27 July 2023

**DECISION**

**RACING VICTORIA**

**and**

**AARON MITCHELL**

**Date of hearing:** 18 July 2023

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Marilyn Harbison.

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

Mr Tony Hannebery appeared on behalf of Mr Aaron Mitchell.

**Charges and particulars:**

**Charge 1 of 3:**

**Charge 1: AR 115(1)(c)**

AR 115(1)(c) reads as follows:

**AR 115 Jockey and apprentice jockey misconduct**

(1) A jockey or apprentice jockey must not:

…

(c) bet, or have any interest in a bet, or facilitate a bet, on any thoroughbred race or contingency relating to thoroughbred racing in any jurisdiction anywhere in the world;

…

**The particulars of the charge**

1. You were, at all relevant times, a jockey licensed by Racing Victoria.
2. On 29 December 2017, you opened an account (no: 138590048) with Sportsbet (the **Account**).
3. Between 26 May 2022 and 14 December 2022, you made and/or facilitated the making of 311 bets on Australian thoroughbred horse races through your *Account* as per Table 1 (attached).
4. Your conduct, as set out in particular 3, constitutes a breach of AR 115(1)(c).

**Table 1**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Date and time** | **Race** | **Selection** | **BetType** | **Stake** | **Return** | **Profit** |
| 26/05/2022 16:44:35 | Pakenham Race 1 | Tatsuro | Win | 246.00 | 0.00 | -246.00 |
| 17/07/2022 13:47:37 | Sunshine Coast Race 4 | Blue Ray | Win | 0.00 | 0.00 | 0.00 |
| 01/09/2022 15:17:33 | Northam Race 5 | Juan Won One | Win | 500.00 | 0.00 | -500.00 |
| 02/09/2022 15:19:44 | Wyong Race 6 | Sur La Mer | Win | 100.00 | 0.00 | -100.00 |
| 02/09/2022 15:36:35 | Wyong Race 7 | Lord Ardmore | Win | 25.00 | 0.00 | -25.00 |
| 02/09/2022 15:36:35 | Mornington Race 7 | Inordinate | Place | 25.00 | 0.00 | -25.00 |
| 02/09/2022 15:36:35 | Canberra Race 8 | Welcome Gypsy | Win | 25.00 | 0.00 | -25.00 |
| 04/09/2022 10:55:37 | Geelong Race 3 | Galeka | Win | 100.00 | 390.00 | 290.00 |
| 04/09/2022 13:50:30 | Geelong Race 4 | Without Envy | Win | 390.00 | 0.00 | -390.00 |
| 04/09/2022 14:24:51 | Geelong Race 5 | Speak Now | Quadrella | 19.98 | 0.00 | -19.98 |
| 07/09/2022 16:36:06 | Sandown Race 7 | Geraldine's Jewel | Each Way | 100.00 | 0.00 | -100.00 |
| 08/09/2022 13:40:40 | Hawkesbury Race 3 | Chappelli | Win | 91.00 | 0.00 | -91.00 |
| 08/09/2022 13:47:08 | Sunshine Coast Synthetic Race 3 | Collay's Spirit | Win | 100.00 | 0.00 | -100.00 |
| 08/09/2022 18:17:57 | Northam Race 6 | Bigdayonit | Win | 100.00 | 0.00 | -100.00 |
| 09/09/2022 09:21:47 | Swan Hill Race 2 | Head'em | Win | 66.67 | 0.00 | -66.67 |
| 09/09/2022 09:21:47 | Sale Race 1 | The Brill Building | Win | 66.67 | 0.00 | -66.67 |
| 09/09/2022 09:21:47 | Flemington Race 7 | Kissonallforcheeks | Win | 66.67 | 0.00 | -66.67 |
| 09/09/2022 09:23:10 | Swan Hill Race 2 | Head'em | Win | 66.67 | 0.00 | -66.67 |
| 09/09/2022 09:23:10 | Sale Race 1 | The Brill Building | Win | 66.67 | 0.00 | -66.67 |
| 09/09/2022 09:23:10 | Flemington Race 7 | Kissonallforcheeks | Place | 66.67 | 0.00 | -66.67 |
| 10/09/2022 08:49:18 | Flemington Race 7 | Kissonallforcheeks | Win | 2,500.00 | 10,375.00 | 7875.00 |
| 13/09/2022 18:16:03 | Sandown Race 4 | Red Phantom | Win | 2,000.00 | 0.00 | -2000.00 |
| 13/09/2022 18:16:59 | Sandown Race 4 | Red Phantom | Win | 500.00 | 0.00 | -500.00 |
| 14/09/2022 07:30:04 | Sandown Race 4 | Red Phantom | Win | 2,500.00 | 0.00 | -2500.00 |
| 16/09/2022 12:31:51 | Ballarat Synthetic Race 1 | Astelena | Win | 500.00 | 0.00 | -500.00 |
| 16/09/2022 15:08:46 | Caulfield Race 3 | Adele Amour | Place | 166.67 | 0.00 | -166.67 |
| 16/09/2022 15:08:46 | Belmont Race 1 | Saloon Bar | Win | 166.67 | 0.00 | -166.67 |
| 16/09/2022 15:08:46 | Caulfield Race 8 | Isotope | Place | 166.67 | 0.00 | -166.67 |
| 16/09/2022 16:47:33 | Caulfield Race 8 | Isotope | Win | 250.00 | 0.00 | -250.00 |
| 17/09/2022 08:51:21 | Caulfield Race 2 | Port Albert | Win | 31.67 | 0.00 | -31.67 |
| 17/09/2022 08:51:21 | Caulfield Race 3 | Adele Amour | Win | 31.67 | 0.00 | -31.67 |
| 17/09/2022 08:51:21 | Caulfield Race 8 | Isotope | Win | 31.67 | 0.00 | -31.67 |
| 20/09/2022 17:12:25 | Bendigo Race 3 | Captain Britain | Win | 1,000.00 | 0.00 | -1000.00 |
| 21/09/2022 16:24:48 | Belmont Race 4 | The Desert Fox | Win | 100.00 | 0.00 | -100.00 |
| 21/09/2022 16:25:07 | Belmont Race 4 | The Desert Fox | Place | 300.00 | 0.00 | -300.00 |
| 23/09/2022 16:33:27 | Moonee Valley Race 8 | Kissonallforcheeks | Win | 166.67 | 0.00 | -166.67 |
| 23/09/2022 16:33:27 | Moonee Valley Race 4 | Tijuana | Win | 166.67 | 0.00 | -166.67 |
| 23/09/2022 16:33:27 | Sandown Race 1 | Cap De Joie | Win | 166.67 | 0.00 | -166.67 |
| 23/09/2022 18:38:38 | Moonee Valley Race 3 | Snapper | Win | 500.00 | 0.00 | -500.00 |
| 25/09/2022 16:53:29 | Sandown Race 9 | Regardsmaree | Box First4 | 99.84 | 0.00 | -99.84 |
