

# **DECISION**

**Of**

## **Queensland Racing Integrity Commission Stewards**

**Regarding**

### **Mr Robert Thorburn**

<b>Delivered on:</b>	15 September 2025
<b>Date of hearing:</b>	11 September 2025
<b>Panel:</b>	Mr Joshua Adams (Chairperson), Mr Paul Zimmermann, Mr Alexander Dowsett.
<b>Appearances:</b>	Mr Robert Thorburn Mr Gabe Hutchinson (solicitor) Mr Anthony Royter (solicitor)
<b>Charge :</b>	<p>Australian Rule of Racing ("AR") 229(1)(a) states:</p> <p>(1) A person must not:</p> <p>(a) engage in any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing;</p>
<b>Particulars of Charge:</b>	<p>Mr Robert Thorburn a licensed Apprentice Jockey with the Queensland Racing Integrity Commission, in contravention of Australian Rule of Racing AR 229(1)(a) engaged in fraudulent behaviour in connection with racing.</p> <ol style="list-style-type: none"><li>1. Mr Thorburn was at all relevant times a licensed Apprentice Jockey with the Queensland Racing Integrity Commission.</li><li>2. As a requirement of Mr Thorburn's Apprentice Jockey licence with the Queensland Racing Integrity Commission, he submitted a fraudulent Health Assessment Results Form for the 2025/2026 season by altering the date on the Health Assessment Results Form completed by his general practitioner from 2023/2024.</li></ol>

3. Mr Thorburn's conduct in submitting an altered Health Assessment Results Form was fraudulent and accordingly in breach of AR229(1)(a).

**Plea:** Guilty

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### **Penalty Submissions:**

Stewards were presented with detailed written submissions from Mr Gabe Hutchinson on behalf of Mr Thorburn.

In summary Mr Thorburn submitted that:

1. He self-reported his conduct within hours of a Queensland Jockeys' Association text encouraging jockeys to disclose irregularities.
2. His actions were driven by practical difficulty in obtaining a timely medical appointment after relocating to the Sunshine Coast and were influenced by personal circumstances
3. He was already subject to a higher level of medical scrutiny following a serious concussion in February 2025 and had been cleared fit to ride on 11 March 2025.
4. He has no previous disciplinary history and has since lodged a current, valid Health Assessment Results Form.
5. Riding is his sole livelihood, and a lengthy penalty would have significant financial consequences.

### **Mitigating Factors**

1. The Stewards accept and afford significant weight to the following mitigating matters:
2. Early guilty plea and full cooperation with Stewards.
3. Exceptional self-reporting, not merely cooperation once detected, but proactive disclosure in circumstances where detection was unlikely without his admission. This engages the principle in *AB v R* (1999) 198 CLR 111 that an offender who confesses to unknown conduct is entitled to special leniency
4. Medical and personal context, including ongoing management of ADHD and recent mental health treatment, as well as the disruption of relocating to a new area with limited access to medical services.
5. Clean disciplinary record and the fact that the offending was a single, isolated incident.

6. Current medical fitness, verified by QRIC's own processes.

### **Stewards' Finding on Penalty:**

The Stewards acknowledge Mr Thorburn's cooperation, early guilty plea, and the compelling mitigation detailed above. These matters weigh in his favour. However, they must be balanced against the serious nature of the conduct.

The submission of falsified documentation during the licensing process is not an administrative technicality. Annual medical certification is a fundamental safety safeguard intended to ensure that riders are physically and mentally fit to compete in a high-risk sport. Any attempt to circumvent these requirements, regardless of whether an actual health risk exists, has the potential to erode participant safety and diminish public confidence.

Compounding the seriousness of the misconduct, Mr Thorburn participated in 19 race rides without holding a valid medical certificate. Each of these rides occurred while he was unqualified to do so under the licensing requirements. This extended period of non-compliance significantly heightens the risk to both rider and horse and aggravates the breach.

Jockeys and apprentice jockeys occupy a position of particular trust. Their integrity underpins the confidence of the wagering public and the long-term viability of the racing industry. As emphasised in *Wallace v Queensland Racing* [2007], public confidence in racing is "easily damaged and must be protected by imposing penalties when conduct is shown to be prejudicial to the image of the sport." Likewise, in *Waterhouse v Racing Appeals Tribunal* [2002] NSWCA 195, dishonest conduct in racing was described as "blameworthy and capable of undermining confidence in the industry."

Race riding is inherently dangerous. Riders compete at high speeds in close quarters, where split-second misjudgements or the sudden incapacitation of one rider can have catastrophic consequences for others and their mounts. Strict compliance with licensing and medical requirements is therefore non-negotiable. Any deliberate attempt to defeat these safety mechanisms, whether or not an actual medical issue exists, constitutes an unacceptable risk.

Having regard to the principles of specific and general deterrence, the need to protect public confidence, and the seriousness of the conduct, Stewards are satisfied that the appropriate penalty framework is one of disqualification. This approach aligns with recent comparable matters involving dishonesty and falsification of medical documents:

- Ross (2021): 8 months disqualification for falsifying a medical certificate.
- Sharrock (2025): 9 months disqualification for repeated falsifications.
- Marshall (2025): 8 months disqualification for falsifying a medical certificate.
- McKay (2025): 9 months disqualification for multiple falsifications.
- Wright (2023, VRT): 12 months disqualification for forging a doctor's signature.
- Schembri (2025, VRT): 3 years disqualification for repeated falsification and false evidence.

## Human Rights

In considering this matter, proper consideration is required in respect of human rights, and it is necessary to act compatibly with human rights in accordance with the *Human Rights Act 2019* (Qld). The Stewards acknowledge that any penalty imposed upon Mr Thorburn may limit or prevent a person from earning a living from the racing industry and subsequently that the imposition of such a penalty may limit a person's human rights to own property (namely a licence), as well as the human right of privacy and reputation. The Stewards further acknowledge that a limitation upon a person's ability to participate in the racing industry, and earn income from that participation, may only be imposed where it is reasonably necessary to achieve the purpose of taking disciplinary action and there is no less restrictive and reasonably available way to achieve the purposes listed above, than to suspend a licence, disqualify a person from holding a licence, or warn a person off.

In the circumstances of this case, Stewards are satisfied that there is no lesser penalty that could be imposed that enables the purposes of taking disciplinary action against a licensee for a contravention of the rules of racing, which are to:

- Maintain public confidence in the racing of animals in Queensland for which betting is lawful;
- Ensure the integrity of all persons involved with racing or betting under the *Racing Integrity Act 2016* or the *Racing Act 2002*; and
- Safeguard the welfare of all animals that are or have been involved in racing under the *Racing Integrity Act 2016* or the *Racing Act 2002*.

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### Penalty:

Stewards are of the view that a disqualification is warranted in the circumstances. A disqualification for a period of twelve (12) months reduced to six (6) months in recognition of Mr Thorburn self-reporting, his disciplinary history and guilty plea, effective from the date of this decision commencing 15 September 2025 concluding 15 March 2026.

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Further, stewards draw to the attention of Mr Robert Thorburn, Australian Rule of Racing AR 263 and the prohibitions on persons and their conduct while disqualified.

Against this Stewards decision Mr Thorburn is advised of his rights to appeal this decision to the Racing Appeal Panel.