

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 9 July 2012

SUBJECT: **HEARING RESULT – TRAINER: DON ROEBUCK**

Panel Judge Russell Lewis (Chair), Mr Darren McGee, Mr Graeme Ward.

Appearances Mr Michael Meagher appeared on behalf of Mr Roebuck.

Ms Jacqueline Partridge, RV Lawyer, appeared on behalf of the Stewards.

Charge Breach of AR 175(q) – misconduct.

The charge relating to an incident involving licensed trainer Kelvin Bourke at Geelong racecourse on Wednesday, 22 February 2012.

Plea Guilty.

Decision Mr Roebuck convicted and fined the amount of \$1,000.
Fine due on or before midnight 31 October 2012.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR D. McGEE
MR G. WARD**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: DON ROEBUCK

MELBOURNE

MONDAY, 9 JULY 2012

MR J. PARTRIDGE appeared on behalf of the RVL Stewards

MR M. MEAGHER appeared on behalf of the Appellant

CHAIRMAN: In this case, Mr Don Roebuck has pleaded guilty to the charge of misconduct and the Board of course takes that matter into account, although from a reading of the transcript, it seems that it is but a recognition of the inevitable had the case gone on for hearing.

Nevertheless the Board is satisfied that Mr Roebuck has exhibited moral contrition for what he did. The Board takes into account the fact that he has no prior convictions of any kind in the racing industry and has been a trainer for a very long time. The Board accepts that there was considerable provocation in this case by Mr Bourke, the victim. The Board is satisfied that Mr Roebuck's actions in assaulting Bourke was out of character, accepting the number of references provided by his solicitor, Mr Meagher. One other matter to which I should refer is that it would follow that the Board thinks and is satisfied in fact that Mr Roebuck is unlikely to reoffend.

Having said that, this is not a trifling offence, it is a serious offence. It reflects upon the industry and to that extent, punishment should reflect the Board's denunciation of this type of conduct. There is an aggravating feature in that the assault occurred in a stall next to a tethered horse which broke its tethering which could have had considerably serious consequences had the horse got away.

The Board must take into account the principle of general deterrence. It is quite unacceptable that people in the position of Mr Roebuck and Mr Bourke should engage in this type of conduct and as I have said, denunciation of the

conduct is an important sentencing principle.

In the Board's opinion, a suspension is not the appropriate disposition in this matter. However, a financial penalty, notwithstanding Mr Roebuck's difficult financial position, is required to reflect the Board's position in relation to his conduct. Mr Roebuck is therefore convicted and fined the sum of \$1000, such sum to be paid on or before 31 October 2012.