| 28/09/2022 14:37:43 | Cranbourne Race 8 | Tuahine | Win | 200.00 | 0.00 | -200.00 |
| 28/09/2022 14:38:07 | Cranbourne Race 8 | Tuahine | Place | 400.00 | 0.00 | -400.00 |
| 28/09/2022 18:23:25 | Geraldton Race 6 | Mrs America | Win | 200.00 | 0.00 | -200.00 |
| 29/09/2022 16:35:00 | Kalgoorlie Race 6 | Eevalina | Win | 0.00 | 0.00 | 0.00 |
| 29/09/2022 16:45:11 | Kalgoorlie Race 7 | Titan Blinders | Win | 25.00 | 0.00 | -25.00 |
| 29/09/2022 16:45:11 | Kalgoorlie Race 6 | Eevalina | Win | 25.00 | 0.00 | -25.00 |
| 29/09/2022 17:05:52 | Kalgoorlie Race 7 | Titan Blinders | Win | 125.00 | 0.00 | -125.00 |
| 29/09/2022 17:05:52 | Kalgoorlie Race 6 | Eevalina | Win | 125.00 | 0.00 | -125.00 |
| 30/09/2022 12:57:08 | Ballarat Synthetic Race 1 | Stazy | Each Way | 150.00 | 0.00 | -150.00 |
| 30/09/2022 15:30:53 | Murtoa Race 4 | Fire Wheel | Win | 33.33 | 0.00 | -33.33 |
| 30/09/2022 15:30:53 | Murtoa Race 8 | Red Phantom | Win | 33.33 | 0.00 | -33.33 |
| 30/09/2022 15:30:53 | Moonee Valley Race 3 | Cadenabbia | Win | 33.33 | 0.00 | -33.33 |
| 01/10/2022 15:52:13 | Flemington Race 7 | Profondo | Win | 50.00 | 0.00 | -50.00 |
| 02/10/2022 13:24:35 | Bendigo Race 4 | Barmah Al | Win | 42.50 | 0.00 | -42.50 |
| 04/10/2022 15:56:59 | Goulburn Race 8 | Flexing | Win | 50.00 | 0.00 | -50.00 |
| 04/10/2022 15:57:19 | Goulburn Race 8 | Flexing | Place | 100.00 | 0.00 | -100.00 |
| 07/10/2022 16:02:19 | Cranbourne Race 1 | Veloce Carro | Win | 100.00 | 245.00 | 145.00 |
| 07/10/2022 17:13:39 | Cranbourne Race 3 | Cordoba | Win | 0.00 | 0.00 | 0.00 |
| 07/10/2022 18:32:06 | Cranbourne Race 6 | Thought Provoking | Win | 100.00 | 0.00 | -100.00 |
| 07/10/2022 18:55:26 | Cranbourne Race 8 | Vegas Knight | Win | 22.50 | 0.00 | -22.50 |
| 07/10/2022 18:55:26 | Cranbourne Race 9 | Mir | Win | 22.50 | 0.00 | -22.50 |
| 07/10/2022 19:10:28 | Cranbourne Race 7 | Nerve Not Verve | Win | 1,000.00 | 0.00 | -1000.00 |
| 08/10/2022 11:43:17 | Caulfield Race 3 | Sweetened | Win | 50.00 | 0.00 | -50.00 |
| 08/10/2022 11:43:37 | Caulfield Race 3 | Sweetened | Place | 50.00 | 0.00 | -50.00 |
| 12/10/2022 06:39:33 | Caulfield Race 6 | Munhamek | Win | 0.00 | 0.00 | 0.00 |
| 12/10/2022 06:39:33 | Caulfield Race 8 | She's Licketysplit | Win | 0.00 | 0.00 | 0.00 |
| 12/10/2022 07:55:10 | Caulfield Race 6 | Munhamek | Win | 300.00 | 0.00 | -300.00 |
| 12/10/2022 13:57:36 | Caulfield Race 8 | Kissonallforcheeks | Win | 6.67 | 0.00 | -6.67 |
| 12/10/2022 13:57:36 | Caulfield Race 6 | Munhamek | Win | 6.67 | 0.00 | -6.67 |
| 12/10/2022 13:57:36 | Caulfield Race 2 | Cap De Joie | Win | 6.67 | 0.00 | -6.67 |
| 12/10/2022 14:54:36 | Caulfield Race 7 | Grand Impact | Win | 100.00 | 305.00 | 205.00 |
| 12/10/2022 15:17:54 | Caulfield Race 8 | Jenny Jerome | Win | 105.00 | 0.00 | -105.00 |
| 12/10/2022 15:18:07 | Caulfield Race 8 | Jenny Jerome | Place | 50.00 | 0.00 | -50.00 |
| 12/10/2022 15:26:35 | Caulfield Race 8 | She's Licketysplit | Win | 50.00 | 0.00 | -50.00 |
| 12/10/2022 15:32:24 | Caulfield Race 8 | North Star Lass | Win | 100.00 | 0.00 | -100.00 |
| 12/10/2022 16:14:42 | Ipswich Race 8 | Holstein | Win | 100.00 | 0.00 | -100.00 |
| 12/10/2022 16:15:03 | Caulfield Race 9 | Belle Plaisir | Win | 100.00 | 0.00 | -100.00 |
| 13/10/2022 14:08:15 | Kembla Grange Race 5 | Country Girl | Win | 0.00 | 0.00 | 0.00 |
| 13/10/2022 14:08:31 | Kembla Grange Race 5 | Country Girl | Place | 50.00 | 0.00 | -50.00 |
| 13/10/2022 14:18:07 | Northam Race 2 | Sentimental Belle | Box First4 | 9.60 | 0.00 | -9.60 |
| 13/10/2022 14:23:38 | Northam Race 7 | Vast Art | Quadrella | 21.60 | 17.71 | -3.89 |
| 13/10/2022 14:33:46 | Northam Race 3 | Amjaad | Win | 33.33 | 0.00 | -33.33 |
| 13/10/2022 14:33:46 | Northam Race 4 | Nyet | Win | 33.33 | 0.00 | -33.33 |
| 14/10/2022 16:22:47 | Pakenham Synthetic Race 4 | Fast Victory | Win | 33.33 | 0.00 | -33.33 |
| 14/10/2022 16:22:47 | Pakenham Synthetic Race 6 | Always On My Mind | Win | 33.33 | 0.00 | -33.33 |
| 14/10/2022 16:22:47 | Pakenham Synthetic Race 1 | Magic Time | Win | 33.33 | 0.00 | -33.33 |
| 14/10/2022 16:23:27 | Pakenham Synthetic Race 4 | Fast Victory | Win | 0.00 | 0.00 | 0.00 |
| 14/10/2022 16:23:27 | Pakenham Synthetic Race 1 | Magic Time | Win | 0.00 | 0.00 | 0.00 |
| 14/10/2022 16:23:27 | Pakenham Synthetic Race 6 | Always On My Mind | Place | 0.00 | 0.00 | 0.00 |
| 15/10/2022 11:13:34 | Caulfield Race 2 | Cap De Joie | Win | 33.33 | 0.00 | -33.33 |
| 15/10/2022 11:13:34 | Caulfield Race 9 | Gold Trip | Win | 33.33 | 0.00 | -33.33 |
| 15/10/2022 11:13:34 | Randwick Race 7 | Jacquinot | Win | 33.33 | 0.00 | -33.33 |
| 15/10/2022 11:14:12 | Caulfield Race 2 | Cap De Joie | Win | 33.33 | 0.00 | -33.33 |
| 15/10/2022 11:14:12 | Caulfield Race 9 | Gold Trip | Place | 33.33 | 0.00 | -33.33 |
| 15/10/2022 11:14:12 | Randwick Race 7 | Jacquinot | Place | 33.33 | 0.00 | -33.33 |
