29 November 2022

**DECISION**

**RACING VICTORIA**

**and**

**NOEL CALLOW**

**Date of hearing:** 22 November 2022

**Panel:** Judge John Bowman (Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Matthew Stirling represented Mr Noel Callow.

**Charges:** Australian Rule of Racing (“AR”) 83(c) states:

Every jockey or apprentice may be penalised –

 (c) If he bet or have any interest in a bet or facilitates a bet on any race, or if he be present in the betting ring during any race meeting.

 AR 175(gg) states:

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

 (gg) Any person who makes any false or misleading statement or declaration in respect of any matter in connection with the administration or control of racing.

 AR 175(k) states:

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

(k) Any person who has committed any breach of the Rules, or whose conduct or negligence has led or could have led to a breach of the Rules.

AR 229(1)(h) states:

(1) A person must not:

(h) make a false or misleading statement or declaration in relation to a matter in connection with the administration or control of racing.

**Particulars of Charges:**

**Charge 1: AR 83(c)**

1. You were, at all relevant times, a jockey licensed by Racing Victoria.
2. On 30 April 2013, you opened an account with Sportsbet (***the Account***), being Account No: 13210613.
3. On 6 December 2013, you made and/or facilitated the making of eleven (11) bets on Australian thoroughbred horse races through *the Account* as per Table 1 (attached).
4. Your conduct, as set out in particular 3, constitutes a breach of AR 83(c).

**Table 1**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Time** | **Venue** | **Race** | **Selection** | **BetType** |  **Stake**  |  **Return**  |  **Profit**  |
| 6/12/2013 | 7:27:51 PM | Moonee Valley | 6 | E/W - Duplicity Jones | Fixed Price |  $ 200.00  |  $ 190.00  | -$ 10.00  |
| 6/12/2013 | 7:29:15 PM | Moonee Valley | 6 | W - Duplicity Jones | Fixed Price |  $ 100.00  |  $ 204.00  |  $ 104.00  |
| 6/12/2013 | 7:29:54 PM | Moonee Valley | 6 | Settlers Way | Fixed Price |  $ 100.00  |  $ 222.00  |  $ 122.00  |
| 6/12/2013 | 7:30:52 PM | Moonee Valley | 6 | Boxed Trifecta | Super Tab |  $ 0.96  |  $ -  | -$ 0.96  |
| 6/12/2013 | 7:31:49 PM | Moonee Valley | 6 | Odds & Evens - Evens | Fixed Price |  $ 200.00  |  $ 284.00  |  $ 84.00  |
| 6/12/2013 | 7:39:15 PM | Moonee Valley | 6 | Running Double R6,R7 | Turbo Multi |  $ 10.00  |  $ -  | -$ 10.00  |
| 6/12/2013 | 7:56:11 PM | Moonee Valley | 7 | W - Projects | Fixed Price |  $ 300.00  |  $ 495.00  |  $ 195.00  |
| 6/12/2013 | 7:58:40 PM | Moonee Valley | 7 | E/W - Projects | Fixed Price |  $ 100.00  |  $ 140.00  |  $ 40.00  |
| 6/12/2013 | 8:27:03 PM | Moonee Valley | 8 | H2H -Unique Storm | Fixed Price |  $ 100.00  |  $ 189.00  |  $ 89.00  |
| 6/12/2013 | 8:27:15 PM | Moonee Valley | 8 | H2H - Hampton Girl | Fixed Price |  $ 100.00  |  $ -  | -$ 100.00  |
| 6/12/2013 | 8:27:45 PM | Moonee Valley | 8 | Evens | Fixed Price |  $ 300.00  |  $ 435.00  |  $ 135.00  |
|  |  |  |  |  | **TOTAL** |  **$ 1,510.96**  |  **$ 2,159.00** |  **$ 648.04** |

**Charge 2: AR 83(c)**

1. You were, at all relevant times, a jockey licensed by Racing Victoria.
2. On 30 April 2013, you opened an account with Sportsbet (***the Account***), being Account No: 13210613.
3. On 8 December 2013, you made and/or facilitated the making of one (1) bet on Australian thoroughbred horse races through *the Account* as per Table 2 (attached).
4. Your conduct, as set out in particular 3, constitutes a breach of AR 83(c).

**Table 2**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Time** | **Venue** | **Race** | **Selection** | **BetType** |  **Stake**  |  **Return**  |  **Profit**  |
| 8/12/2013 | 11:44:58 AM | Traralgon | JC | Ryan Maloney | Fixed Price |  $ 48.00  |  $ 115.20  |  $ 67.20  |
|  |  |  |  |  | **TOTAL** |  **$ 48.00**  |  **$ 115.20** |  **$ 67.20** |

**Charge 3: AR 83(c)**

1. You were, at all relevant times, a jockey licensed by Racing Victoria.
2. On 30 April 2013, you opened an account with Sportsbet (***the Account***), being Account No: 13210613.
3. On 14 December 2013, you made and/or facilitated the making of twelve (12) bets on Australian thoroughbred horse races through *the Account* as per Table 3 (attached).
4. Your conduct, as set out in particular 3, constitutes a breach of AR 83(c).

**Table 3**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Date** | **Time** | **Venue** | **Race** | **Selection** | **BetType** |  **Stake**  |  **Return**  |  **Profit**  |
| 14/12/2013 | 3:08:56 PM | Flemington | 7 | H2H - Electric Fusion | Fixed Price |  $ 500.00  |  $ 745.00  |  $ 245.00  |
| 14/12/2013 | 3:09:47 PM | Flemington | 7 | W - Electric Fusion | Fixed Price |  $ 500.00  |  $ 1,012.50  |  $ 512.50  |
| 14/12/2013 | 3:34:22 PM | Randwick | 7 | E/W - Forarainyday | Fixed Price |  $ 100.00  |  $ 115.00  |  $ 15.00  |
| 14/12/2013 | 3:39:02 PM | Flemington | 8 | E/W - Prince Of Penzance | Fixed Price |  $ 100.00  |  $ -  | -$ 100.00  |
| 14/12/2013 | 3:51:05 PM | Flemington | 8 | Prince Of Penzance | Super Tab |  $ 17.16  |  $ 6.99  | -$ 10.17  |
| 14/12/2013 | 3:51:05 PM | Flemington | 8 | H2H - Prince Of Penzance | Fixed Price |  $ 500.00  |  $ -  | -$ 500.00  |
| 14/12/2013 | 3:51:35 PM | Flemington | 8 | Boxed Trifecta | Super Tab |  $ 17.16  |  $ 6.99  | -$ 10.17  |
| 14/12/2013 | 4:20:56 PM | Randwick | 8 | H2H - Aeronautical | Fixed Price |  $ 100.00  |  $ 182.00  |  $ 82.00  |
| 14/12/2013 | 5:09:42 PM | Cranbourne | 1 | H2H - Zanteco | Fixed Price |  $ 200.00  |  $ 388.00  |  $ 188.00  |
| 14/12/2013 | 5:10:27 PM | Cranbourne | 1 | H2H - Zanteco | Fixed Price |  $ 200.00  |  $ 388.00  |  $ 188.00  |
| 14/12/2013 | 5:12:33 PM | Cranbourne | 1 | E/W - Zanteco | Top Tote Plus |  $ 100.00  |  $ -  | -$ 100.00  |
| 14/12/2013 | 5:12:33 PM | Cranbourne | 1 | E/W - Snip Of Charm | Top Tote Plus |  $ 100.00  |  $ 260.00  |  $ 160.00  |
|  |  |  |  |  | **TOTAL** |  **$ 2,434.32**  |  **$ 3,104.48**  |  **$ 670.16**  |

**Charge 4: AR 175(gg)**

1. You were, at all relevant times, a jockey licensed by Racing Victoria*.*
2. On 18 May 2017, you opened a betting account with Bookmaker (***the Account***).
3. On 18 July 2017, you submitted a Jockey Betting Account Declaration form (**the Form**) and failed to declare *the Account* on the Form.
4. Your conduct, as set out in particular 3, constituted a breach of AR 175(gg).

**Charge 5: AR 175(k) (Alternative to Charge Four)**

1. You were, at all relevant times, a jockey licensed by Racing Victoria.
2. On 18 May 2017, you opened a betting account with Bookmaker (**the Account**).
3. On 18 July 2017, you submitted a Jockey Betting Account Declaration form (**the Form**) and failed to declare the Account on the Form.
4. Your conduct, as set out in particular 3, constituted a breach of AR 175(k).

