

IN THE RACING APPEALS TRIBUNAL

RACING NEW SOUTH WALES
Appellant

v

CRAIG ANTHONY ROBERTS
Respondent

REASONS FOR DETERMINATION

Date of hearing	10 December 2025
Date of determination	23 December 2025
Appearances	Mr O Jones SC for the Appellant
	No appearance of the Respondent

ORDERS

- 1. The appeal is upheld.**
- 2. The order made by the Appeals Panel on 21 July 2025 is quashed.**
- 3. In lieu thereof the Respondent is disqualified for a period of 21 months.**
- 4. The disqualification in order [3] will be deemed to have commenced on 29 April 2025.**

INTRODUCTION

1. Craig Roberts (the Respondent) was charged by Racing New South Wales (the Appellant) with a number of offences contrary to the Australian Racing Rules (the Rules) as follows:

Charge 1: AR228(c) – Improper behaviour

The details of the charge being that about 1:20pm on 26 April 2025 while at Newcastle Racecourse, he engaged in improper behaviour by directing improper and aggressive language towards Racing NSW Investigator Ms Nikki Burke. Additionally, while Ms Burke was conducting a float inspection, he pushed the door of the vehicle onto Ms Burke and applied pressure, preventing her from removing herself.

Charge 2: AR228(c) – Improper behaviour

The details of the charge being that on 26 April 2025 while at Newcastle Racecourse, he engaged in improper behaviour by, while Racing NSW Investigator Ms Nikki Burke was standing in front of him, he moved forward contacting the right side of Ms Burke's body, causing immediate pain to her right wrist.

Charge 3: AR232(d)(ii) - Obstruct, hinder or delay the investigator in exercising their powers

The details of the charge being that at on 26 April 2025, while at Newcastle Racecourse, during a float inspection conducted by Racing NSW Investigator Ms Nikki Burke, he pushed the door of the vehicle onto Ms Burke and applied pressure, preventing her from removing herself. In addition, having been directed not to leave the racecourse and to report to the Stewards room by Ms Burke, and while she was standing in front of him, he moved forward and made contact with the right side of her body. He then left the racecourse. His conduct in closing the door of the truck while applying pressure, and pushing past Ms Burke to leave the racecourse, did obstruct, hinder, and delay Ms Burke in the execution of her duties.

Charge 4: AR232(d)(i) - Refuse to obey a reasonable direction

The details of the charge being that on 26 April 2025 while at Newcastle Racecourse, he was on four separate occasions, a given direction by Racing NSW Investigator Ms Nikki Burke to attend the Newcastle Racecourse Stewards room. He refused to obey these reasonable directions.

2. The charges related to the Respondent's dealings with Ms Nikki Burke, an investigator with the Appellant, on 26 April 2025 in the course of Ms Burke undertaking a float and horse inspection.

3. The Respondent pleaded not guilty, but was found guilty of each charge. Stewards imposed a period of disqualification of 24 months.
4. The Respondent appealed to the Appeal Panel of the Respondent (the Panel). He did so only in respect of the severity of the penalty imposed, thus accepting his guilt at that point. The Panel imposed a disqualification of 15 months, subject to the Respondent being at liberty to work in the racing industry after a period of 6 months with the Respondent's approval.
5. The Appellant has appealed to this Tribunal against the Panel's determination. It is the Appellant's position that the penalty imposed by Stewards, namely a disqualification of 24 months, is appropriate. In taking that position, the Appellant acknowledges that the Respondent is entitled to some discount for his late plea of guilty, but submits that the full discount of 25% should not be applied. It is the Appellant's position that half of that discount should be applied, resulting in a disqualification of 21 months.

THE HEARING

6. The hearing of the Appellant's appeal was listed before the Tribunal on 10 December 2025. The Respondent failed to appear on that day. In circumstances where I was satisfied that the Respondent had been notified of the time, date and place of the hearing, the matter proceeded in his absence. In those circumstances, these reasons will be shorter than would otherwise have been the case.

THE CIRCUMSTANCES OF THE OFFENDING

7. I draw the following summary of the offending from the submissions filed by the Appellant.
8. On the day in question, Ms Burke attended the carpark area of Newcastle Racecourse to conduct routine float and horse transport inspections. She approached the Respondent, introduced herself, and advised him of her intention to search his truck for prohibited items. The Respondent replied:

No you're not.

9. Ms Burke commenced her search by opening the front passenger door to the cabin of Mr Roberts' truck. The Respondent walked around to the front passenger door, pushed the door onto Ms Burke and applied pressure to it, not allowing Ms Burke to remove herself.

10. The Respondent then walked away from his truck towards the tie-up stalls. Ms Burke followed, and directed him to attend the Stewards' room and not to remove his horses from the racecourse. The Respondent replied:

Get stuffed, I can do what I want.

11. Ms Burke directed the Respondent to attend the Stewards' room on two further occasions, but the Respondent refused.

12. While the Respondent was standing in front of his horse in the tie up stall, he led the horse forward, making contact with the right side of Ms Burke's body causing immediate pain to her right wrist. The Respondent was again directed to attend the Stewards' room, but again refused to do so. A short time later he left the racecourse, thus not allowing Ms Burke to complete her inspection of his truck.