| 15/10/2022 12:43:51 | Caulfield Race 8 | Kissonallforcheeks | Win | 26.00 | 0.00 | -26.00 |
| 15/10/2022 12:43:51 | Caulfield Race 9 | Gold Trip | Win | 26.00 | 0.00 | -26.00 |
| 15/10/2022 13:40:10 | Caulfield Race 8 | Kissonallforcheeks | Win | 10.00 | 0.00 | -10.00 |
| 15/10/2022 13:40:26 | Caulfield Race 8 | Kissonallforcheeks | Place | 40.00 | 0.00 | -40.00 |
| 15/10/2022 15:42:48 | Caulfield Race 9 | Gold Trip | Box First4 | 99.60 | 0.00 | -99.60 |
| 16/10/2022 15:19:54 | Horsham Race 7 | Huntly Castle | Win | 100.00 | 0.00 | -100.00 |
| 20/10/2022 14:49:44 | Ballarat Race 8 | Irish Mist | Place | 150.00 | 0.00 | -150.00 |
| 20/10/2022 14:49:55 | Ballarat Race 8 | Irish Mist | Win | 0.00 | 0.00 | 0.00 |
| 20/10/2022 18:13:18 | Geraldton Race 6 | Royal Gap | Win | 25.00 | 0.00 | -25.00 |
| 21/10/2022 15:38:42 | Moonee Valley Race 2 | Regardsmaree | Win | 500.00 | 0.00 | -500.00 |
| 21/10/2022 15:46:08 | Moonee Valley Race 5 | Young Liam | Quadrella | 100.00 | 104.00 | 4.00 |
| 22/10/2022 07:41:50 | St Arnaud Race 3 | Rajnish | Win | 0.00 | 0.00 | 0.00 |
| 22/10/2022 07:41:50 | Moe Race 1 | Port Albert | Win | 0.00 | 0.00 | 0.00 |
| 22/10/2022 11:11:36 | Moe Race 7 | Kahuka | Win | 52.00 | 0.00 | -52.00 |
| 22/10/2022 11:11:36 | Kembla Grange Race 3 | Rippin' Ruis | Win | 52.00 | 0.00 | -52.00 |
| 26/10/2022 08:26:33 | Golden Eagle - Final Field - Win or Place | Lady Of Honour | Win | 10.00 | 0.00 | -10.00 |
| 26/10/2022 08:26:41 | Golden Eagle - Final Field - Win or Place | Lady Of Honour | Place | 0.00 | 0.00 | 0.00 |
| 29/10/2022 11:00:33 | Flemington Race 6 | Jacquinot | Win | 12.50 | 0.00 | -12.50 |
| 29/10/2022 11:00:33 | Flemington Race 2 | Surefire | Win | 12.50 | 0.00 | -12.50 |
| 29/10/2022 11:00:33 | Flemington Race 7 | Mr Maestro | Win | 12.50 | 0.00 | -12.50 |
| 29/10/2022 11:00:33 | Flemington Race 9 | A Very Fine Red | Place | 12.50 | 0.00 | -12.50 |
| 29/10/2022 11:02:02 | Flemington Race 6 | Jacquinot | Win | 0.00 | 0.00 | 0.00 |
| 29/10/2022 11:02:02 | Flemington Race 2 | Surefire | Win | 0.00 | 0.00 | 0.00 |
| 29/10/2022 11:02:02 | Flemington Race 7 | Mr Maestro | Win | 0.00 | 0.00 | 0.00 |
| 29/10/2022 11:02:02 | Flemington Race 9 | A Very Fine Red | Win | 0.00 | 0.00 | 0.00 |
| 29/10/2022 13:10:04 | Flemington Race 6 | Jacquinot | Place | 12.50 | 0.00 | -12.50 |
| 29/10/2022 13:10:04 | Rosehill Race 8 | Lady Of Honour | Place | 12.50 | 0.00 | -12.50 |
| 29/10/2022 13:10:04 | Flemington Race 7 | Mr Maestro | Place | 12.50 | 0.00 | -12.50 |
| 29/10/2022 13:10:04 | Flemington Race 9 | A Very Fine Red | Place | 12.50 | 0.00 | -12.50 |
| 30/10/2022 11:03:36 | Mornington Race 2 | Buttery | Win | 1,000.00 | 2,050.00 | 1050.00 |
| 30/10/2022 11:04:28 | Mornington Race 8 | Holster | Win | 350.00 | 0.00 | -350.00 |
| 30/10/2022 11:04:28 | Mornington Race 2 | Buttery | Win | 350.00 | 0.00 | -350.00 |
| 30/10/2022 13:14:06 | Mornington Race 4 | Itsukushima | Win | 500.00 | 0.00 | -500.00 |
| 30/10/2022 13:47:06 | Goulburn Race 7 | Blaze A Trail | Win | 1,000.00 | 0.00 | -1000.00 |
| 30/10/2022 14:27:28 | Mornington Race 6 | Magnalicious | Win | 500.00 | 0.00 | -500.00 |
| 30/10/2022 14:43:05 | Mornington Race 7 | Vegas Knight | Win | 50.00 | 0.00 | -50.00 |
| 30/10/2022 15:39:47 | Mornington Race 9 | Auckland | Win | 1,000.00 | 0.00 | -1000.00 |
| 31/10/2022 15:27:55 | Ballarat Synthetic Race 8 | Mir | Win | 0.00 | 0.00 | 0.00 |
| 01/11/2022 10:25:03 | Flemington Race 3 | Not To Be Mist | Win | 500.00 | 0.00 | -500.00 |
| 01/11/2022 10:25:21 | Flemington Race 3 | Not To Be Mist | Place | 1,000.00 | 0.00 | -1000.00 |
| 01/11/2022 11:47:00 | Flemington Race 5 | Port Albert | Win | 0.00 | 0.00 | 0.00 |
| 01/11/2022 11:47:14 | Flemington Race 5 | Port Albert | Place | 100.00 | 0.00 | -100.00 |
| 01/11/2022 11:47:31 | Flemington Race 5 | Port Albert | Place | 60.00 | 0.00 | -60.00 |
| 01/11/2022 11:47:46 | Flemington Race 5 | Port Albert | Place | 100.00 | 0.00 | -100.00 |
| 01/11/2022 12:51:45 | Flemington Race 7 | Gold Trip | Place | 150.00 | 825.00 | 675.00 |
| 01/11/2022 12:51:52 | Flemington Race 7 | Gold Trip | Win | 500.00 | 9,500.00 | 9000.00 |
| 01/11/2022 14:18:30 | Flemington Race 8 | Munhamek | Win | 1,415.00 | 0.00 | -1415.00 |
| 01/11/2022 15:24:15 | Echuca Race 7 | Our Boy Bryan | Win | 2,000.00 | 0.00 | -2000.00 |
| 01/11/2022 15:44:58 | Flemington Race 10 | Nicolini Vito | Win | 1,000.00 | 0.00 | -1000.00 |
| 02/11/2022 15:36:33 | Bendigo Race 9 | Vitruvius | Win | 500.00 | 0.00 | -500.00 |
| 02/11/2022 15:36:52 | Bendigo Race 9 | Vitruvius | Place | 1,000.00 | 2,500.00 | 1500.00 |
| 03/11/2022 13:37:26 | Flemington Race 5 | Right You Are | Win | 500.00 | 0.00 | -500.00 |
| 03/11/2022 15:20:57 | Flemington Race 8 | Zennzella | Win | 500.00 | 0.00 | -500.00 |
| 03/11/2022 15:21:25 | Flemington Race 8 | Queen Air | Place | 2,000.00 | 4,900.00 | 2900.00 |
| 03/11/2022 16:17:32 | Flemington Race 9 | I'mlovin'ya | Win | 200.00 | 0.00 | -200.00 |
| 03/11/2022 16:17:51 | Flemington Race 9 | I'mlovin'ya | Place | 400.00 | 0.00 | -400.00 |
| 03/11/2022 17:45:09 | Ascot Race 5 | Dream Evil | Win | 1,000.00 | 0.00 | -1000.00 |
| 04/11/2022 16:52:50 | Flemington Race 6 | Giga Kick | Win | 1,000.00 | 0.00 | -1000.00 |
| 05/11/2022 08:34:45 | Flemington Race 3 | Sweetened | Win | 500.00 | 0.00 | -500.00 |
| 05/11/2022 08:35:20 | Flemington Race 3 | Sweetened | Place | 500.00 | 0.00 | -500.00 |
| 05/11/2022 08:37:45 | Flemington Race 3 | Sweetened | Place | 0.00 | 0.00 | 0.00 |
| 05/11/2022 08:37:45 | Flemington Race 4 | Soulcombe | Win | 0.00 | 0.00 | 0.00 |
| 05/11/2022 08:37:45 | Flemington Race 7 | Tuvalu | Place | 0.00 | 0.00 | 0.00 |
| 05/11/2022 08:37:45 | Flemington Race 6 | Giga Kick | Win | 0.00 | 0.00 | 0.00 |
| 05/11/2022 14:16:28 | Flemington Race 6 | The Inferno | Win | 50.00 | 0.00 | -50.00 |
| 05/11/2022 14:16:59 | Flemington Race 6 | The Inferno | Place | 50.00 | 0.00 | -50.00 |
| 08/11/2022 10:14:24 | Casterton Race 3 | Laureus | Win | 1,000.00 | 0.00 | -1000.00 |
| 08/11/2022 10:14:57 | Casterton Race 3 | Laureus | Win | 1,000.00 | 0.00 | -1000.00 |
| 08/11/2022 12:58:12 | Casterton Race 3 | Laureus | Win | 1,000.00 | 0.00 | -1000.00 |
| 09/11/2022 10:24:37 | Bendigo Race 9 | Fire Wheel | Win | 500.00 | 0.00 | -500.00 |
| 09/11/2022 10:25:24 | Bendigo Race 9 | Fire Wheel | Place | 500.00 | 2,100.00 | 1600.00 |
| 10/11/2022 11:47:03 | Pakenham Race 1 | Silver Up | Win | 1,000.00 | 0.00 | -1000.00 |
| 10/11/2022 15:20:03 | Belmont Race 4 | Emerald Trader | Place | 100.00 | 280.00 | 180.00 |
| 10/11/2022 15:20:25 | Belmont Race 4 | Emerald Trader | Win | 50.00 | 425.00 | 375.00 |
| 11/11/2022 15:54:12 | Moonee Valley Race 5 | Vegas Knight | Win | 250.00 | 0.00 | -250.00 |
| 11/11/2022 15:54:12 | Moonee Valley Race 3 | Capital Express | Place | 250.00 | 0.00 | -250.00 |
| 11/11/2022 15:54:42 | Moonee Valley Race 5 | Vegas Knight | Place | 250.00 | 0.00 | -250.00 |
| 11/11/2022 15:54:42 | Moonee Valley Race 3 | Capital Express | Place | 250.00 | 0.00 | -250.00 |
| 11/11/2022 18:39:08 | Moonee Valley Race 5 | Vegas Knight | Win | 1,000.00 | 0.00 | -1000.00 |
| 12/11/2022 11:51:27 | Cranbourne Race 8 | Midwest | Win | 16.67 | 0.00 | -16.67 |
| 12/11/2022 11:51:27 | Ascot Race 8 | Baby Paris | Win | 16.67 | 0.00 | -16.67 |
| 12/11/2022 12:14:57 | Ascot Race 3 | Category Three | Win | 16.67 | 0.00 | -16.67 |
| 12/11/2022 12:14:57 | Cranbourne Race 8 | Midwest | Win | 16.67 | 0.00 | -16.67 |
| 12/11/2022 12:14:57 | Ascot Race 8 | Baby Paris | Win | 16.67 | 0.00 | -16.67 |
| 17/11/2022 14:41:20 | Ballarat Race 9 | Not To Be Mist | Place | 20.00 | 0.00 | -20.00 |
| 17/11/2022 14:41:20 | Moonee Valley Race 4 | Port Albert | Place | 20.00 | 0.00 | -20.00 |
| 17/11/2022 14:41:20 | Moonee Valley Race 7 | Vitruvius | Place | 20.00 | 0.00 | -20.00 |
| 17/11/2022 14:41:20 | Ballarat Race 10 | Munhamek | Place | 20.00 | 0.00 | -20.00 |
| 17/11/2022 14:41:20 | Moonee Valley Race 6 | Vegas Knight | Place | 20.00 | 0.00 | -20.00 |
| 17/11/2022 14:42:48 | Moonee Valley Race 7 | Vitruvius | Win | 83.33 | 0.00 | -83.33 |
| 17/11/2022 14:42:48 | Ballarat Race 10 | Munhamek | Place | 83.33 | 0.00 | -83.33 |
| 17/11/2022 14:42:48 | Moonee Valley Race 6 | Vegas Knight | Win | 83.33 | 0.00 | -83.33 |
| 17/11/2022 14:46:26 | Moonee Valley Race 7 | Vitruvius | Win | 8.33 | 0.00 | -8.33 |
| 17/11/2022 14:46:26 | Ballarat Race 10 | Munhamek | Win | 8.33 | 0.00 | -8.33 |
| 17/11/2022 14:46:26 | Ballarat Race 9 | Not To Be Mist | Win | 8.33 | 0.00 | -8.33 |
| 17/11/2022 14:48:21 | Moonee Valley Race 7 | Vitruvius | Place | 166.67 | 2,407.86 | 2241.19 |
| 17/11/2022 14:48:21 | Ballarat Race 10 | Munhamek | Place | 166.67 | 2,407.86 | 2241.19 |
| 17/11/2022 14:48:21 | Moonee Valley Race 6 | Vegas Knight | Win | 166.67 | 2,407.86 | 2241.19 |
| 17/11/2022 14:54:42 | Moonee Valley Race 7 | Vitruvius | Place | 33.33 | 211.29 | 177.95 |
| 17/11/2022 14:54:42 | Ballarat Race 10 | Munhamek | Place | 33.33 | 211.29 | 177.95 |
| 17/11/2022 14:54:42 | Moonee Valley Race 6 | Vegas Knight | Place | 33.33 | 211.29 | 177.95 |
| 18/11/2022 14:02:56 | Moonee Valley Race 4 | Port Albert | Win | 1.61 | 0.00 | -1.61 |
| 18/11/2022 14:02:56 | Moonee Valley Race 7 | Vitruvius | Win | 1.61 | 0.00 | -1.61 |
| 18/11/2022 14:02:56 | Ballarat Race 10 | Munhamek | Win | 1.61 | 0.00 | -1.61 |
| 18/11/2022 14:02:56 | Moonee Valley Race 6 | Vegas Knight | Win | 1.61 | 0.00 | -1.61 |
| 18/11/2022 14:02:56 | Ballarat Race 9 | Not To Be Mist | Win | 1.61 | 0.00 | -1.61 |
| 18/11/2022 14:02:56 | Tatura Race 2 | Rajnish | Win | 1.61 | 0.00 | -1.61 |
| 18/11/2022 14:17:36 | Moe Race 6 | San Telmos Fire | Win | 1,000.00 | 2,900.00 | 1900.00 |
| 18/11/2022 18:11:34 | Moonee Valley Race 4 | Port Albert | Win | 500.00 | 3,500.00 | 3000.00 |
