22 March 2022

**DECISION**

**RACING VICTORIA**

**and**

**DANIEL SCHMITT**

**Date of hearing:** 16 March 2022

**Panel:** Judge John Bowman (Chairperson) and Judge Kathryn Kings.

**Appearances:** Mr Scott Hunter and Mr Rob Montgomery appeared on behalf of the Stewards.

Mr Daniel Schmitt represented himself.

 Mr Gavin Bedggood appeared as a witness.

**Charge:** Australian Rule of Racing (“AR”) 115(1)(c) states:

(1) A jockey or apprentice jockey must not:

 (c) bet, or have any interest in a bet, or facilitate a bet, on any race.

**Particulars of charge:** 1. You were, at all relevant times, a jockey licensed by Racing Victoria.

2. Between 18 March 2020 to 13 June 2020 (inclusive), you made and/or facilitated and/or had an interest in 36 bets on thoroughbred horse racing.

3. Between 30 December 2020 to 31 December 2020 (inclusive), you made and/or facilitated and/or had an interest in 5 bets on thoroughbred horse racing.

4. Your conduct, as described in particulars 2 and/or 3, was in contravention of AR 115(1)(c).

**Plea:** Guilty

**DECISION**

Mr Daniel Schmitt, you have pleaded guilty to a breach of Australian Rule of Racing (“AR”) 115(1)(c).

You admit that between 18 March 2020 and 13 June 2020, you placed 36 bets on thoroughbred horse racing and on 30 and 31 December 2020, you placed a further five bets, a total of 41. At the time of placing these bets, you were a licensed jockey. You have since relinquished that license. The bets were not particularly large. None was on a horse that you were riding or involved a race in which you were competing.

Your last ride in a race was on 14 June 2020. You did not renew your jockey’s licence for the 2020/21 racing year and have not attempted to do so since. You are a registered stable hand. Whilst you do a small amount of work for other trainers, essentially you are close to being a full time track rider for Mr Gavin Bedggood at Cranbourne. Mr Bedggood gave evidence on your behalf as to your character and as to his heavy reliance upon you at a time when good track work riders are very hard to find. We accept his evidence and fully understand his position.

We are also sympathetic to your situation. You were a licensed jockey for in excess of 20 years, but in recent times the number of rides which you were obtaining was diminishing. We accept your evidence that you had effectively lost interest in race riding. However, it is apparent that you were a highly valued track work rider and stable employee.

There has also been a major upheaval in your domestic life. You and your wife separated, and very expensive Family Law litigation followed. Your property, upon which horses could be agisted, had to be sold. You now live in rented premises. You have access to your child, who spends time with you on a regular and agreed basis. Whilst you have regular income, predominantly from your work for Mr Bedggood, who has something in the order of thirty horses in work and whose star seems to be very much in the ascendant, we accept that you have a real financial battle on your hands.

Unfortunately, you have previously been found guilty of this very offence – a breach of AR 115(1)(c). On 28 March 2019, the Racing Victoria (“RV”) Racing Appeals and Disciplinary Board (“RADB”) found you guilty of placing 71 bets when you were a licensed jockey. You were disqualified for a period of four months. Races in which you were engaged to ride were not involved.

We appreciate that this may well have occurred at a time when you were under intense family pressure, but the fact remains that you have a prior conviction for this very offence.

We also appreciate that the present offence took place at times when you were not getting many rides and your career as a jockey was drawing to a conclusion. However, this was a second breach of the same Rule.

Mr Scott Hunter, on behalf of the Stewards, sought a period of disqualification of two months. Whilst there was some sympathy for your circumstances and your early plea of guilty had been taken into account, the fact of your prior conviction obviously would have loomed large in their considerations.

We are also bearing in mind the impression that jockeys betting on races can make in the minds of the general public. General deterrence is an important factor. Given that you are no longer a licensed jockey, specific deterrence is of limited significance.

Taking into account all of the circumstances, including your plea, your cooperation, your family and personal circumstances, you no longer being a licensed jockey and the powerful evidence of Mr Bedggood, we are of the view that a period of disqualification of one month is appropriate.

The commencement date of the disqualification period of one month hopefully can be agreed between the parties.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal