10 August 2021

**DECISION**

**RACING VICTORIA**

**and**

**BRYCE STANAWAY**

**Date of hearings:** 21 June 2021, 22 June 2021 and 23 June 2021

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall (Deputy Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Justin Hooper, instructed by Mr Daniel Bolkunowicz, appeared on behalf of the Stewards.

Mr Bryce Stanaway represented himself and appeared as a witness.

Dr Chris Heislers appeared as a witness.

Mr Darren Browell appeared as a witness.

Mr Daniel Baxter appeared as a witness.

Ms Francesca Blount-Greene appeared as a witness.

Ms Debbie Dougall appeared as a witness.

Ms Kate Newton appeared as a witness.

Mr Raymond Livingstone appeared as a witness.

Mr James Hitchcock appeared as a witness.

Dr Grace Forbes appeared as a witness.

Mr Peter Tingate appeared as a witness.

Mr Zac Scullie appeared as a witness.

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

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.

AR 228(c) states:

A person must not engage in:

(c) improper or insulting behaviour at any time towards a PRA, the Stewards, a Club, or any official, employee, contractor or agent of any of them in relation to the relevant person’s functions, powers or duties.

Local Racing Rule (“LR”) 94A(a)(i) and 94A(a)(ii) states:

A person must not, at any time or for any purpose:

a. engage in any form of intimidation or abusive conduct (either physical, verbal or

otherwise), in any way related to racing, of:

i. any Steward, Official, or employee or officer of Racing Victoria.

ii. any person representing Racing Victoria and/or its employees or officers.

LR 94B(a) states:

A person must not:

(a) make any express, implied, conditional or unconditional threat (whether physical, verbal or otherwise), in any way related to racing, toward:

i. any Steward, Official, or employee or officer of Racing Victoria;

ii. any person representing Racing Victoria and/or its employees or officers.

AR 231(1)(b)(iii) states:

(1) A person must not:

(b) if the person is in charge of a horse – fail at any time:

(iii) to provide veterinary treatment to the horse where such treatment is necessary for the horse.

AR 232(b) states:

A person must not:

(b) fail or refuse to comply with an order, direction or requirement of the Stewards or an official.

AR 232(c)(ii) states:

A person must not:

(c) while the Stewards are exercising their powers, performing their functions or carrying out their duties:

(ii) obstruct, hinder or delay the Stewards in exercising their powers, performing their functions or carrying out their duties

**Particulars of charges: Charge 1: AR 228(a)**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.
2. On Saturday 17 October 2020, a horse trained by you, Moorabool, ran in Race 8 at Bendigo. Moorabool was eased out of the race in the home straight by its jockey. The jockey then dismounted, and Moorabool was attended to by Barrier Attendants and Racing Victoria Veterinarian Dr Chris Heislers.
3. As Moorabool was being attended to, you ran onto the Bendigo racetrack in the direction of the horse, yelling and/or screaming at those attending to the horse to stop doing so and/or that there was nothing wrong with the horse.
4. Your conduct as outlined in particular 3 was prejudicial to the image, interests and/or welfare of racing.

**Charge 2: AR 228(c)**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.
2. On Saturday 17 October 2020, a horse trained by you, Moorabool, ran in Race 8 at Bendigo. Moorabool was eased out of the race in the home straight by its jockey. The jockey then dismounted, and Moorabool was attended to by Barrier Attendants and Racing Victoria Raceday Veterinarian, Dr Chris Heislers.
3. Dr Heislers is an official, employee and/or contractor of Racing Victoria.
4. Dr Heislers sought to apply emergency care to Moorabool, which he considered necessary to address its acute issues.
5. You refused to allow Dr Heislers to undertake emergency care to Moorabool on the racetrack and/or otherwise sought to reverse care undertaken by Dr Heislers when the horse was transferred back to its stall.
6. Your conduct as outlined in particular 5 constituted improper and/or insulting behaviour towards an official, employee and/or contractor of Racing Victoria in relation to that person’s functions and duties as a Race day Veterinarian.

**Charge 3: LR 94A(a)(i)**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.
2. On 20 October 2020, Racing Victoria Stewards James Hitchcock and Raymond Livingstone, and Racing Victoria General Manager of Veterinary Services Dr Grace Forbes (the RV Officials) attended your licensed premises at 595 Blackgate Road, Torquay, Victoria.
3. The purpose for the RV Official’s attendance was to inspect Moorabool, a horse trained by you that had been eased out of Race 8 at Bendigo on 17 October 2020.
4. While the RV Officials were endeavouring to inspect Moorabool, you engaged in intimidating and/or abusive verbal conduct towards them.