| 18/11/2022 18:14:46 | Moonee Valley Race 4 | Port Albert | Place | 400.00 | 800.00 | 400.00 |
| 18/11/2022 19:13:29 | Moonee Valley Race 6 | Vegas Knight | Win | 2,000.00 | 6,200.00 | 4200.00 |
| 18/11/2022 19:43:53 | Moonee Valley Race 7 | Vitruvius | Win | 4,500.00 | 0.00 | -4500.00 |
| 18/11/2022 20:15:16 | Moonee Valley Race 8 | Little Mermaid | Win | 1,000.00 | 0.00 | -1000.00 |
| 19/11/2022 15:28:12 | Ballarat Race 9 | Not To Be Mist | Win | 500.00 | 0.00 | -500.00 |
| 19/11/2022 17:40:42 | Ascot Race 8 | Trix Of The Trade | Win | 857.44 | 4,715.92 | 3858.48 |
| 21/11/2022 17:41:51 | Sandown Race 1 | Mugen | Win | 2,000.00 | 0.00 | -2000.00 |
| 21/11/2022 17:44:50 | Sandown Race 1 | Mugen | Win | 1,000.00 | 0.00 | -1000.00 |
| 24/11/2022 07:59:39 | Northam Race 5 | Another Chino | Win | 166.67 | 1,690.00 | 1523.33 |
| 24/11/2022 07:59:39 | Bendigo Race 1 | Silver Up | Win | 166.67 | 1,690.00 | 1523.33 |
| 24/11/2022 07:59:39 | Bendigo Race 8 | Fire Wheel | Place | 166.67 | 1,690.00 | 1523.33 |
| 24/11/2022 08:01:29 | Bendigo Race 1 | Silver Up | Win | 1,000.00 | 2,150.00 | 1150.00 |
| 24/11/2022 15:13:25 | Bendigo Race 8 | Fire Wheel | Win | 1,150.00 | 0.00 | -1150.00 |
| 24/11/2022 15:25:28 | Wyong Race 7 | Oakfield Mahogany | Win | 200.00 | 0.00 | -200.00 |
| 24/11/2022 15:25:33 | Wyong Race 7 | Oakfield Mahogany | Place | 100.00 | 235.00 | 135.00 |
| 24/11/2022 17:08:25 | Northam Race 4 | Call Me Violet | Win | 183.10 | 0.00 | -183.10 |
| 25/11/2022 14:45:59 | Caulfield Race 7 | Luncies | Win | 1,000.00 | 0.00 | -1000.00 |
| 25/11/2022 16:14:21 | Canberra Race 8 | Propose A Toast | Win | 0.00 | 0.00 | 0.00 |
| 25/11/2022 16:32:28 | Mt Barker Race 3 | Kelly's Li Za Lu | Win | 1,000.00 | 0.00 | -1000.00 |
| 26/11/2022 10:18:36 | Caulfield Race 1 | Little Brose | Win | 200.00 | 2,300.00 | 2100.00 |
| 26/11/2022 10:18:55 | Caulfield Race 1 | Little Brose | Place | 500.00 | 1,125.00 | 625.00 |
| 26/11/2022 13:35:09 | Ascot Race 1 | Revitup | Win | 1,000.00 | 2,450.00 | 1450.00 |
| 26/11/2022 16:04:38 | Ascot Race 7 | Pure Devotion | Win | 125.00 | 0.00 | -125.00 |
| 26/11/2022 16:04:38 | Ascot Race 8 | My Bella Mae | Win | 125.00 | 0.00 | -125.00 |
| 26/11/2022 16:04:38 | Ascot Race 6 | Saintorio | Win | 125.00 | 0.00 | -125.00 |
| 26/11/2022 16:04:38 | Ascot Race 9 | Above The Peg | Win | 125.00 | 0.00 | -125.00 |
| 27/11/2022 08:39:43 | Traralgon Race 2 | Turbo Toronado | Place | 1,000.00 | 0.00 | -1000.00 |
| 27/11/2022 08:43:03 | Traralgon Race 2 | Turbo Toronado | Win | 200.00 | 0.00 | -200.00 |
| 27/11/2022 08:43:51 | Traralgon Race 2 | Turbo Toronado | Win | 200.00 | 0.00 | -200.00 |
| 27/11/2022 08:44:25 | Traralgon Race 2 | Turbo Toronado | Win | 100.00 | 0.00 | -100.00 |
| 30/11/2022 12:12:35 | Geelong Race 5 | Fancylanski | Win | 300.00 | 2,400.00 | 2100.00 |
| 30/11/2022 12:13:07 | Geelong Race 5 | Fancylanski | Place | 500.00 | 1,250.00 | 750.00 |
| 01/12/2022 09:18:36 | Wangaratta Race 5 | Rajnish | Win | 2,000.00 | 7,300.00 | 5300.00 |
| 01/12/2022 15:18:49 | Northam Race 7 | Emerald Trader | Win | 1,000.00 | 4,200.00 | 3200.00 |
| 02/12/2022 14:34:22 | Pakenham Race 8 | Regardsmaree | Place | 500.00 | 0.00 | -500.00 |
| 02/12/2022 14:34:22 | Pakenham Race 5 | Port Albert | Place | 500.00 | 0.00 | -500.00 |
| 02/12/2022 14:34:51 | Pakenham Race 5 | Port Albert | Win | 500.00 | 0.00 | -500.00 |
| 02/12/2022 14:35:52 | Pakenham Race 8 | Regardsmaree | Win | 500.00 | 0.00 | -500.00 |
| 02/12/2022 15:15:13 | Mornington Race 8 | Mir | Win | 0.00 | 0.00 | 0.00 |
| 02/12/2022 15:51:50 | Mornington Race 8 | Mir | Win | 1,000.00 | 3,100.00 | 2100.00 |
| 02/12/2022 15:56:01 | Mornington Race 8 | Mir | Win | 1,000.00 | 2,900.00 | 1900.00 |
| 02/12/2022 16:42:28 | Moonee Valley Race 1 | Rackermann | Win | 500.00 | 0.00 | -500.00 |
| 02/12/2022 17:06:32 | Moonee Valley Race 2 | Capital Express | Win | 250.00 | 0.00 | -250.00 |
| 02/12/2022 17:06:59 | Moonee Valley Race 2 | Capital Express | Place | 1,000.00 | 2,400.00 | 1400.00 |
| 03/12/2022 12:43:50 | Pakenham Race 8 | Regardsmaree | Place | 25.00 | 0.00 | -25.00 |
| 03/12/2022 12:43:50 | Pakenham Race 6 | Not To Be Mist | Place | 25.00 | 0.00 | -25.00 |
| 03/12/2022 12:43:50 | Pakenham Race 7 | Vegas Knight | Place | 25.00 | 0.00 | -25.00 |
| 03/12/2022 12:43:50 | Pakenham Race 5 | Port Albert | Place | 25.00 | 0.00 | -25.00 |
| 03/12/2022 12:48:25 | Pakenham Race 5 | Port Albert | Win | 100.00 | 0.00 | -100.00 |
| 03/12/2022 12:48:45 | Pakenham Race 5 | Port Albert | Place | 100.00 | 0.00 | -100.00 |
| 03/12/2022 12:49:26 | Ascot Race 2 | Saloon Bar | Win | 100.00 | 0.00 | -100.00 |
| 03/12/2022 12:50:13 | Ascot Race 2 | Saloon Bar | Win | 25.00 | 0.00 | -25.00 |
| 03/12/2022 12:50:13 | Ascot Race 8 | Trix Of The Trade | Win | 25.00 | 0.00 | -25.00 |
| 03/12/2022 13:27:07 | Pakenham Race 5 | Port Albert | Place | 2,000.00 | 0.00 | -2000.00 |
