



**Racing
Victoria**

**RACING APPEALS
AND
DISCIPLINARY BOARD**

400 Epsom Road
Flemington VIC 3031
Telephone: 03 9258 4773
Fax: 03 9258 4848
radboard@racingvictoria.net.au

DECISION

**RACING VICTORIA STEWARDS
and
MICHAEL QUADARA**

Date of Hearing 21 March 2019
Date of Decision 28 March 2019
Date of Penalty 4 April 2019

Panel Judge Bowman (Chair), Mr B Forrest (Deputy Chair),
Prof R Harbridge (Member).

Appearances Mr J Hooper of counsel, instructed by Ms S Foletti, appeared on
behalf of the Stewards.

Mr J Ferwerda of counsel, instructed by Mr R Inglis appeared on
behalf of Mr Quadara.

Charge AR 228(b)

A person must not engage in:

(b) misconduct, improper conduct or unseemly behaviour;

Summary On 1 December 2018, when Mr Quadara was riding a horse on
the fibre-sand track at the Seymour Racing Club, Mr Quadara
rode his mount towards an oncoming horse and rider (Don
Dwyer on "Deck of Cards"), forcing Mr Dwyer to take evasive
action.

Plea Not Guilty

Decision Charge proven. Mr Quadara found guilty.

Mr Quadara is suspended for 6 months commencing 12.01am
Sunday 7 April 2019, with a stay of 7 days to enable the transfer
of horses to other trainers only.

While suspended, Mr Quadara must not enter or attend the
Seymour Racecourse.

Grace Gugliandolo
Registrar - Racing Appeals and Disciplinary Board

**RACING APPEALS AND DISCIPLINARY BOARD
(Original Jurisdiction)**

Racing Victoria Stewards

v

Mr Michael Quadara

DECISION

Judge Bowman	Chair
Mr B Forrest	Deputy Chair
Prof R Harbridge	Member

Appearances

Mr J Hooper of Counsel Assisted by Ms S Foletti appeared on behalf of the Stewards

Mr J Ferwerda of Counsel Assisted by M R Inglis appeared on behalf of Mr M Quadara

Mr Michael Quadara, you have been charged with a breach of AR 175 (q) - now AR 228 (b). It is alleged by the Stewards that you are guilty of misconduct or improper misconduct. You have pleaded "Not Guilty".

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The details of the charge and its background could be summarised as follows. You are a licensed trainer. You also ride trackwork, particularly at Seymour racecourse. On the morning of 1 December last when so doing, you rode your mount *Hegemon*, owned and trained by Mr Alan Diggins, towards a horse, *Deck of Cards*, trained and ridden by Mr Don Dwyer, forcing him to take evasive action.

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There is a history of bad blood between yourself and Mr Dwyer, and indeed there is an Intervention Order in place as between the pair of you. It is alleged that what you did was dangerous, with the potential to harm riders and horses.

15 You gave evidence, as did Mr Dwyer and Mr Diggins was called as a witness by

you. The Stewards also elicited evidence from trackwork riders Mr Reece Goodwin and Ms Ashley Medson, who were at the track and in the vicinity at the time. It is common ground that the incident took place on the synthetic track around the back of the course about opposite the winning post. Located there is a gap in the outside rail and it is through this that horses enter and leave the synthetic track. The incident occurred approximately 100 meters past this gap, with your horse, on its second and faster lap, heading in an anti-clockwise direction. Mr Dwyer's horse had completed its two laps and had pulled up. We accept that the usual practice was that faster horses overtook on the inside of the synthetic track, this patently being because of the fact that horses used the gap in the outside rail to enter or leave the track. The synthetic track is quite narrow, with space for only three horses across it. Essentially, it is asserted that you rode at close to a full gallop down the outside of the track from the turn into the back straight and did not alter your course or speed as you approached Mr Dwyer on his horse, it having pulled up about 100 meters past the gap and turned around, on the outside of the track. We accept that what occurred was a very near miss. We accept that the potential for a very nasty accident was real.

We would also say that, in our opinion, malice need not be demonstrated for a charge under this Rule to be made out. It is certainly asserted, particularly by Mr Dwyer. We are of the view that recklessness or negligence of a high order is sufficient.

The evidence in a case such as this is a little like that of witnesses to an intersectional motor vehicle collision. People see things differently. In the present case, we prefer and accept the evidence of Mr Goodwin, both as to what he told us and in what he told the Stewards when interviewed. He impressed us as presenting an independent account of what took place. Being on a horse at the gap on to the synthetic track, he was in an ideal position to see what occurred. Further, he gave his evidence in a careful and measured way. In addition, in cross-examination no challenge was made as to his credit or, effectively, as to his powers of recall. We accept him as an

accurate witness of truth.

