



## **DECISION**

### **RACING VICTORIA STEWARDS and JOHN SADLER**

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<b><u>Date of Hearing</u></b>	18 December 2017
<b><u>Heard By</u></b>	Judge Bowman (Chair)
<b><u>Appearances</u></b>	Dr Cliff Pannam QC, instructed by Daniel Bolkunowicz, appeared on behalf of the stewards.  Peter Jurkovsky appeared on behalf of Mr Sadler.
<b><u>Charge</u></b>	AR 175(q)  <i>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.</i>
<b><u>Summary</u></b>	Mr Sadler pleaded guilty to a charge of improper conduct towards the Chairman and Deputy Chairman of Stewards before and after the stewards' decision to withdraw the horse <i>Observational</i> from Race 9, the Eclipse Stakes, at Sandown on 18 November 2017.
<b><u>Decision</u></b>	Mr Sadler convicted and suspended for a period of 6 weeks.  The Board orders that the commencement of the period of suspension be deferred until midnight Monday 25 December 2017, it being the maximum period of deferral of the suspension as permitted by the rules; see Australian Rule 196(6). Accordingly, the period of suspension will expire at midnight on Monday, 5 February 2018.

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**RACING VICTORIA STEWARDS**

**and**

**JOHN SADLER**

**RACING VICTORIA CENTRE, FLEMINGTON**

**MONDAY, 18 DECEMBER 2017**

DR C.L. PANNAM QC (instructed by Daniel Bolkunowicz)  
appeared on behalf of the RVL Stewards

MR P. JURKOVSKY appeared on behalf of Mr J. Sadler

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CHAIRMAN: Mr John Sadler, you have pleaded guilty to a charge pursuant to AR 175(q), in that it is alleged that on 18 November 2017, you engaged in misconduct, improper conduct or unseemly behaviour. The essence of the charge concerns the late scratching of the horse Observational trained by you, the scratching from race 9, the Group 3 Eclipse Stakes at Sandown on that day.

Your offence involves three conversations, the earliest at 8.17 am on 18 November 2017 when you were informed by Stewards that a blood sample taken from Observational on 17 November showed an elevated TCO2 level, and the Stewards would have to consider whether the horse would run. In this conversation with Mr Bailey, you said to the Chairman of Stewards that you would sue him to the hilt if the horse was to be withdrawn.

At approximately 11.30 am and 11.45 am on the same day, there were two more telephone conversations involving Mr Bailey. In the earlier call, he informed you that Stewards would consider whether Observational would be withdrawn. In the 11.45 am conversation over a loudspeaker telephone, Mr Bailey informed you that the horse would be withdrawn. When he asked you if you wanted him to read the rule over the phone to you, you said, "No, fuck the rule."

At about 1.15 pm, you came to the Stewards' room of your own volition. You had not been asked or invited so to do. There was a discussion as to whether the Stewards wanted Observational to come to the track for testing. This was considered. Mr Bailey said the Stewards did not require Observational for

testing. You asked Mr Bailey whether he had something to hide, which he denied. You said that you had lost total respect for Mr Bailey and Deputy Chairman Mr Robert Cram. You raised your middle finger to Mr Bailey and said, "Up yours." When leaving the room, you said to Mr Bailey, "There's plenty coming for you, me boy." Mr Bailey has stated that he felt very threatened with this proposition. It was effectively not challenged, although what was meant by this statement was discussed. You later returned to the Stewards' room and apologised. This was comparatively later in the day and was a brief apology.

I would make this observation at the outset: I adopt and totally endorse the observations of Her Honour Judge Jenkins at the VCAT hearing for Nikolic v Racing Victoria Ltd in relation to the role and importance of the Stewards. I particularly adopt the remark that:

*It is paramount that the authority and integrity of the Stewards is not to be eroded or undermined. This is a most important factor.*

I have read the report from Mr Tim Watson-Munro, psychologist, who has seen you once, but is to become your treating psychologist. I accept that you have been under very considerable stress and have been on quite a high level of medication. I have also read the quite powerful character references from the Australian Trainers Association and from Mr Denis Pagan. I have also taken into account your long and successful career in training here and overseas. You have had a previous incident with the Stewards involving improper

behaviour towards them, but that was over 19 years ago.

You gave oral evidence, but this was not always of great advantage to you.

Effectively you have only apologised for the remarks concerning suing

Mr Bailey. You do not seem happy with the Stewards and complained

concerning what you perceive as undue attention from them following the

commencement of what could be called "the Aquanita investigation".

I appreciate that you are under stress and have been under stress. Some

of your observations given in evidence did not assist you greatly.

Dr Pannam has pointed to a couple of factors in support of his proposition that

a period of suspension should be imposed. I agree with him that the insults and

improper behaviour directed towards Mr Bailey in particular were not some

spur-of-the-moment explosion. Your behaviour and remarks commenced at

about 8.17 am with the threat to sue, and the last offensive words spoken,

including the threat directed towards Mr Bailey, were at about 1.20 pm. This

was far from an instant flash point. There is also no dispute that the remarks

and behaviour were directed to the Chairman of Stewards and the Deputy

Chairman with the later remarks made when you had taken yourself into the

stewards' room.

In any event, whilst the fact that you have apologised is obviously in your

favour, the tone of your oral evidence was at times not particularly apologetic.

Dr Pannam has argued that the extent of the contempt shown by you to the

position of authority of the Stewards and the threats made to the Chief Steward

are of such gravity that a period of suspension should be imposed.

Mr Jurkovsky, on your behalf, has pointed to the penalties imposed in other cases, arguing that a mid-range fine should be the penalty.

Having weighed up all these matters, I have arrived at the conclusion that a period of suspension is warranted. This was nasty and improper conduct on and off over a period of hours. It was not a sudden loss of temper, apologised for immediately. It was directed to the Chairman of Stewards and his Deputy. The apology subsequently given on the day and today was brief and, at least in part, not particularly convincing.

This was very poor behaviour from a leading trainer of such experience. You should be a role model to others. The Stewards have a difficult enough job to do without being confronted, insulted and threatened in this way. You are suspended until midnight 5 February 2018. In other words, allowing for the period of seven clear days, you are thereafter suspended for a period of six weeks.

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