**Charge 4: LR 94A(a)(i) and/or 94A(a)(ii)**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.
2. On Saturday 17 October 2020, a horse trained by you, Moorabool, ran in Race 8 at Bendigo. Moorabool was eased out of the race in the home straight by its jockey. The jockey then dismounted, and Moorabool was attended to by Barrier Attendants and Racing Victoria Race day Veterinarian, Dr Chris Heislers (the First Responders).
3. The First Responders are officials of Racing Victoria, and/or employees of Racing Victoria, and/or persons representing Racing Victoria.
4. As the First Responders were seeking to assist Moorabool on the track and/or when the horse returned to its stall, you engaged in abusive verbal conduct towards at least two of them.

**Charge 5: LR 94B(a)**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.
2. On Saturday 17 October 2020, a horse trained by you, Moorabool, ran in Race 8 at Bendigo. Moorabool was eased out of the race in the home straight by its jockey. The jockey then dismounted, and Moorabool was attended to by Barrier Attendants and Racing Victoria Race day Veterinarian, Dr Chris Heislers.
3. Dr Heislers is an official of Racing Victoria, and/or an employee of Racing Victoria, and/or a person representing Racing Victoria.
4. While Dr Heislers was attending to Moorabool, you made a threatening remark to him along the lines of threatening to shoot him and/or put him down.

**Charge 6: AR 231(1)(b)(iii)**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.
2. On Saturday 17 October 2020, a horse trained by you, Moorabool, ran in Race 8 at Bendigo. Moorabool was eased out of the race in the home straight by its jockey. The jockey then dismounted, and Moorabool was attended to by Barrier Attendants and Racing Victoria Race day Veterinarian, Dr Chris Heislers.
3. Dr Heislers advised you that Moorabool required urgent veterinary treatment.
4. From the running of race 8 at Bendigo on 17 October 2020 to at least 9:25am on 20 October 2020, you failed to provide veterinary treatment to Moorabool despite Dr Heisler’s advice that the horse required urgent veterinary treatment.

**Charge 7: AR 232(b)**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.
2. On 20 October 2020, Chairman of Stewards Robert Cram directed you to provide by 5pm, 21 October 2020, a Veterinary Report regarding the injury sustained by Moorabool when it ran in Race 8 at Bendigo on 17 October 2020.
3. On 22 October 2020, Mr Cram extended the deadline by which you needed to provide that report to 10am, 23 October 2020.
4. As at 10am, 26 October 2020, you failed to provide the requested Veterinary Report to the Stewards.

**Charge 8: AR 232(c)(ii):**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.
2. On 20 October 2020, Racing Victoria Stewards James Hitchcock and Ray Livingstone (as well as Racing Victoria General Manager of Veterinary Services Dr Grace Forbes(pursuant to AR 22(2)) attended your licensed premises at 595 Blackgate Road, Torquay, Victoria to inspect a horse trained by you, Moorabool.
3. While the Stewards were seeking to carry out their duties to inspect Moorabool, you obstructed and/or hindered them from doing so, by requesting that they and Dr Forbes leave your licensed premises and/or refusing them access to inspect the horse.

**Pleas:** Not guilty to all charges.

Charge 7 withdrawn by the Stewards.

**DECISION**

1. Mr Bryce Stanaway is a licensed racehorse trainer of longstanding and was, at all material times, the trainer of the mare, “Moorabool”. Moorabool competed in Race 8 at Bendigo on 17 October 2020. It was to be her last race.

