26 March 2024

**DECISION**

**RACING VICTORIA**

**and**

**RUBY McINTYRE**

**Dates of penalty hearings:** 18 January 2024 and28 February 2024

**Panel:** Judge John Bowman (Chairperson), Mr Des Gleeson and Ms Maree Payne.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

 Mr Ruby McIntyre represented herself.

**Charge:** Australian Rule of Racing (“AR”) 228(a) states:

AR 228 Conduct detrimental to the interests of racing

A person must not engage in:

(a) conduct prejudicial to the image, interests, integrity, or welfare of racing, whether or not that conduct takes place within a racecourse or elsewhere;

**Particulars of charge:** 1. You were, at all relevant times, a “relevant person” (as defined by LR 2) and bound by the Rules of Racing.

2. Between 17 and 18 June 2023, you attended a gathering at the residential premises of licensed jockey, Jamie Kah, with two other persons (the Gathering), where you recorded Ms Kah using an identification card in her hand to arrange a white powder substance into three lines (the Recordings).

3. You shared the Recordings with a person/s not in attendance at the Gathering.

4. The Recordings have been widely reported both in the media and on social media, with the perception amongst persons commenting on the posts being that those in attendance at the Gathering used an illicit substance, being cocaine.

5. Your conduct, as outlined in particulars two and three, is prejudicial to the image, interests, integrity and/or welfare of racing.

**Plea:** Not Guilty

**DECISION**

Ms Ruby McIntyre, you have been found guilty by us of a breach of AR 228(a), a charge to which you pleaded not guilty. We would refer to our decision handed down on 15 December 2023.

We turn now to the question of penalty. You are a young women employed by Ciaron Maher Racing. You have been employed by Mr Maher since April 2023. Your responsibilities include such matters as managing the treadmill program, riding work, strapping on race days and managing the team on the ground. We would refer to the references provided, and particularly that of Mr Jack Turnbull, Assistant Trainer with Ciaron Maher Racing. He refers to you as reliable, motivated and a pleasure to have around the stables.

Powerful references have also been provided by Mr Maher and by Mr Michael Barrett, Head of Content with Ciaron Maher Racing. It is apparent that you are extremely well thought of at the stables.

Your background is with horses and in racing. Your family is in New South Wales. In essence, you are a young woman living in accommodation provided by Ciaron Maher Racing. Your work and every day activities seem to be largely concentrated on the stables. They are in essence your home.

The activity in which you engaged in and which breached AR 228(a), and particularly the sending electronically to a friend the photograph and message which became public knowledge, was indeed a stupid activity in which to engage, involving high risk. The possibility of it becoming public knowledge was a real one. The racing industry cannot afford to have employees behaving in such a way. We accept that you had no intent of the material going into the public domain, but once you forwarded it electronically, the risk was always there.

We also note that, whilst you pleaded not guilty, there was no substantial dispute as to what happened.

We would also add that the offence which you committed carried with it a substantial risk of damage to the image of the racing industry, damage which it can ill afford and from which it takes constant steps to protect itself.

In all those circumstances, we are of the view that a period of suspension is warranted. We feel that suspension, as opposed to disqualification, is appropriate.

We fix that period of suspension at three months, but one month of that period is in turn suspended for a period of 24 months. If you commit a relevant offence during that period, the one month suspension will be activated.

You are also fined the sum of $750. That fine is also suspended for 24 months on the same basis.

A final note is that all the references from Mr Maher’s stables which you put before us are to be signed, dated and presented again on letterhead.

Mark Howard

Registrar, Victorian Racing Tribunal