



TRNT Stewards Inquiry involving Daniel Jack Smith (formerly licensed as jockey Terry Treichel) – update 23 April, 2021

Panel – D. Hensler (Chairman of Stewards), D Westover & M Hurley

The TRNT Stewards have now finalised the inquiry that commenced on 18 December, 2020 into a report relating to the alleged betting activities involving NT licensed jockey Terry Treichel between July 2019 and December 2020. A guilty plea was entered for all 32 charges issued and Stewards considered submissions put forward on the behalf of Daniel Smith (formerly Terry Treichel) by his legal counsel in regards to penalty.

False declaration charges

Daniel Jack Smith pleaded guilty to two charges under AR229(1)(h). The specifics being that after changing his identity by deed poll from Terry Charles Treichel to Daniel Jack Smith, he did make false declarations on 29 April, 2019 and 27 May, 2020 to a Principal Racing Authority namely Thoroughbred Racing Northern Territory when submitting jockey licence applications and listing his name as Terry Charles Treichel.

After considering all relevant matters, Stewards determined that a 3 year (36 month) disqualification was appropriate for each charge. This was reduced to 30 months for his guilty plea and consideration of his previous disciplinary record. The Stewards directed that 24 months of the penalty for the second charge be served concurrently with the penalty imposed for the first charge. An overall disqualification for a period of 3 years was imposed.

Betting charges - bet on any race or contingency relating to thoroughbred racing involving a race in which he is riding in - AR115(1)(e)

Daniel Jack Smith pleaded guilty to 27 breaches of AR115(1)(e) for placing bets when licensed as a jockey under his former name Terry Treichel between July 2019 and December 2020. The penalty for a single breach of this rule is a minimum 2 year disqualification in accordance with AR 283(6)(a) unless a finding that a special circumstance exists, in which case the minimum penalty may be reduced (NT121).

The Stewards were of the opinion that these 27 charges needed to be separated and considered in two categories. Category A consisted of 16 charges relating to bets that were placed on his own mount or a betting contingency involving himself (race day multi or jockey challenge). The bets totalled \$1380. Category B consisted of 11 charges for placing bets on other runners in thoroughbred races that he rode in. These bets totalled \$460.

These rule breaches are of a most serious nature, as evidenced by the minimum penalty provision. It is important to elucidate that there was no evidence that in the races in which these bets were placed had Daniel Jack Smith when licensed under his former name Terry Treichel ridden any thoroughbred in a manner that further compromised the Rules of Racing or made an attempt to corrupt the outcome of a race.

In the case of the first of the category A bets the Stewards apply the minimum 2 year (24 month) disqualification. A reduction of 3 months has applied as, in the opinion of the Stewards, the guilty plea is determined to be a special circumstance in accordance with NT121. The same penalty of a 21 month disqualification is applied for each of the remaining 15 breaches in category A.

In the case of the first of the category B bets the Stewards apply a 3 year (36 month) disqualification. A reduction of 6 months has applied as, in the opinion of the Stewards, the guilty plea is determined to be a special circumstance in accordance with NT121. The same penalty of a 30 months disqualification is applied for each of the remaining 10 breaches in category B.

Betting charges for betting on other races - AR115(1)(c)

Daniel Jack Smith pleaded guilty to a charge of placing approximately 168 bets on Australian thoroughbred races between 29 April 2019 and 12 July 2020 with an approximate turnover of \$10500 through a Sportsbet account when licensed as a jockey in his former name Terry Treichel and residing in the Northern Territory. A 9 month disqualification was imposed with a reduction of 3 months applied for his guilty plea and consideration of his disciplinary record. The penalty is therefore a 6 month disqualification.

He also pleaded guilty to placing 5 bets on Australian thoroughbred races between 22 November 2020 and 6 December 2020 totalling \$100 through a Neds account when licensed as a jockey in his former name Terry Treichel and residing in the Northern Territory. A 3 month suspension was imposed with a reduction of 1 month applied for his guilty plea and consideration of his disciplinary record. The penalty is therefore a 2 month suspension.

He pleaded guilty to a final charge of placing a \$100 bet through a Pointsbet account on an Australian thoroughbred race on 3 November 2020 when licensed as a jockey in his former name Terry Treichel and residing in the Northern Territory. A 3 month suspension was imposed with a reduction of 1 month applied for his guilty plea and consideration of his disciplinary record. The penalty is therefore a 2 month suspension.

This is a unique set of circumstances not seen before in Australian Racing. The coveting of a change of identity and subsequent volume of betting whilst licensed as a jockey is unprecedented. It is apparent that as one of the betting accounts was opened in 2015 there is the potential for further investigations to be conducted by Racing NSW and Racing Queensland, given a jockey's licence was held during this period in both jurisdictions.

After considering precedents in other interstate cases, the totality of the penalties and applying part concurrency to each of the betting related offences, the Stewards determined that an overall penalty of a 5 year disqualification was appropriate. The periods of suspension were ordered to be served fully concurrent with the period of disqualification.

The Stewards were of the opinion that as the offences for charge 1 and 2 are not linked to the 30 betting offences, the penalty of a 3 year disqualification for charges 1 and 2 should be served cumulatively with the penalty of 5 years imposed for the betting offences. The total penalty for all 32 offences is an 8 year disqualification which is backdated to commence from 18 December, 2020 on which day his licence was suspended under the provisions of AR23. He was advised of his right of appeal.

Australian Rules of Racing referred to in this report.

AR23: Without limiting any other rules or Stewards' powers, if a person has been charged with a breach of the Rules or with the commission of an indictable criminal offence, and if the Stewards are of the opinion that the continued participation of that person in racing might pose an unacceptable risk of prejudicing the image, interests, integrity or welfare of racing, the Stewards may pending the hearing and determination of the charge:

(a) suspend any licence, registration, right or privilege, granted to that person under these Australian Rules

AR229 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

AR115 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 race

(e) Bet, or have any interest in a bet, on any race or contingency relating to thoroughbred racing involving a race in which he or she is riding

AR283 Penalties

(6) Where a person breaches any of the rules listed below, a disqualification for a period of not less than the period specified for that rule must be imposed unless there is a finding that a special circumstance exists, in which case that penalty may be reduced:

(a) AR115(1)(e)

NT121 For the purpose of these Rules and the imposition of a penalty under AR283(6), a special circumstance may apply, if in the opinion of the Stewards, it is in the interest of justice given the special circumstances and conduct of the person in relation to the commission and investigation of the offence.