Mr Goodwin has stated that Mr Dwyer had completed his horse's work on the
50 synthetic track. He was on the outside of the track, in the correct position. He had
pulled up his horse, turned around, and was walking it back towards the gap. You
came down the outside of the track at close to even time and made no attempt to go
to the inside, where you should have been. At the last second, Mr Dwyer was able
to pull his horse out of the way, or there would have been a head-on collision. Mr
55 Goodwin, as well Mr Dwyer, stated that you had full control of your horse. He also
told the Stewards that what you did was very, very dangerous. Mr Goodwin has
been riding trackwork at Seymour for seven years and is also a picnic jockey of
considerable experience. He stated that the fault was definitely yours, that the
horses were very, very close and that you could have slowed down, but did
60 not. You had at least 100 meters to slow down or move to the correct side of the
track, but did neither. We accept that all of this is accurate.

We find that what you did was dangerous and grossly negligent. We are reluctant
to find that it was your intention deliberately to gallop into Mr Dwyer's horse,
65 although Mr Dwyer is of that view. That was likely to have been a catastrophe for
both horses and possibly riders. Apart from anything else, we think it unlikely that
you would have ridden into a collision that could have had fatal consequences for
the horse of your friend, Mr Diggins. Possibly this was a show of "get out of my
way" bravado or possibly you were intending to give Mr Dwyer, no friend of yours,
70 a fright. Whatever the reason, what you did was quite deliberate and, as said by Mr
Goodwin, very, very dangerous.

We have no hesitation in finding this charge proven. We are quite satisfied that you
engaged in misconduct or improper conduct within the meaning of the Rule and
75 find you guilty of the offence with which you have been charged.

We shall hear from the parties on the question of penalty.

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman
MR B. FORREST, Deputy Chairman
PROF R. HARBRIDGE

PENALTY DECISION

RACING VICTORIA STEWARDS

- and -

MICHAEL QUADARA

RACING VICTORIA CENTRE, FLEMINGTON

FRIDAY, 5 APRIL 2019

MR J. HOOPER appeared on behalf of RVL Stewards

MR J. FERWERDA appeared on behalf of Mr M. Quadara

CHAIRMAN: Mr Michael Quadara, you have been found guilty of a breach of what is now AR 228(b), a charge which you contested. We will not repeat the description of the facts of the matter which can be found in our decision of 28 March 2019, suffice to say that we found you guilty of dangerous and grossly negligent behaviour relating to the riding of a horse during trackwork on the synthetic track at Seymour racecourse on 1 December last. Such behaviour was directed towards Mr Don Dwyer, also a trainer who uses the Seymour racecourse. There is a history of bad blood between you and indeed there is an intervention order in place.

Mr Ferwerda, on your behalf, has effectively agreed with the Stewards that a period of suspension - with an attached condition that during such suspension, you do not enter or attend at any part of Seymour racecourse - is an appropriate penalty. We are not bound by what the Stewards suggest or even what the parties may have effectively agreed or not contested. We must say that our initial reaction to behaviour such as this, which posed danger to horses and riders, warranted a period of disqualification. However, given that you obtain a significant amount of your income from your work as a farrier, to totally block you from gaining income from such work strikes us as too harsh a penalty.

You are aged 67, have little education and have always worked in the racing industry. To be unable to ride trackwork or gain income as a trainer will represent a big enough penalty in itself. The work of a farrier, whilst part of the industry as a necessary adjunct to training, trackwork and race riding,

seems to us to be sufficiently removed from the activities which have got you repeatedly into trouble to allow us to find that you can continue with the farrier work.

We note your record which in recent years is far from perfect and we also note that outbursts of anger contributed to this. We accept that since 2017 you have had some 15 sessions with Mr Marc Lezon, consultant psychologist, in relation to this. We impose no condition in relation to ongoing treatment but urge you to keep working hard to bring your anger under control and to avoid potential conflict situations.

Both specific and general deterrence are important. This was behaviour that put considerable risk to the welfare of horses and of riders. It is a very bad image for the racing industry and cannot be condoned.

The Stewards have sought a minimum period of suspension of six months with the added condition that during that period, you not enter or attend at Seymour racecourse. This will enable you to continue to derive at least some income from your work as a farrier, including in Seymour, but to underline it, not within the boundaries of the racecourse. We are of the opinion that six months' suspension, with the added condition that we have set out, is an appropriate penalty, and we also accept that such period of suspension should commence at 12.01 am on Sunday next, 7 April, with a stay of seven days to enable the transfer of horses to other trainers.