**Charge 6: AR 175(gg)**

1. You were, at all relevant times, a jockey licensed by Racing Victoria.
2. On 28 May 2018, you submitted a Jockey Betting Account Declaration form (**the Form**).
3. On the Form you failed to declare your betting accounts, being Bookmaker and Ladbrokes.
4. Your conduct, as set out in particular 3, constituted a breach of AR 175(gg).

**Charge 7: 229(1)(h)**

1. You were, at all relevant times, a jockey licensed by Racing Victoria.
2. Between 20 November 2018 and 24 March 2019, you made transactions through your TAB betting account (**the Account**).
3. On 15 June 2019, you submitted a Jockey Betting Account Declaration form (the Form) and failed to declare *the Account*.
4. Your conduct, as set out in particular 3, constituted a breach of AR 175(gg).

**Pleas:** Guilty to charges 1, 2, 3, 4, 6, 7

 Charge 5 withdrawn

**DECISION**

Mr Noel Callow, you have pleaded guilty to six charges. A seventh charge was withdrawn. Your six guilty pleas fall into two categories of three charges each.

We shall deal firstly with charges one to three. Each of these concern breaches of what was then AR 83(c), the breaches occurring on 6 December 2013, 8 December 2013 and 14 December 2013. Put simply, the charges relate to your betting on Australian thoroughbred races. On 6 December 2013, you had some 11 bets totalling $1,1510.96 for a profit of $648.04. On 8 December 2013 you had one bet of $48 for a profit of $67.20. On 14 December 2013 you had 12 bets totalling $2,434.32 for a profit of $670.16. None of the bets were on horses you were riding or on races in which you were riding.

However, jockeys are prohibited from betting on Australian thoroughbred races. Whilst these offences occurred almost nine years ago, you are a very experienced jockey, currently and successfully based in Queensland. At the time of committing these offences, you were already experienced and well known. You must have realised that what you were doing breached the Rules, which are designed to protect the image of racing as being an honestly run industry with transparency of jockey’s activities.

We take into account the fact that you have pleaded guilty and have no relevant prior convictions. We also bear in mind that the offences occurred some years ago and have considered the penalties involved in similar cases.

The submissions of Mr El-Asmar on behalf of the Stewards and Mr Stirling on your behalf focused upon fines as being the appropriate penalties. Whilst we are not bound by this, obviously we take into account that two persons well familiar with the Rules and the industry are of this view, with which we agree. We also bear in mind the penalties imposed over the years in like cases.

On each of Charges 1 to 3, you are fined the sum of $1,500, a total of $4,500.

We turn now to Charges 4, 6 and 7. These concern your failure to comply with AR 175 in the cases of Charges 4 and 6 and AR 229 (1)(b) in the case of Charge 7. Essentially these three charges relate to your failure to declare the fact that you had opened betting accounts on your Jockey Betting Account Declaration forms and thus had not declared those accounts. These offences occurred on 18 July 2017, 28 May 2018 and 15 June 2019.

We regard these three offences as being of greater gravity than the betting charges. The work of the Stewards is hindered by behaviour such as this. It is very important that forms of this nature are completed honestly and accurately.

We accept what has been put by Mr Stirling to the effect that in fact you did not place any bets on thoroughbred racing over that three year period. Your bets were on various sporting events, but not racing. They were legal bets openly carried out in your own name. However, that does not get around the fact that you had wilfully filled in forms which failed to reveal the operation of any betting accounts.

Weighing up all of these factors, we have arrived at the following conclusion. On Charge 4, you are suspended for a period of two months. On Charge 6, you are suspended for a period of two months, but one month of that period is in turn suspended for a period of 12 months. On Charge 7, you are suspended for a period of two months, but that is entirely suspended for a period of 12 months.

The bottom line is that you are suspended for a period of three months. Suspension for a further three months is in turn suspended for a period of 12 months, and will be activated if you offend again. We are both hopeful and confident that it will not occur. The suspension shall commence immediately.

Mark Howard
Registrar, Victorian Racing Tribunal