**A. The factual context and evidence given.**

1. At about the 1000 metre mark in the race, jockey, Ms Laura Lafferty, eased Moorabool out of the race. Ms Lafferty was unable to give evidence to the Tribunal due to a recent fall in which she sustained concussion, amongst other injuries. On 20 October 2020, she participated in an interview by telephone with the Chairman of Stewards, Mr Robert Cram. She told Mr Cram that she had been intending to ride the horse on, presumably to the mounting yard, but the oncourse veterinarian was driving his car next to her and asked her to dismount. The veterinarian and a male barrier attendant guided her as to what to do. A lead was put on the horse, which commenced to walk around. Ms Lafferty said that the veterinarian gave the mare “ace”, a sedative, to calm her down and that a stallion chain was put on the mare to help control her. Ms Lafferty said that the horse was significantly lame.
2. Dr Chris Heislers was the oncourse veterinarian at the Bendigo racecourse on 17 October 2020. He gave evidence before the Tribunal and was cross-examined by Mr Stanaway. Dr Heislers had participated in a telephone interview with Mr Cram on 21 October 2020. Dr Heislers gave evidence that his answers in that telephone interview were true. Dr Heislers stated that he asked Ms Lafferty to pull the mare up and that she brought it back to a trot or slow canter. He observed that the mare had a dropped fetlock, indicating a serious injury to one of her lower ligaments. He said that it was his responsibility to provide support to that area via a splint in order to reduce further damage, to optimise the mare’s prognosis and to provide pain relief to her.
3. Dr Heislers stated that, after he had sedated the mare, he saw Mr Stanaway jogging up the straight from the members’ area. Dr Heislers said that he tranquilised the horse, applied a bandage in order to prevent the injured front leg from damage by a splint, and then applied a splint. He said that, before he applied the splint, he asked for the float to be brought up and that after he applied the splint, the mare was loaded onto the float and taken back to the stalls area.
4. Dr Heislers observed that the mare was difficult to inject in the first instance with the “original sedative”. Dr Heislers told the Tribunal that, at first, he gave the mare detomidine, followed by “ace”. He said that he had intended to give the mare some “bute” and more detomidine, but Mr Stanaway entered on the scene and vigorously objected. “Bute” is short for phenylbutazone and “ace” is short for acepromazine.
5. Dr Heislers gave evidence that he observed lameness in the affected leg at a level of three out of five. He said that the horse was agitated and anxious, but once the first two sedatives took effect, he was able to put on the splint.
6. Dr Heislers told the Tribunal that, after he administered the second sedative, Mr Stanaway came “running up” from the mounting yard and up the straight towards him and the mare. He said that Mr Stanaway was yelling words to the effect of “you can’t sedate that horse”. However, the horse had already been sedated. Dr Heislers said that he had treated lots of horses in the same manner. He said that the splint was designed to stop horses from traumatising themselves.
7. Dr Heislers had told Mr Cram that the mare was difficult to inject with the original sedative, but said that was not unusual. He said that, after the first sedative was given, the mare was very cooperative. He had told Mr Cram:

“I did intend to administer an extra painkiller, a dose of phenylbutazone, which I told Mr Stanaway. He wouldn't let me do it. I intended to do it anyway. However, with his threatening behaviour, I pulled back on that and in my own mind, I thought I would approach the horse again back at the stalls to administer the pain relief”.

