



**Racing  
Victoria**

**RACING APPEALS  
AND  
DISCIPLINARY BOARD**

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**DECISION**

**RACING VICTORIA STEWARDS  
*and*  
DANIEL SCHMITT**

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**Date of Hearing:** 28 March 2019

**Panel:** Judge John Bowman (Chair)

**Appearances:** Mr Daniel Bolkunowicz appeared on behalf of the Stewards.  
Mr Matthew Hyland appeared on behalf of Mr Daniel Schmitt.

**Charge:** Breach of AR 115(1)(c)  
(1) A jockey or apprentice jockey must not:

*(c) bet, or have any interest in a bet, or facilitate a bet, on any race.*

**Particulars:** RV Stewards allege that Mr Schmitt made, and/or facilitated and/or had an interest in the making of, 71 bets on thoroughbred horse races between January 2016 and September 2018, with the bets placed totalling \$2,050.00.

None of the 71 bets placed were on races Mr Schmitt rode in.

**Plea:** Guilty.

**Decision:** The Board finds the charge proved.

Mr Schmitt convicted and suspended from race riding until 31 July 2019.

Suspension to commence 28 March 2019.

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Grace Gugliandolo  
Registrar - Racing Appeals and Disciplinary Board

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**RACING VICTORIA STEWARDS**

**- and -**

**DANIEL SCHMITT**

**RACING VICTORIA CENTRE, FLEMINGTON**

**THURSDAY, 28 MARCH 2019**

MR D. BOLKUNOWICZ appeared on behalf of the RVL Stewards

MR M. HYLAND appeared on behalf of Mr D. Schmitt

CHAIRMAN: Mr Daniel Schmitt, you have pleaded guilty to a breach of AR 115(1)(c), in that between January 2016 and September 2018, you made a total of 71 bets, they in turn totalling \$2050 on thoroughbred races. None of these bets were placed on races in which you rode.

It cannot be said that you were completely forthcoming when interviewed by the Stewards. As pointed out by Mr Bolkunowicz on behalf of the Stewards, initially you were far from frank, but now however you have acknowledged the truth of the charges against you and you will receive some credit for that. I also note that in relation to matters of misconduct in your life, you have a number of prior convictions, a couple of which are associated with the taking of appetite suppressant medication and positive returns resulting from that.

Weight has been a problem for you, but it cannot be said that you come before me with a clean record. Further, you have acknowledged that you had some 71 bets on thoroughbred racing and over quite a lengthy period. This puts you in a different category from cases relating to similar offences, cases such as Liam Riordan, Chris Caserta and John Robertson.

You still have betting accounts but confine your betting to football and other sporting events. Whilst the accounts are open, the temptation to have further bets on races might exist. You must resist that temptation. I also accept that you have been in the midst of an unfortunate and distressing family break-up and court proceedings. I accept that this put extra temptation before you in an attempt to get more money, but that is no excuse.

In recent times, you have not been doing a great deal of race riding. In the racing year ended 31 July 2018, the riding that you did do was largely in Tasmania and during the short King Island season where the weights are elevated. Your primary source of income now is as almost a full-time trackwork rider for Mr Brent Stanley at Sutton Grange.

In this case, and primarily because of your guilty plea, the Stewards are not seeking a period of disqualification which would of course prohibit you from any racing activity. That approach of the Stewards as outlined by Mr Bolkunowicz seems to me to be a proper one.

Jockeys must not bet on thoroughbred races and must not be seen to be so doing. It gives a very poor impression of the honesty and integrity of racing. A significant penalty must be imposed and must be seen to be imposed. Both the impression given to the public and to participants in the racing industry must be to the effect that this sort of behaviour will not be tolerated and attracts a stiff penalty.

You are suspended from race riding until the end of the current racing year on 31 July 2019. It is a period of suspension of just over four months. I repeat that it is a suspension from race riding and not a disqualification and thus should not impact upon your employment as a trackwork rider. Had you not pleaded guilty, the Stewards may well have sought disqualification.

I still take into account the matters raised by you and by Mr Hyland but you would certainly have been at risk of disqualification given the number of bets and the duration of your period of betting. However, that is not the situation and you are suspended until 31 July 2019.

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