| 03/12/2022 13:27:35 | Pakenham Race 5 | Port Albert | Win | 500.00 | 0.00 | -500.00 |
| 03/12/2022 14:10:04 | Pakenham Race 6 | Not To Be Mist | Place | 500.00 | 0.00 | -500.00 |
| 03/12/2022 14:10:18 | Pakenham Race 6 | Not To Be Mist | Win | 500.00 | 0.00 | -500.00 |
| 03/12/2022 14:45:21 | Pakenham Race 7 | Vegas Knight | Win | 1,000.00 | 0.00 | -1000.00 |
| 03/12/2022 14:45:45 | Pakenham Race 7 | Vegas Knight | Place | 500.00 | 2,500.00 | 2000.00 |
| 03/12/2022 14:48:20 | Pakenham Race 7 | Vegas Knight | Win | 1,000.00 | 0.00 | -1000.00 |
| 03/12/2022 15:25:19 | Pakenham Race 8 | Regardsmaree | Place | 500.00 | 0.00 | -500.00 |
| 03/12/2022 18:14:34 | Ascot Race 8 | Amelia's Jewel | Win | 2,000.00 | 6,200.00 | 4200.00 |
| 04/12/2022 13:39:53 | Werribee Race 6 | San Telmos Fire | Quadrella | 99.63 | 0.00 | -99.63 |
| 04/12/2022 14:47:20 | Werribee Race 7 | Irish Mist | Top 3 | 500.00 | 0.00 | -500.00 |
| 04/12/2022 14:48:02 | Werribee Race 7 | Irish Mist | Win | 1,000.00 | 0.00 | -1000.00 |
| 04/12/2022 15:40:57 | Pinjarra Race 2 | Fruit Loops | Win | 100.00 | 1,100.00 | 1000.00 |
| 04/12/2022 15:41:22 | Pinjarra Race 2 | Fruit Loops | Place | 100.00 | 280.00 | 180.00 |
| 04/12/2022 19:23:03 | Wagga Riverside Race 7 | Make It Happen | Win | 500.00 | 0.00 | -500.00 |
| 04/12/2022 19:24:24 | Wagga Riverside Race 7 | Make It Happen | Place | 1,000.00 | 0.00 | -1000.00 |
| 07/12/2022 13:06:18 | Sandown Race 2 | Rheinberg | Place | 50.00 | 0.00 | -50.00 |
| 07/12/2022 13:06:18 | Sandown Race 1 | Three Graces | Place | 50.00 | 0.00 | -50.00 |
| 07/12/2022 13:06:18 | Sandown Race 7 | Rutherford | Place | 50.00 | 0.00 | -50.00 |
| 07/12/2022 13:06:18 | Sandown Race 4 | St Lawrence | Win | 50.00 | 0.00 | -50.00 |
| 07/12/2022 13:06:18 | Sandown Race 8 | Worsfold | Place | 50.00 | 0.00 | -50.00 |
| 07/12/2022 14:17:12 | Sandown Race 2 | Rheinberg | Win | 500.00 | 2,490.00 | 1990.00 |
| 07/12/2022 14:17:58 | Sandown Race 2 | Rheinberg | Place | 166.67 | 0.00 | -166.67 |
| 07/12/2022 14:17:58 | Sandown Race 7 | Rutherford | Place | 166.67 | 0.00 | -166.67 |
| 07/12/2022 14:17:58 | Sandown Race 8 | Worsfold | Place | 166.67 | 0.00 | -166.67 |
| 07/12/2022 14:43:37 | Sandown Race 2 | Rheinberg | Win | 400.00 | 1,394.40 | 994.40 |
| 07/12/2022 14:47:33 | Sandown Race 2 | Rheinberg | Win | 500.00 | 1,743.00 | 1243.00 |
| 07/12/2022 15:40:01 | Sandown Race 4 | St Lawrence | Win | 1,800.00 | 3,690.00 | 1890.00 |
| 07/12/2022 15:41:05 | Sandown Race 4 | St Lawrence | Win | 250.00 | 612.50 | 362.50 |
| 07/12/2022 17:24:51 | Sandown Race 7 | Rutherford | Win | 500.00 | 0.00 | -500.00 |
| 07/12/2022 17:53:02 | Sandown Race 8 | Worsfold | Win | 2,000.00 | 8,800.00 | 6800.00 |
| 07/12/2022 17:55:14 | Sandown Race 8 | Worsfold | Win | 2,000.00 | 8,400.00 | 6400.00 |
| 08/12/2022 14:41:17 | Warrnambool Race 8 | Zion | Win | 1,200.00 | 0.00 | -1200.00 |
| 08/12/2022 14:43:13 | Warrnambool Race 8 | Zion | Win | 800.00 | 0.00 | -800.00 |
| 08/12/2022 14:59:14 | Warrnambool Race 8 | Zion | Win | 1,000.00 | 0.00 | -1000.00 |
| 08/12/2022 15:30:18 | Warrnambool Race 8 | Zion | Win | 1,000.00 | 0.00 | -1000.00 |
| 09/12/2022 11:30:53 | Moe Race 6 | Ninja Derby | Win | 1,000.00 | 3,000.00 | 2000.00 |
| 09/12/2022 13:32:06 | Sandown Race 1 | Cantolago | Win | 500.00 | 0.00 | -500.00 |
| 09/12/2022 16:49:56 | Moonee Valley Race 5 | Jabbawockeez | Place | 500.00 | 0.00 | -500.00 |
| 09/12/2022 16:49:56 | Moonee Valley Race 7 | Chester Warrior | Place | 500.00 | 0.00 | -500.00 |
| 09/12/2022 16:50:15 | Sandown Race 1 | Cantolago | Win | 1,000.00 | 0.00 | -1000.00 |
| 09/12/2022 16:51:10 | Moonee Valley Race 5 | Jabbawockeez | Win | 250.00 | 0.00 | -250.00 |
| 09/12/2022 16:51:10 | Moonee Valley Race 7 | Chester Warrior | Win | 250.00 | 0.00 | -250.00 |
| 09/12/2022 17:35:37 | Cranbourne Race 3 | Glass Mountain | Win | 500.00 | 0.00 | -500.00 |
| 09/12/2022 17:35:53 | Cranbourne Race 3 | Glass Mountain | Place | 500.00 | 0.00 | -500.00 |
| 10/12/2022 08:48:54 | Sandown Race 4 | Arktika | Win | 2,000.00 | 0.00 | -2000.00 |
| 10/12/2022 16:10:25 | Sandown Race 9 | Rigel Star | Place | 50.00 | 0.00 | -50.00 |
| 11/12/2022 14:28:17 | Bendigo Race 7 | Rajnish | Win | 1,000.00 | 4,400.00 | 3400.00 |
| 11/12/2022 14:30:28 | Bendigo Race 7 | Rajnish | Win | 1,000.00 | 4,000.00 | 3000.00 |
| 11/12/2022 14:33:42 | Bendigo Race 7 | He's A Legend | Win | 10.00 | 0.00 | -10.00 |
| 11/12/2022 14:33:49 | Bendigo Race 7 | Rajnish | Win | 500.00 | 1,950.00 | 1450.00 |
| 11/12/2022 15:02:13 | Bendigo Race 7 | Rajnish | Win | 1,000.00 | 3,800.00 | 2800.00 |
| 11/12/2022 16:08:59 | Bendigo Race 8 | Sheer Class | Win | 1,000.00 | 0.00 | -1000.00 |
| 14/12/2022 14:12:51 | Sandown Race 2 | Bel Air | Win | 2,000.00 | 0.00 | -2000.00 |
|  |  |  | **TOTAL** | **$117,810.92** | **$151,229.97** | **$33,419.05** |

**Charge 2 of 3:**

**Charge 2: AR 229(1)(h)**

AR 229(1)(h) reads as follows:

**AR 229 Corruption, dishonesty and misleading behaviour**

(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;

…

**The particulars of the charge**

* + - 1. You were, at all relevant times, a jockey licensed by Racing Victoria.

1. On 29 December 2017, you opened an account (no: 138590048) with Sportsbet (the **Account**).
2. Between 26 May 2022 and 14 December 2022, you made transactions through your Account.
3. For the 2021-2022 racing season, you submitted a Jockey Betting Account Declaration Form and failed to declare the Account.
4. Your conduct, as set out in particular 3, constituted a breach of AR 229(1)(h).

**Charge 3 of 3:**

**Charge 3: AR 229(1)(h)**

AR 229(1)(h) reads as follows:

**AR 229 Corruption, dishonesty and misleading behaviour**

(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;

…

**The particulars of the charge**

* + - 1. You were, at all relevant times, a jockey licensed by Racing Victoria.

1. On 29 December 2017, you opened an account (no: 138590048) with Sportsbet (the **Account**).
2. Between 26 May 2022 and 14 December 2022, you made transactions through your Account.
3. For the 2022-2023 racing season, you submitted a Jockey Betting Account Declaration Form and failed to declare the Account.
4. Your conduct, as set out in particular 3, constituted a breach of AR 229(1)(h).

