23 December 2024

**DECISION**

**RACING VICTORIA**

**and**

**NOAH BRASH**

**Date of hearing:** 4 December 2024

**Date of decision:** 20 December 2024

**Panel:** Judge John Bowman (Deputy Chairperson), Ms Judy Bourke and Dr June Smith.

**Appearances:** Mr Andrian Anderson, instructed by Mr Patrick Considine, appeared on behalf of the Stewards.

Mr Noah Brash represented himself.

**Charges and particulars: Charge 1 of 6: AR 236**

AR 236 reads as follows:

**AR 236 Betting with or for a jockey**

*A person must not bet with or for a jockey or apprentice jockey, or give or offer a rider any pecuniary or other gift or consideration, contrary to these Australian Rules.*

**Particulars of charge**

1. You were, at all relevant times, a “relevant person” (as defined by Local Rule 2) and bound by the Rules of Racing.
2. On 7 August 2022, in relation to Race 3 at Swan Hill racecourse, you bet with or for Michael Poy, a licensed jockey, in that:
3. You received the following text message from Michael Poy: *Race 3 lay the 1 for 70/80*
4. Acting on the instructions in the text message, you placed the following bet:

Betfair account ‘Brashboy 2’ (Account no.: 1412250) placed a Win Lay Bet on American Russ (#1) in Race 3 risking $67,890.84 and winning $6,366.59.

1. Your conduct, as set out in particular 2, constitutes a breach of AR 236.

**Charge 2 of 6: AR 236**

AR 236 reads as follows:

**AR 236 Betting with or for a jockey**

*A person must not bet with or for a jockey or apprentice jockey, or give or offer a rider any pecuniary or other gift or consideration, contrary to these Australian Rules.*

**Particulars of charge**

1. You were, at all relevant times, a “relevant person” (as defined by Local Rule 2) and bound by the Rules of Racing.
2. On 7 August 2022, in relation to Race 3 at Swan Hill racecourse, you bet with or for Michael Poy, a licensed jockey, in that:
3. You received the following text message from Michael Poy:

*Have 10k on mine to beat his H to H*

1. Acting on the instructions in the text message, you placed the following bet:

Betfair account ‘Brashboy 2’ (Account no.: 1412250) placed a Head to Head bet on

Mr Scorefield to beat American Russ in Race 3 risking $7,534.10 and winning $8,068.44.

1. Your conduct, as set out in particular 2, constitutes a breach of AR 236.

**Charge 3 of 6: AR 236**

AR 236 reads as follows:

**AR 236 Betting with or for a jockey**

*A person must not bet with or for a jockey or apprentice jockey, or give or offer a rider any pecuniary or other gift or consideration, contrary to these Australian Rules.*

**Particulars of charge**

1. You were, at all relevant times, a “relevant person” (as defined by Local Rule 2) and bound by the Rules of Racing.
2. On 7 August 2022, in relation to Race 5 at Swan Hill racecourse, you bet with or for Michael Poy, a licensed jockey, in that:
3. You received the following text message from Michael Poy:

*“Have 15k win race 5 the 3”*

1. Acting on the instructions in the text message, you placed the following bet:

Betfair account ‘Brashboy 2’ (Account no.: 1412250) placed a Win Beton Bonjour (#3) in Race 5 risking $5000.26.

1. Your conduct, as set out in particular 2, constitutes a breach of AR 236.

**Charge 4 of 6: AR 236**

AR 236 which reads as follows:

**AR 236 Betting with or for a jockey**

*A person must not bet with or for a jockey or apprentice jockey, or give or offer a rider any pecuniary or other gift or consideration, contrary to these Australian Rules.*

**Particulars of charge**

1. You were, at all relevant times, a “relevant person” (as defined by Local Rule 2) and bound by the Rules of Racing.
2. On 7 August 2022, in relation to Race 8 at Swan Hill racecourse, you bet with or for Michael Poy, a licensed jockey, in that:
3. You received the following text message from Michael Poy:

*Race 8 Lay the 2 80k*

1. Acting on the instructions in the text message, you placed the following bet:

Betfair account ‘Brashboy 2’ (Account no.: 1412250) placed a win lay bet on Pill Box (#2) in Race 8 risking $84,572.48 and winning $12,738.18.

1. Your conduct, as set out in particular 2, constitutes a breach of AR 236.

**Charge 5 of 6: AR 236**

AR 236 reads as follows:

**AR 236 Betting with or for a jockey**

*A person must not bet with or for a jockey or apprentice jockey, or give or offer a rider any pecuniary or other gift or consideration, contrary to these Australian Rules.*

**Particulars of charge**

1. You were, at all relevant times, a “relevant person” (as defined by Local Rule 2) and bound by the Rules of Racing.
2. On 14 August 2022, in relation to Race 8 at Bendigo racecourse, you bet with or for Michael Poy, a licensed jockey, in that:
3. You received a text message from Michael Poy to place the following bets:

*SRM top 4*

*1/8 2k*

*7/8 1.5k*

*10/8 1k*

*SRM top 3 Lewis all others top 4*

*1/8 750*

*7/8 650*

*10/8 600*

*SRM top 2 Lewis all others top 4*

*1/8 350*

*7/8 300*

*8/10 250*

1. Acting on the instructions in the text message, you placed the following bets (the **Bets**):

**Bet 1:** Vlad LOUEV $1,000 on Albert The Cat (#8 GERMAN) and Salute The Sun (#10) in Race 8 to run top 4 in a same race multi winning $1,650 via BetRight.

**Bet 2:** Jordan ROLFE $2,000 for Albert The Cat (#8 GERMAN) and Yeldarb (#1)

in Race 8 to run top 4 in a same race multi winning $4,000 via Sportsbet (acc: 134842301).

**Bet 3:** Jordan ROLFE $1,500 for Albert The Cat (#8 GERMAN) and Swift Hit (#7) in Race 8 to run top 4 in a same race multi winning $2,400 via Sportsbet (acc: 134842301).

**Bet 4:** Jordan ROLFE $750 for Albert The Cat (#8 GERMAN) to run top 3 and Yeldarb (#1) in Race 8 to run top 4 in a same race multi losing $750 via Sportsbet (acc: 134842301).

**Bet 5:** Jordan ROLFE $650 for Albert The Cat (#8 GERMAN) to run top 3 and Swift Hit (#7) in Race 8 to run top 4 in a same race multi losing $650 via Sportsbet (acc: 134842301).

**Bet 6:** Jordan ROLFE $600 for Albert The Cat (#8 GERMAN) to run top 3 and Salute The Sun (#10) in Race 8 to tun top 4 in a same race multi losing $600 via Sportsbet (acc: 134842301).

**Bet 7:** Jordan ROLFE $350 for Albert The Cat (#8 GERMAN) to run top 2 and Yeldarb (#1) in Race 8 to run top 4 lost 350 via Sportsbet (acc: 134842301).

**Bet 8:** Jordan ROLFE $300 for Albert The Cat (#8 GERMAN) to run top 2 and Swift Hit (#7) in Race 8 to run top 4 in same race multi losing $300 via Sportsbet (acc: 134842301).

**Bet 9:** Jordan ROLFE $250 for Albert The Cat (#8 GERMAN) to run top 2 and Salute The Sun (#10) in Race 8 to run top 4 in a same race multi losing $250 via Sportsbet (acc: 134842301).

1. The Bets exactly matched the bets prescribed in the text message you received from Michael Poy.
2. Your conduct, as set out in particular 2, constitutes a breach of AR 236.

