement was hers to meet as the Trainer and person intending to ride trackwork.
2. She acknowledged that a form had been lodged on her behalf, and accepted that it was not a valid medical for the current season.
3. She operated a small family stable with limited numbers, in conjunction with a lucerne farm that had been impacted by droughts and floods, alongside cattle and retired horses, which placed ongoing financial and logistical strain on the household.
4. She cares for a young family.
5. She indicated that most exercise occurred at home on private land, with occasional weekly gallops at Oakey during quieter periods.

### **Stewards Finding on Penalty:**

The Stewards accepted the guilty plea, cooperation, and the personal circumstances advanced in mitigation and have afforded those matters appropriate weight. Notwithstanding mitigation, dishonesty within the licensing and medical clearance framework is a serious integrity breach. The annual health assessment requirement exists to ensure that persons who ride or supervise work with thoroughbreds are medically fit, thereby protecting participant safety and public confidence in racing. Dishonesty in this framework undermines both.

An aggravating feature in this matter is the extent of unlicensed activity undertaken while not medically cleared. On Ms Gersekowski's own admissions, she rode trackwork for four horses in her care over a period of twelve months without a current medical. As the responsible person and the licensee required to obtain the medical clearance, Ms Gersekowski should have been aware of her obligation and ensured her compliance. The attempt, express or implied, to shift

responsibility to the person who submitted the document could not absolve her of the obligation.

As stated by McGill DCJ in *Wallace v Queensland Racing* [2007]:

“Public confidence in racing is easily damaged, and must be protected by imposing penalties when conduct is shown to be prejudicial to the image of the sport.”

In *Waterhouse v Racing Appeals Tribunal* [2002] NSWCA 195, the Court emphasised: “Dishonest conduct in racing is conduct which is blameworthy and capable of undermining confidence in the industry.”

Further, in *Pollett v Racing NSW* (2021) NSWCATAD 152, the Tribunal observed: “It is sufficient if the conduct has a tendency to diminish public confidence in the integrity of racing, whether or not actual prejudice can be shown.”

In respect of comparative authorities, Stewards are satisfied that the appropriate penalty framework is one of disqualification. This is consistent with penalties imposed in cases involving dishonesty and falsification of medical documents:

- Goring (2025): 8 months disqualification for falsification of a medical.
- Johnston (2025): 4 months disqualification for falsification of a medical.
- Marshall (2025): 8 months disqualification for falsification of a medical.
- Ross (2021): 8 months disqualification for falsifying a medical certificate.
- Sharrock (2025): 9 months disqualification for repeated falsifications.
- McKay (2025): 9 months disqualification for multiple falsifications.
- Wright (2023, VRT): 12 months disqualification for forging a doctor’s signature
- Schembri (2025, VRT): 3 years disqualification for repeated falsification and false evidence

## Human Rights

In considering this matter, proper consideration is required in respect of human rights, and it is necessary to act compatibly with human rights in accordance with the *Human Rights Act 2019* (Qld). The Stewards acknowledge that any penalty imposed upon Ms Gersekowski may limit or prevent a person from earning a living from the racing industry and subsequently that the imposition of such a penalty may limit a person’s human rights to own property (namely a licence), as well as the human right of privacy and reputation. The Stewards further acknowledge that a limitation upon a person’s ability to participate in the racing industry, and earn income from that participation, may only be imposed where it is reasonably necessary to achieve the purpose of taking disciplinary action and there is no less restrictive and reasonably available way to achieve the purposes listed above, than to suspend a licence, disqualify a person from holding a licence, or warn a person off.

In the circumstances of this case, Stewards are satisfied that there is no lesser penalty that could be imposed that enables the purposes of taking disciplinary action against a licensee for a contravention of the rules of racing, which are to:

- Maintain public confidence in the racing of animals in Queensland for which betting is lawful;
  - Ensure the integrity of all persons involved with racing or betting under the *Racing Integrity Act 2016* or the *Racing Act 2002*; and
  - Safeguard the welfare of all animals that are or have been involved in racing under the *Racing Integrity Act 2016* or the *Racing Act 2002*.
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### **Penalty:**

Stewards are of the view that a disqualification is warranted in the circumstances. A disqualification for a period of six (6) months reduced to four (4) months in relation to Ms Gersekowski's disciplinary history and guilty plea, effective from the date of this decision commencing 29 September 2025 concluding 29 January 2026.

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Further, stewards permitted Ms Gersekowski seven (7) days from 29 September 2025 to transfer all horses from her care and custody, with stewards permission being required for each transfer and it is expected that she will tend to the feeding and general care of all horses but is not permitted to engage in the training, educating or exercising of any horses during this period.

Stewards also draw to the attention of Ms Gersekowski Australian Rule of Racing AR 263 and the prohibitions on persons and their conduct while disqualified.

Against this Stewards decision Ms Gersekowski is advised of her rights to appeal this decision to the Racing Appeal Panel.