**Plea:** Guilty

**DECISION**

1. Mr Aaron Mitchell was at all material times a licensed jockey. He is currently employed as a licensed stablehand for a Flemington trainer in which employment he is primarily engaged as a track work rider. He is twenty six years old, thereby being relatively youthful, and has had little formal education.
2. For several years up to and including 2022, Mr Mitchell operated a Sportsbet betting account. During that time he placed a large number of bets on a variety of activities, including greyhound racing, harness racing, AFL and other pursuits.
3. After riding at the Ballarat races on 28 August 2022, Mr Mitchell decided to retire from race riding. However, it was not until 20 December 2022 that he attempted to advise the licensing section of Racing Australia that he wished to relinquish his licence to ride in races. Apparently he had the incorrect contact details for the licensing section of Racing Australia and did not perfect his formal withdrawal as a race rider until June 2023. However, nothing turns on that point as the Stewards accept that Mr Mitchell attempted to relinquish his licence on 20 December 2022. In any event, the charges as particularised relate to the period up to and including 14 December 2022 and no application was made to amend the charges to cover any later period of time.
4. After 28 August 2022, Mr Mitchell considered himself no longer to be a jockey and no longer bound by the rules of racing that restrict jockeys from betting on races. Unfortunately, he remained a licensed jockey as discussed in the previous paragraph.
5. Mr Mitchell considered his practical retirement from race riding was on 28 August 2022 after the Ballarat meeting. He then commenced to bet regularly on horse racing events. This activity put him in breach of Australian Racing Rule (“AR”) 115(1)(c) which, amongst other things, prohibits licensed jockeys from betting on horse racing anywhere in the world. In addition, Mr Mitchell placed 2 bets on horse races on 26 May 2022 and 17 July 2022 while still an active jockey. They were relatively small bets and occurred on isolated occasions. They were not related to his betting activity after his practical retirement.
6. Stewards of Racing Victoria have charged Mr Mitchell with an offence under AR 115(1)(c) in respect of 311 bets between 26 May 2022 and 14 December 2022. Of the bets, 309 occurred between early September 2022 and 14 December 2022. The large number of bets was stressed by the Stewards in their submissions on penalty. However the mindset of Mr Mitchell was that as he was no longer riding he was free to bet on races. He overlooked the need to formally notify relevant authorities until prompted by Stewards in an interview with them on 20 December 2022.
7. Mr Mitchell’s explanation to Stewards about the 2 bets which occurred in May and June 2022 was that “it wasn’t smart to have those bets”, thereby indicating that he knew that he had done the wrong thing by placing those bets.
8. Stewards have also charged Mr Mitchell with two breaches of AR 229(1)(h), which prohibits licensed participants from making false and misleading statements in connection with racing. The two false statements consist of two failures by Mr Mitchell to declare his Sportsbet account when submitting his Jockey Betting Account Declaration form to Racing Victoria in respect of racing seasons 2021/2022 and 2022/2023.
9. Mr Mitchell pleaded guilty to all three charges at the earliest opportunity. He co-operated fully with Stewards. He has taken the charges seriously and went to the trouble and expense of engaging prominent legal counsel in Mr Hannebery. As discussed earlier, he is a youthful offender with little formal education. This no doubt contributed to his failure to appreciate that he was not permitted to bet on races until the finalities of relinquishing his license were satisfied. This failure to complete the Declaration Forms was, it seems, inadvertent and not designed to hide his betting on races.
10. The Tribunal acknowledges that jockeys betting on races reflects poorly on the industry. It is something that jockeys are ordinarily well aware of as being off limits while they are licensed persons. It is also critical in assisting the work of Stewards to help police the rules of racing that jockeys are honest in their filling in of their Jockey Betting Declaration Forms before the commencement of each new racing season.
11. An offence under AR 115(1)(c) is a serious matter. Apart from the policy reasons for such a rule, this is apparent from the fact that AR 115(1)(c) is listed in LR 2 (the definition section in the Local Rules of Racing) as a serious offence which this Tribunal has the power to hear and determine – see S50C(c) of the *Racing Act 1958* “the Act”. In contrast, AR 229(1)(h) is not listed as a serious offence in LR 2. However, Charges 2 and 3 are before the Tribunal by referral from Racing Victoria, on Racing Victoria’s own motion, under S50C(d)(iii) of the Act.
12. In setting a penalty for Charge 1 under AR 115(1)(c), we take into account Mr Mitchell’s early guilty plea, his co-operation with the Stewards, his remorse and his precarious financial position. His earnings of $1,200 per week are insufficient currently for him to maintain his mortgage on his house. We take into account the effect any loss of licence would have on his ability to continue to provide himself with an income as a stablehand.
13. We also take into account the seriousness of the offence, the public interest in maintaining public confidence in the industry and, importantly, general deterrence. We are further informed by recent penalties in like matters.
14. In the matter of Schmitt (22 March 2022), the Tribunal imposed a penalty of one month’s disqualification in respect of a breach of AR 115(1)(c). In that matter Mr Schmitt had a prior offence for a breach of the rules of racing prohibiting jockeys from betting on racing.
15. Also in Schmitt, 36 of the 41 bets in question were made while the jockey was actively engaged as a jockey and seeking riding appointments, albeit with not a great deal of success. The Tribunal observed that at the time of the bulk of his offending Mr Schmitt had “not many rides”. In contrast, all but two of Mr Mitchell’s bets occurred when he was effectively retired from racing riding. In addition, Mr Schmitt received some leniency on account of his dire financial circumstances. Mr Mitchell’s financial circumstances – his being unable to service his mortgage and the likely effect of a loss of his stablehand licence for any period of time – make his situation financially not materially worse than that of Mr Schmitt.
16. In all the circumstances we consider that an appropriate penalty for Mr Mitchell for his breach of AR 115(1)(c) (Charge 1) is a suspension of four weeks duration of his licence as a stablehand. That suspension shall commence today, 20 July 2023.
17. We consider that Charges 2 and 3 concerning the Jockey Betting Declaration Forms are both part of the same course of conduct. Any penalty we impose on Charge 3 will therefore be wholly concurrent with any penalty we impose on Charge 2.
18. Stewards of Racing Victoria submitted that the offences under Charges 2 and 3 were more serious than the offences under Charge 1 and in so doing relied on the decision of the Tribunal in Callow (29 November 2022).
19. In Callow the Tribunal, amongst other matters, dealt with a charge under the predecessor provision of AR 115(1)(c), as well as a charge under AR 229(1)(h). Although inadvertently, or perhaps mistakenly, AR 229(1)(h) is referred to in the Callow decision as AR 229(1)(b), the charges listed on the first pages of the decision refer to Charge 7 as being under AR 229(1)(h).
20. Mr Callow was suspended for 2 months on the charge under AR 229(1)(h) and received a fine for his transgression of the rule against betting on races. The Tribunal considered an offence under AR 229(1)(h) to be more serious and deserving of a greater penalty than the betting charge. We respectfully disagree. AR 229(1)(h) is not listed in LR 2 as a serious offence which the Tribunal is empowered to hear. The Tribunal relies, as discussed above, on a referral to the Tribunal by Racing Victoria on its own motion to hear the “non serious charge”. Indeed, in the letter from Stipendiary Steward, Mr Darren Triandafillou to Mr Mitchell, setting out the charges against Mr Mitchell, the following was said:

“Although a breach of AR 229(1)(h) does not constitute a serious offence, pursuant to S50C(d)(iv) the Chairman of Stewards has decided to refer the Charges to the VRT”.

1. We therefore reject the submission of Mr Hunter, on behalf of the Stewards, that the penalty for transgressing the non serious offence under AR 229(1)(h) should be up to three times higher than the penalty for breaching the serious offence under AR 115(1)(c). In so doing, we do not deny the importance of racing participants honestly filling out forms to make the work of Stewards less difficult. However, we consider that betting on races by a jockey is more serious than failing to disclose a betting account. The latter is capable of being done inadvertently, while betting on racing is not capable of being done inadvertently by an active racing participant who is a jockey. In any event, the Rules of Racing speak for themselves on the issue of what is a serious charge and what is a non serious charge.
2. In all the circumstances, we consider that the appropriate penalty on Charge 2 to be a suspension of two weeks cumulative on the penalty under Charge 1. The penalty on Charge 3 is also a suspension of two weeks to be served concurrently with the suspension on Charge 2. As indicated earlier in these reasons, the effective penalty of 6 weeks suspension will take effect from today, 20 July 2023.

Mark Howard

Registrar, Victorian Racing Tribunal