1. Dr Heislers had further told Mr Cram that the management of the injury was routine, but it was slowed by Mr Stanaway’s “interference and objections to what I was doing”. He said that he tried to calm Mr Stanaway down and make him realise that he, as a veterinarian, and those assisting him were only there to help the mare.
2. Dr Heislers returned to the saddling area and then went to the area where the mare was unloaded from the float. He arrived just as the horse was being unloaded. Mr Stanaway was leading the horse towards the horse wash. Dr Heislers said that he observed that the original bandage was still on, but that the splint had been removed. Mr Stanaway told him that he had taken it off. Dr Heislers said that he was shocked that Mr Stanaway had removed the splint because “it was the wrong thing to do unequivocally”. He had told Mr Cram that Mr Stanaway was “ranting and raving” and that the abuse continued. He said that he told Mr Stanaway that the horse needed pain relief and needed the splint back on the injured leg. He told Mr Stanaway that he wanted to speak to Mr Stanaway’s veterinarian. He said that the horse needed to be seen by a veterinarian later that afternoon or evening in order to obtain more information about the injury and the best way to handle it.
3. Dr Heislers said that Mr Stanaway refused, in an aggressive manner, to allow him to administer any more pain relief, reapply the splint or contact any veterinarian for him. He said that Mr Stanaway told him that he was not going to a veterinarian “regardless of what I’d said”.
4. After Mr Stanaway left the course, Dr Heislers remained very concerned for the welfare of the mare and sent a text message to Dr Grace Forbes, the head veterinarian at Racing Victoria (“RV”), in order to tell her about the incident, but Dr Forbes was “caught up” with the Caulfield Cup at that time.
5. Dr Heislers said that he lodged a complaint about Mr Stanaway’s behaviour and “his lack of consideration for the horse’s welfare and his lack of regard for any advice”. He said that he could not think of a worse welfare outcome for the mare.
6. Other witnesses before the Tribunal were more specific about what Mr Stanaway said to Dr Heislers at the top of the straight when he was treating the horse. That evidence referred to Mr Stanaway threatening to shoot Dr Heislers. Dr Heislers, under cross-examination by Mr Stanaway, said that he was uncertain whether Mr Stanaway said that he wanted to shoot him. Our impression of Dr Heislers’ evidence in that regard is that Dr Heislers did not take much notice of the content of the abuse directed at him by Mr Stanaway, but was more focused on doing his job as a veterinarian, despite Mr Stanaway’s interference and poor behaviour.
7. Also under cross examination, Dr Heislers confirmed that he had no problem injecting the mare. He said that she was a little bit difficult to inject, but nothing out of the ordinary. He said that a stallion chain had been placed on the mare before he arrived at the scene. Any movement of the horse would have made it difficult for the injured tendon. He denied that the horse was covered in blood, but said that there was some blood on the neck caused by the injections.
8. Dr Heislers impressed us as a witness of truth. Mr Stanaway did not challenge any critical aspects of Dr Heislers’ evidence. He admitted that he was “going crook” at Dr Heislers and those assisting him and yelling at them to take the mare back to the stalls. He considered that it was better to give injections there rather than on the course, given the confined area of the stalls. That is despite Mr Stanaway claiming that the mare was impossible to inject.
9. Mr Stanaway gave evidence that he saw the mare going around in circles on the course. He said that he shouted at the people with the horse to stop what they were doing. He shouted at Dr Heislers, “don’t inject that horse”. He denied saying “get away from the horse, there is nothing wrong with it”. He accepted that Moorabool had a serious injury. He said that his recollection of what had happened at Bendigo was “not great”. He admitted that the veterinarian was doing his job, but he considered that it wasn’t a good job, because injecting the horse would cause it trauma.
10. Mr Stanaway believed that, if the splint was removed, it would be less likely that the mare would injure herself once “ace” wore off. Mr Stanaway considered that his opinion about veterinary treatment was superior to an experienced and highly qualified veterinarian.
11. Mr Darren Browell worked as a barrier attendant at Bendigo on 17 October 2020. He told the Tribunal that he participated in an interview with Mr Cram on 20 October 2020 and that his answers to Mr Cram’s questions were true.
12. Mr Browell said that he drove the car carrying Dr Heislers and which followed the field in Race 8. He attended to the mare with the veterinarian after she was eased out of the race. Mr Browell went to collect a splint. He left Dr Heislers attending to the mare while he did that. He said that, when he came back to put the splint on, Mr Stanaway was there. He also remembered other barrier attendants being present and named Ms Fransesca Blount-Greene, Mr Daniel Baxter and Mr Zac Scullie.
13. Mr Browell heard a discussion between Mr Stanaway and Dr Heislers in which the veterinarian was explaining why he wanted a splint on the mare for her welfare. He said that Mr Stanaway was emotional, but relented and let the splint be put on. Mr Browell said that Mr Stanway was abusive but “it was a mild version of what Bryce could be like”. Referring to the time that Mr Stanaway was with the veterinarian, Mr Browell said “what happened before I come back (after getting the splint) I’m not sure, I only got the tail end of it”. He said that Dr Heislers conducted himself very well. He did not believe that Mr Stanaway was personally abusive to the veterinarian, but Mr Browell was not present for all their discussions. He described Mr Stanaway as “emotional”. Under cross-examination from Mr Stanaway, he said that he asked Ms Lafferty to dismount and applied the stallion chain to Moorabool. He helped Ms Blount-Greene put it on to assist in controlling the mare.
14. Mr Browell gave evidence that, when the mare resisted the first injection, Mr Baxter, who was in control of the mare with Ms Blount-Greene, said that the mare was not enjoying the chain and it was taken off. Mr Browell stated that the mare was going around in circles when he left to obtain the splint. The barrier attendants were guided as to what to do by the veterinarian. The mare was a problem to inject, but he could not recall blood running down her neck from the injection.
