



**Racing
Victoria**

**RACING APPEALS
AND
DISCIPLINARY BOARD**

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DECISION

**RACING VICTORIA STEWARDS
and
RORY BUTTON**

Date of Hearing 22 September 2017

Panel Judge Bowman (Chair)

Appearances Terry Bailey appeared on behalf of the stewards.
Mr Button appeared on his own behalf via telephone.

Charge AR 175(q)

The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise: Any person who in their opinion is guilty of any misconduct, improper conduct or unseemly behaviour.

Summary On 5 August 2017, subsequent to the horse *Cosmic Lights* being scratched from Race 8 at Flemington on veterinary advice, Mr Button recorded a voice message which was sent to a number of licensed people, including jockey Stephen Baster, the content of which constituted misconduct and/or improper conduct and/or unseemly behaviour.

Plea Guilty

Decision Mr Button convicted and fined \$3,000.
Payment terms 28 days.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

RORY BUTTON

RACING VICTORIA CENTRE, FLEMINGTON

FRIDAY, 22 SEPTEMBER 2017

MR T. BAILEY appeared on behalf of the RVL Stewards

MR R. BUTTON appeared on his own behalf via telephone

CHAIRMAN: Mr Rory Button, you have pleaded guilty to a breach of AR 175(q), in that you recorded a voice message on 5 August 2017, which message you forwarded to a number of people, including the wife of jockey Mr Stephen Baster. The message is a nasty one, the comments being directed at Stephen Baster, and including bad language.

The background is that Mr Baster had been engaged to ride a horse, Cosmic Lights, in race 8 at Flemington on 5 August 2017. You own 79 per cent of that horse which is trained by Mr Peter Morgan. It was originally trained by Mr Luke Oliver, another person who received the message. It had a number of problems and, whilst apparently possessing considerable ability, had not always been sound. Accordingly, it was transferred to Mr Morgan.

On 5 August 2017, Mr Baster was to ride the horse for the second time. He noticed that, after mounting the horse, it lowered its hindquarters towards the ground. A vet was called. Mr Baster subsequently made a second attempt. The horse again lowered its hindquarters. The vet said there was no chance of it running and it was scratched accordingly.

Your complaint now seems to be that if Mr Baster had used a larger saddle with some packing under it, the problem would not have occurred and Cosmic Lights, which was well in the market, would have been able to run and be at least competitive.

You were at Mount Gambier, where you live, at a club with some other people. Obviously you were dismayed at the late scratching. I accept that you had too much to drink and this may have affected your behaviour, but it does not excuse it. Sending an abusive and nasty message to Mrs Baster and others was, in my opinion, a cowardly act and one calculated to denigrate and upset her husband. It clearly had the potential to damage his reputation, virtually suggesting that he had deliberately had the horse scratched and that he was not tough enough. I accept you made one attempt later that night to apologise, this being when pressured so to do by your wife. You failed to make any further attempts, that original attempt being unsuccessful.

Frankly, this type of behaviour is not to be tolerated. It was cowardly, vulgar and defamatory. Mr Bailey has asked that a substantial fine be imposed. It is a proposition with which I agree.

Local Rule 6C(2)(a) provides that a maximum fine of \$5000 can be imposed by the Stewards upon a plea of guilty. You did not immediately plead guilty when interviewed by them, but Mr Bailey has agreed that such a maximum may be relevant in the present case.

As stated, you have pleaded guilty. No previous misconduct is alleged against you. I have viewed the penalties imposed in previous similar cases. I regard this as a worse offence and not one where a penalty of, say, \$500 is imposed. This was not an on-the-spot hot-headed argument. It was a calculated, nasty and cowardly attack sent to Mrs Baster and others.

The penalty I have fixed on is a fine of \$3000. None of that amount will be suspended. There will be a stay, in relation to payment of the fine, of 28 days.
