



DECISION

RACING VICTORIA STEWARDS and CIARON MAHER

<u>Date of Hearing</u>	25 September 2017
<u>Panel</u>	Judge Bowman (Chair), Brian Forrest (Deputy), Chris Fox
<u>Appearances</u>	<p>Cliff Pannam QC and Belinda Franjic of counsel appeared on behalf of the stewards.</p> <p>Peter Morrissey SC and Ruth Shann of counsel, instructed by Galbally and O'Bryan Lawyers, appeared on behalf of Mr Maher.</p>
<u>Charge</u>	<p>AR 175A</p> <p><i>Any person bound by these Rules who either within a racecourse or elsewhere in the opinion of the Principal Racing Authority (or the Stewards exercising powers delegated to them) has been guilty of conduct prejudicial to the image, or interests, or welfare of racing may be penalised.</i></p>
<u>Summary</u>	<p>The particulars are that Mr Maher ought to have known, at certain times, about the ownership of the horses <i>Azkadellia</i>, <i>Little Bubulu</i>, <i>Loveable Rogue</i>, <i>Hart</i> and <i>Mr Simples</i>. Mr Maher's conduct was prejudicial to the image, interests and/or welfare of racing.</p>
<u>Plea</u>	Guilty
<u>Decision</u>	<p>Mr Maher convicted and suspended for a period of 6 months. In accordance with the provisions of AR 196(6)(a), the commencement of the period of suspension is deferred for 7 clear days from today's date.</p> <p>Mr Maher is also fined \$75,000. Payment terms - 30 days.</p>

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman
MR B. FORREST, Deputy Chairman
MR C. FOX

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

CIARON MAHER

RACING VICTORIA CENTRE, FLEMINGTON

MONDAY, 25 SEPTEMBER 2017

DR C.L. PANNAM QC, with MS B.F. FRANJIC appeared on behalf of
the RVL Stewards

MR P.J. MORRISSEY SC, with MS R. SHANN (instructed by Galbally and
O'Bryan) appeared on behalf of Mr C. Maher

CHAIRMAN: Mr Ciaron Maher, you have pleaded guilty to a breach of AR 175A, in that you have been guilty of conduct prejudicial to the image or interest or welfare of racing. In particular, you admitted that you ought to have known there were problems and questions relating to the ownership of a number of horses in your stable and in particular to the mare Azkadellia. We would refer to the statement of agreed facts.

You ought to have known that these problems involved inter alia a notorious con man and criminal, Peter Foster, and some associates of his. We have listened to two very eloquent and well-reasoned submissions. We take into account your cooperation with the Stewards and your plea, also bearing in mind your earlier failure to cooperate with the Stewards. We have also borne in mind the quite powerful character references tendered on your behalf from prominent racing identities.

You undoubtedly are a very talented and successful trainer. This brings with it some responsibilities. You are quite a high-profile trainer and one that some might consider a role model. That makes your behaviour disappointing. We accept that you have put in place some structural changes in relation to the organisation of your stables. Whether these would have had any impact upon what in fact occurred in the present case and alerted you to any additional information concerning ownership is a moot point, but we accept that you have made considerable alterations. We also take into account the report of Mr Jeffrey Cummins and his observations concerning the effects of the charge and stable pressures generally upon you.

However, the bottom line is that you agree you ought to have known and recognised the problems concerning the ownership of these horses, particularly Azkadellia. It showed, in our opinion, extreme incompetence and lack of attention to stable matters that you did not know and recognise the problems associated with the ownership of horses in your stable. That is, to put it mildly, a lapse in judgment and to be condemned.

This is a matter which has doubtless already had an impact upon the image of racing and its integrity. The potential for damage to that image is very considerable. You certainly ought to have known what was occurring in relation to ownership but did not, and the damage that has resulted is sizeable, with the potential to be considerably greater.

You are a high-profile trainer and Azkadellia had become also high profile, a Group 1 performing mare which received a lot of media attention. Your serious lapse of judgment could be seen as enabling the perpetuation of a fraud.

The bottom line is this: after careful consideration, we are of the view that a period of disqualification is not warranted. We are conscious of the impact that this would have upon your staff and upon others. We are also of the view that, narrowly, the gravity of the charge relating to a lack of knowledge does not in this case attract a penalty of disqualification. However, we are of the view that a suspension and a sizeable monetary penalty are appropriate.

We do not agree with the submission that part of the suspension or all of the suspension should in turn be suspended. The offence is of such gravity that we are not of the view that that be appropriate, apart from complications involved with it, as pointed out by Dr Pannam on behalf of the Stewards. As stated, we are of the view that the financial penalty should be substantial.

You are suspended for a period of six months from this date and, further, you are fined the sum of \$75,000, time to pay being one month from this date. The commencement of the suspension will be deferred for seven days to enable appropriate arrangements to be made, so the period of suspension will commence seven days from this date.
