11 March 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**BRETT COOK**

**Date of hearing:** 8 March 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Heidi Keighran.

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

Mr Brett Cook represented himself.

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

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

(o) has, in relation to a greyhound, or greyhound racing, done a thing, or omitted to do a thing, which in the opinion of the Stewards, or Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct

**Particulars of charge:** 1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 305990) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).

2. On 18 October 2021, you attended the Ballarat Greyhound Racing Club for the purposes of assisting another participant completing their catcher’s practical assessment.

3. Upon being requested to produce proof of your COVID-19 vaccine, as per the Victorian Greyhound Racing COVID-19 Protocols, you proceeded to engage in behaviour which in the opinion of the Investigative Stewards was improper and constituted misconduct. This behaviour included the following statements directed to the Investigative Steward:

(a) Calling the Investigative Steward, “A fuckin’ idiot”, and that it was all, “Fuckin’ bullshit”.

(b) Saying to the Investigative Steward, “You’re a fuckin’ dog”.

(c) “Ya not doin’ any inquiry with me. Ya can forget that”.

(d) “Why don’t ya fuckin’ come out here. Go on”.

(e) “Ya wonderin’ why I’m getting’ pissed off”.

(f) “I’ve been jabbed. I’ve got the fuckin’ thing”.

(g) “I’m tellin’ ya, you’ll fuckin’, you’ll regret it”.

**Pleas:** Guilty

**DECISION**

1. Mr Brett Cook is a registered greyhound trainer. He is a hobby trainer whose main work is as a self-employed concreter. In October 2021, he trained one racing greyhound which belonged to his friend, Mr Jack Clarke. On 18 October 2021, Mr Cook attended the Ballarat greyhound races to assist Mr Clarke get his catcher’s qualification in exercises that were to occur after the last race at the meeting.
2. On 15 October 2021, protocols concerning COVID-19 had been approved by Greyhound Racing Victoria (“GRV”). They required proof of vaccination to be given to Stewards prior to a person entering onto the course. It must be remembered that the greyhound racing industry, like the other two codes in Victoria, was privileged in that it continued to operate during the COVID-19 crisis and compliance with State Government COVID-19 requirements was essential to being in that privileged position.
3. When approached about proof of vaccination, Mr Cook told the relevant Steward that he had problems with his MyGov account and could not provide proof of vaccination on his mobile phone, but suggested that his doctor could be contacted. The Steward insisted on the requirement under the protocols to provide evidence of vaccination.
4. Mr Cook had a subsequent discussion with another Steward about the matter. It is not necessary to go into the precise words used by Mr Cook. It is sufficient to say that Mr Cook agreed in a subsequent investigation by Stewards that he had been verbally aggressive and abusive towards that Steward. He also said he should have been more professional and that he provided a shocking example for other industry participants.
5. Mr Cook said that he thought that the first Steward who asked for proof of vaccination did so in a rude manner and the fact that the second Steward walked after him to ensure he vacated the club premises was threatening towards him. That subjective perception may help to explain the conduct, but does not excuse it. Mr Cook does not suggest otherwise. Mr Cook was also sensitive about the topic of COVID-19 injections, given a recent tragedy concerning a friend of his and associated with an injection. Again, this helps to explain his behaviour, but does not excuse it.
6. The behaviour was appalling and was behaviour which Stewards should not have to put up with in going about their work. It was especially important that the COVID-19 protocols be policed, because a failure to do so may have resulted in a shutdown of the industry.
7. In setting a penalty, we take into account Mr Cook’s guilty plea and his lack of prior similar offending during his involvement in the industry since 2014. We also take into account Mr Cook’s admissions in the Stewards’ inquiry which occurred a few days after the incident. We further take into account recent penalties in like cases and the importance of industry participants treating Stewards respectfully. We also take into account general and specific deterrence, as well as Mr Cook’s good record in relation to conduct matters since commencing training in 2014. However, we note the submissions of GRV about the increasing frequency of abuse of Stewards in recent times, with consequent adverse effects on the mental health of GRV staff.
8. The behaviour the subject of this charge, although serious, is at the lower end of similar transgressions previously dealt with by the Tribunal and by the GRV Racing Appeals and Disciplinary Board (“RADB”). In all the circumstances, we impose a penalty of three months disqualification, with a fine of $1,000. In setting this penalty, we have also had regard to the fact that Mr Cook’s behaviour on the day was out of character and a spur of the moment reaction. He is deeply remorseful. The disqualification we have imposed shall commence today.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal