27 October 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**BRANDYN GRENFELL**

**Date of hearing:** 26 October 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Robert Abrahams.

**Appearances:** Ms Raelene Sharp, instructed by Mr Alec Deasey, appeared on behalf of the Stewards.

Mr Brandyn Grenfell represented himself.

Mr Lachlan Gough appeared as a witness.

**Charge:** Greyhounds Australasia Rule (“GAR”) 86(f) states:

A person (including an official) shall be guilty of an offence if the person:

(f) engages in… the use of any contemptuous, unseemly, improper… language, conduct or behaviour in any manner or form towards, or in relation to-

(iv) any other person having official duties in relation to greyhound racing.

**Particulars of charge:** 1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 236132) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

 2. On 3 January 2022, you made a phone call to the mobile phone number of Lachlan Gough being a person having official duties in relation to greyhound racing.

 3. During that call you used the following threatening language, which individually and altogether, was contemptuous, unseemly and improper:

 a. “I'm going to be at The Meadows on Wednesday night and I'll fix you up then….”

 b. “…because what I do is I fix things..”

 c. “And if there's an issue, I sort it”.

 d. “So, what I'm telling you right now is that if it doesn't stop I'll fix it”.

 e. “If you say my name once more I'll fix that, that's what I'm going to say”.

**Plea:** Not Guilty

**DECISION**

1. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Brandyn Grenfell with an offence under Greyhounds Australasia Rule (“GAR”) 86(f), as it stood, in respect of a phone call made by him to Mr Lachlan Gough on 3 January 2022.
2. At all material times GAR 86(f) provided that a person is guilty of an offence if that person engaged in “the use of any contemptuous, unseemly or improper language, conduct or behaviour in any manner or form towards, or in relation to, any other person having official duties in relation to greyhound racing”.
3. The relevant call was made to Mr Gough’s mobile telephone. Mr Gough is a person, who at all material times, had official duties in relation to greyhound racing, including as a lure driver.
4. Mr Grenfell was, at all material times, a trainer registered with GRV. The particulars of the charge allege that he used language in that phone call which was contemptuous, unseemly or improper. Mr Grenfell submitted that in using the language he did, he did not intend to be threatening to Mr Gough. However, the issue before the Tribunal is whether, in context, the actual words used were contemptuous, unseemly or improper. For the reasons set out below, we have formed the view that they were improper and unseemly. They concerned Mr Gough sufficiently for him to immediately report the phone conversation’s contents to the Stewards, as he felt alarmed by Mr Grenfell’s words.
5. The Tribunal listened to a recording of the relevant phone call. Mr Grenfell said early in the call that he knew Mr Gough was taping the call and said that he had no issue with it being taped. He confirmed that position at the hearing.
6. The offending language is said to arise from five separate utterances by Mr Grenfell in the context of the conversation having as the central theme an allegation by him that Mr Gough was speaking ill of him in the greyhound industry.
7. The first utterance found to have been made was “I'm going to be at The Meadows on Wednesday night and I'll fix it up then”. It was difficult, at that stage of the conversation, to understand what Mr Grenfell meant by that comment, but it provides context to the fourth and fifth utterances, which we consider amount to unseemly and improper language directed at a GRV official.
8. The second utterance was “because what I do is I fix things”. This comment is only relevant to provide context to the fourth and fifth utterances. The same applies to the third utterance which was “And if there's an issue, I sort it”.
9. The fourth and fifth utterances fall into a different category. They were: -

“So, what I'm telling you right now is that if it doesn't stop I'll fix it”.

and

“If you say my name once more I'll fix that, that's what I'm going to say”.

1. The last two comments were ones which were capable of making Mr Gough uneasy at the prospect of dealing with Mr Grenfell and concerned for his wellbeing. They were inappropriate comments to be made at all but unseemly and improper in the context of a trainer saying these things to a GRV official who is entitled to be treated with respect and dignity.
2. We are comfortably satisfied that the last two utterances in the conversation referred to by the Stewards for the purposes of the charge constitute unseemly and improper language directed at a GRV official.
3. Although it is unnecessary to determine, we doubt whether the word “contemptuous” is apt to describe the offending language. That word signifies an expression of contempt, which is an act of scorning or despising. We are not comfortably satisfied that the offending language was scornful or despising, but it was unseemly and improper in and of itself. It was more so having regard to the person to whom it was directed. The use of that sort of language to a GRV official is disrespectful and is a form of bullying.
4. As we are comfortably satisfied that the charge has been made out, we find Mr Grenfell guilty as charged. The Assistant Registrar will contact the parties to arrange a directions hearing to program a time for the hearing of submissions on the question of penalty.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal