1 November 2023

**DECISION**

**RACING VICTORIA**

**and**

**JOHN ROBERTSON**

**Date of hearing:** 27 October 2023

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Dr Andrew Gould.

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

Mr John Robertson represented himself.

**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 thoroughbred race or contingency relating to thoroughbred racing in any jurisdiction anywhere in the world

**Particulars:** 1. You are, and were at all relevant times, a jockey licensed by Racing Victoria and a person bound by the Rules of Racing.

2. On 2 July 2023, you bet, or facilitated in the making of two (2) bets on thoroughbred racing through your betting account, Rob Waterhouse Bookmakers, as follows:

Bet 1 - $10 on Viceroy to win in Race 10 Seoul South Korea Class 2 Handicap over 1200 metres; and

Bet 2 - $10 on Viceroy to place in Race 10 Seoul South Korea Class 2 Handicap over 1200 metres.

3. Your conduct as set out in particular 2 constitutes a breach of AR 115 (1).

 **Plea:** Guilty

**DECISION**

1. Mr John Robertson, at all material times was a licensed jockey and stablehand. Stewards of Racing Victoria have charged him under Australian Racing Rule (“AR”) 115 (1)(c) with being a jockey who placed a bet on a thoroughbred horse at a meeting anywhere in the world. Mr Robertson entered an early guilty plea. He also self reported his offending conduct to the Stewards at the earliest opportunity.
2. On 2 July 2023, Mr Robertson placed $10 each way on a thoroughbred horse in a race in Seoul, South Korea. At the time he was a licensed jockey, but had not ridden for some months, having decided to retire immediately after a tragic accident at Donald racecourse in April 2023 which resulted in the death of a much loved fellow jockey.
3. Mr Robertson, wrongly believed his licence had lapsed when he placed the bets on 2 July 2023. He thought that his licence had expired on 30 June 2023, whereas it expired one month later on 31 July 2023.
4. The breach of the rule was not intentional. Mr Robertson disclosed his offending to Stewards shortly after the offending and was interviewed by the Stewards the next day after the bets.
5. In setting a penalty we take into account Mr Robertson’s good recent record in over 24 years as a licensed jockey, although he has a prior offence under this rule concerning events going back several years. We also take into account his self reporting, his early guilty plea, his remorse and co-operation with the Stewards. We further take into account general deterrence and the importance of probity in the racing industry by prohibiting jockeys from betting on thoroughbred events anywhere in the world.
6. Although Mr Robertson has no desire to return to competitive thoroughbred racing, he may wish to explore the possibility of work as a track rider.
7. In all the circumstances, we agree with the recommendation of the Stewards that a fine of $500 be imposed on Mr Robertson. Should Mr Robertson seek to be re-registered in any form, such as a stablehand, that fine will need to be paid before Mr Robertson can once again be licensed.

1. As we stated previously, Mr Robertson has a prior offence under AR 115(1)(c). We note that this offence concerned events occurring 5 to 7 years ago and involved deliberate conduct at a time when Mr Robertson had a genuine gambling problem. We contrast that with the behaviour in the current offending which was inadvertent and affected by an honest mistake of facts concerning the timing of the expiry of his licence. We also note his self-reporting, which is commendable in the circumstances.

Mark Howard

Registrar, Victorian Racing Tribunal