SUBMISSIONS OF THE APPELLANT

13. Senior counsel for the Appellant submitted that the objective seriousness of the offending in the present case was high. Counsel pointed, in particular, to the Respondent's aggressive and violent conduct towards Ms Burke, which included pushing the door of his truck onto her, applying pressure to the door and not allowing her to remove herself, and walking his horse so as to make contact with the right side of her body, causing immediate pain to her right wrist. It was submitted that as a consequence of those matters, this case was more serious than (for example) one in which a participant simply fails to comply with the directions of a Steward or Investigator.

14. The Appellant accepted that the Respondent is entitled to the benefit of some discount to the penalty by reason of plea of guilty to the Panel (as well as to this Tribunal). However, it was submitted that the discount should not be the customary 25%, but half of that amount. That, if accepted, would result in a disqualification of 21 months.

SUBMISSIONS OF THE APPELLANT

15. I have not had the benefit of any submissions on behalf of the Appellant, given his absence from the hearing. However, I note the observations of the Panel¹ that at the time of the hearing of the appeal, the Respondent:

1. had decided not to seek to continue as a registered trainer;
2. had sold his truck and equipment;
3. no longer had horses in his care;
4. was looking for other work but was finding difficulty in securing it; and
5. was “*plainly in a very difficult position financially*”.

CONSIDERATION

16. There are two particular matters which are relevant to the assessment of penalty in this matter.

17. The first stems from the fundamental obligation of all industry participants to behave appropriately towards officials. In *Berry v Harness Racing New South Wales*² I made the following observations in this regard.

[49] [P]utting it simply, and whilst each case which comes before the Tribunal will, as a matter of fairness, always be assessed and determined according to its own facts and circumstances, it is necessary to send a clear message to industry participants that any conduct towards Stewards which is (amongst other things) abusive, offensive, threatening, obstructive, intimidatory, defamatory, racist or harassing, any conduct which constitutes an assault, and any conduct which

¹ TB 174.

² A determination of 4 June 2024 at [49] – [50].

constitutes a failure to comply with a reasonable direction by Stewards, is likely to meet with a substantial penalty.

[50] That approach stems from the fundamental fact that the tasks and responsibilities of Stewards are difficult enough to begin with. Further, and at the risk of stating the obvious, their role is essential to the proper conduct and regulation of the harness racing industry. The discharge by Stewards of what are, by their inherent nature, onerous duties and responsibilities, should not be rendered even more difficult by behaviour of the kind exhibited by the Appellant in the present case. Moreover, Stewards are entitled to assume that they will be able to carry out their functions in circumstances where they are not subjected to personal abuse, and where their personal safety is not threatened or otherwise placed in jeopardy.

18. In a subsequent decision of *Racing New South Wales v Dixon*³ I made the point that those obligations I had identified are not restricted to behaviour towards Stewards, but extend to behaviour towards officials generally, including Investigators such as Ms Burke.

19. The second stems from the equally fundamental obligation of all participants to co-operate with investigations. In this regard, the following observations were made by the Panel in *See v Racing New South Wales*⁴ which I unequivocally endorse:

“...licensed persons who refuse to cooperate with proper instructions and requests by the Stewards, or who hinder their investigations, can expect that absent what would have to be quite unusual or exceptional circumstances, it is almost inevitable that they will be disqualified. They can expect that it will almost be inevitable that they will be disqualified for a considerable period of time. Racing would be chaos if licensed persons refused to cooperate with proper requests and instructions of racing authorities. Penalties imposed for breaches of AR232(c)(i) and (ii) will be of a kind that protects the sport by acting as a proper deterrent to such conduct.”

20. The conduct of the Respondent in the present case represents what could only be described as an egregious breach of both of those obligations. It is one thing to behave disrespectfully towards an official, and to refuse to co-operate with an inspection. It is quite another to resort to physical violence, on two separate

³ 25 August 2025.

⁴ 17 April 2023 at [14].

occasions. The latter aspect of the Respondent's conduct aggravates what was already serious offending. General deterrence has a primary role to play in determining any penalty.

21. I have taken into account the subjective factors identified by the Panel although they are of limited weight. It would appear that the Respondent is no longer an industry participant, but that of course does not relieve this Tribunal of the obligation to impose a penalty which will send a clear message to those who remain participants that conduct of this kind will inevitably result in the imposition of a significant penalty.

22. The Respondent is entitled to some discount for his (late) plea of guilty but it cannot, as a matter of principle, be 25%. Half of that amount, namely 12.5%, seems an appropriate apportionment.

23. Finally, as I have previously noted, the Panel imposed a disqualification of 15 months, but ordered that it would be open to the Respondent to apply to the Appellant after 6 months for permission to work in the industry. Rule 263 of the Rules allows the Appellant to authorise a person who is subject to a disqualification to undertake activities that would otherwise be prohibited during a period of disqualification. The order made by the Panel was therefore unnecessary, although it would appear that r 263 was not drawn to its attention. In these circumstances, I will simply make orders imposing the disqualification that I have determined is appropriate.

ORDERS

24. I make the following orders:

1. The appeal is upheld.
2. The order made by the Appeals Panel on 21 July 2025 is quashed.
3. In lieu thereof the Respondent is disqualified for a period of 21 months.

4. The disqualification in order [3] will be deemed to have commenced on 29 April 2025.

THE HONOURABLE G J BELLEW SC

23 December 2025