**Charge 6 of 6: AR 232(h)**

AR 232(h) reads as follows:

***AR 232 Failure to observe processes and directions of PRAs or Stewards***

*A person must not:*

*…*

*(h) refuse or fail to attend or give evidence at an interview, investigation, inquiry, hearing or appeal when directed or requested to do so by a PRA, the Stewards or a person authorised by a PRA or the Stewards;*

**Particulars of Charge**

1. You were, at all relevant times, a “relevant person” (as defined by Local Rule 2) and bound by the Rules of Racing.
2. On 6 February 2024, you were directed by Racing Victoria Investigator/Stipendiary Steward, Gary Harrison, to make arrangements to attend an interview to be conducted by close of business on Friday 16 February 2024.
3. You failed to comply with the direction issued on 6 February 2024.

**Pleas:** Guilty to charges 1, 2, 3, 4 and 5.

Charge 6 was withdrawn.

**DECISION**

Mr Noah Brash, you have pleaded guilty to five charges.

Each of those charges relates to Australian Racing Rule (“AR”) 236 – betting for or with a jockey or giving or offering a rider any pecuniary or other gift or contribution.

Charges 1, 2, 3 and 4 concern betting for or with a licensed jockey in relation to races at Swan Hill on 7 August 2022. The bets involved horses in Races 3 (2 bets), 5 and 8.

Charge 5 is more complicated. It also involves Race 8 and some 9 bets. Essentially these relate to horses to “run top 4”.

Some of the other wagers involved head to head betting, a win lay bet and a bet to win. The amounts involved were large, totalling in excess of $172,000. Each bet or group of bets was placed at the request or direction of a jockey. A profit was obtained.

This jockey is the subject of charges laid by the Stewards in relation to the conduct of the above races and the betting. Whether that jockey will plead guilty or not guilty to such charges is not clear. However, both he and a fellow jockey, who has been charged, are aware of the conduct of this hearing and the pleas of guilty involved.

You wanted these matters dealt with as quickly as possible. There is no objection to this from the jockeys in question, who, as we understand it, have had legal advice and who have no objection to these charges, with your pleas of guilty, proceeding at this time. Certainly, that is what has been conveyed to the Registrar.

Turning to the present case, you are not a licensed person. At the relevant time, you were a professional punter. The large bets in question were placed by you on the instructions or advice of a jockey participating in the races in question. There is at least one reference to another jockey being involved – see Charge 2 where it is said:

“Have 10K on mine to beat his H to H”. We interpret this as meaning “Have $10,000 on mine to beat his head to head”.

There seems to have been no need to spell out who “his” was.

Thus, this was very large scale betting at the request of a jockey and involving various types of bets, including large “Win Lay Bets”.

This type of behaviour attacks the very essence of our horse racing industry – its integrity. Placing very large bets at the request of a jockey, and at least in some cases involving races in which he was riding, is destructive of that integrity and of the image and reputation of racing. It can do untold damage. The penalty imposed on you should reflect that.

We do take into account your pleas of guilty. We also take into account the following matters. You have apologised to us and to the Stewards and provided documentation that could be and was used in the case against you. You have been the subject of abuse and insults.

As stated, you have wholeheartedly apologised for what you have done and your guilty pleas underline this.

We take these matters into account.

Weighing up all of the above, we have come to the following conclusion.

You are not a licensed person. You are a related person within the meaning of Section 5 of the *Racing Act* 1958. Accordingly, concepts such as suspensions and disqualifications are not relevant. The appropriate penalty is warning off.

In our opinion, you should be warned off. Indeed, the inevitability of this effectively was accepted by all involved. The only question is, for how long.

The Stewards sought an overall warning off period of 15 years. You considered that such period ought to be in the range of 1-3 years.

These are grave offences striking at the very heart of racing integrity. After taking into account those matters in your favour, we are of the view that the appropriate penalty is warning off for a period of 10 years.

That is the global figure which we impose. The Stewards have suggested that Charge 4 is the head charge, with the penalties on Charges 1, 2, 3 and 5 being concurrent with it. We agree with that.

Accordingly, on each charge you are warned off for 10 years, with Charge 4 being the head charge and the penalties on the other charges being concurrent with it.

Mark Howard

Registrar, Victorian Racing Tribunal