15. Mr Wayne Tucker, a barrier attendant, participated in an interview with Mr Cram. He gave evidence that what he had told Mr Cram was correct.
16. Mr Tucker said that he made his way over to where the mare was pulled up at the top of the straight. He described the veterinarian’s procedures and conduct as being normal. He described Mr Stanaway as “agitated”, marching up the track and saying “What are you doing?” and “There’s nothing wrong with it”.
17. Mr Tucker stated that Mr Stanaway disregarded Dr Heislers’ advice. He did not want the splint and did not want the mare to be put in the float. He wanted to walk her back to the stalls. He refused to give Dr Heislers the name of his veterinarian.
18. Mr Tucker stated that Mr Stanaway was talking quite loudly, walking up the straight saying “Don’t touch the horse” and “There is nothing wrong with it”. Mr Tucker said that there was nothing unusual about the way Dr Heislers conducted himself. He said that he took the float back to the stalls area and observed Mr Stanaway being rude to Ms Blount-Greene, telling her that she did not know what she was talking about. Under cross-examination by Mr Stanaway, Mr Tucker said that the veterinarian did not have a problem injecting the mare. He said that the mare “arched up a bit, going around in circles”, but that was not unusual with an injured horse on edge.
19. Mr Daniel Baxter was working as a barrier attendant at Bendigo on 17 October 2020. He had been interviewed by Mr Cram. He told the Tribunal that his answers to Mr Cram were true. He said that he was following the field in Race 8 with the veterinarian, Dr Heislers. Mr Baxter said that what occurred after the horse was pulled up was “very standard procedure” and that Dr Heislers did a “remarkable job”.
20. Mr Baxter saw Mr Stanaway run up the straight towards Moorabool. He said that Mr Stanaway was very agitated and spoke to Dr Heislers “in a very bad manner”. He did not want the veterinarian touching the horse and just wanted to walk her back to the stalls.
21. Mr Baxter described Mr Stanaway’s conduct towards Dr Heislers as “pretty poor”. He said that what Mr Stanaway had said to Dr Heislers was “carrying on” and not meant as a threat. Mr Baxter said that he heard Mr Stanway say to Dr Heislers, “I’ll just take the horse home and put it down and then I’ll bloody put you down”. Mr Baxter said that Mr Stanaway “just sort of took it to a new level” due to his aggression and disrespect towards the veterinarian. Under cross-examination, he said that sedation was required because the horse was agitated.
22. Ms Blount-Greene is a young woman who worked as a barrier attendant at Bendigo on 17 October 2020. She participated in an interview with Mr Cram on 20 October 2020. She told the Tribunal that her answers to his questions were true.
23. At the time, Ms Blount-Greene had been employed as a barrier attendant with RV for 18 months, but was also employed as a stable hand and had over 10 years experience with horses. Ms Blount-Greene, as a barrier attendant, was required to be a first responder in the event of a horse breaking down. She said that she was the first person to have contact with Moorabool at the top of the straight. She held Moorabool. Mr Browell arrived next and put a “head collar” on the mare and Mr Baxter followed. Dr Heislers was there. She observed him give the mare two needles of sedation. She had no concerns with what Dr Heislers was doing.
24. Ms Blount-Greene followed the float back to the stalls area to unload the horse. She met the float with Mr Scullie, another barrier attendant. She had entered the float to unload the mare when Mr Stanaway approached her.
25. Ms Blout-Greene said she walked Moorabool towards the horse ambulance (float) and heard someone yell “Oi Oi” at her. She ignored the comment and took the horse to near the float for her to be examined by Dr Heislers. She said that Mr Stanaway became quite rude, refused veterinary treatment for the horse and swore at the veterinarian and barrier staff. Mr Stanaway did not want the mare in the float, but Ms Blout-Greene followed Dr Heisler’s instructions and placed her in the float. Ms Blout-Greene said that Dr Heislers handled Mr Stanaway’s outburst “extremely well and extremely professionally”. She described Mr Stanaway’s conduct as “very rude, aggressive and very highly agitated”.
26. Mr Stanaway was in the float with Ms Blout-Greene, within half a metre of her. At some point, he became aggressive towards her, said very unpleasant things to her and took the splint off Moorabool. She unloaded the mare and then Mr Stanaway took the mare away from her.
27. Ms Blount-Greene said that Mr Stanaway called her incompetent, said that she had no idea what she was doing and that she should not be working with horses. She was upset at the way that she was treated, but more concerned about the welfare of the horse. She said that the veterinarian did a “stand out job” and that she had never come across behaviour like that exhibited by Mr Stanaway.
28. Ms Blount-Greene said that at one point Mr Stanaway said to Dr Heislers “you are not to treat this horse because you’re going to shoot her. If you shoot her, I will shoot you”. She said that happened on the course before loading the mare into the float. She said that Mr Baxter and Mr Browell were present.
29. Ms Blount-Greene was an honest and impressive witness. We accept that she heard Mr Stanaway say to the veterinarian, “If you shoot my horse, I will shoot you”. The words were said in a way that was meant to frighten. Dr Heislers said that he would not shoot Moorabool. When Mr Stanaway was in the float with her, he was loud, agitated, aggressive and ranting. She was frustrated and upset, being in an enclosed confined space with an angry and upset person.
30. Under cross-examination by Mr Stanaway, Ms Blount-Greene said that Moorabool was not the easiest horse to inject, but not the worst. She rejected the suggestion that an injury had been caused to the horse by a stallion chain.
31. Mr Stanaway suggested to Ms Blount-Greene that he had only said to Dr Heislers “I might as well shoot her”. She denied that suggestion. She was not challenged by Mr Stanaway about her evidence of what amounted to bullying and intimidating behaviour towards Ms Blount-Greene by him in the float.
32. Ms Debbie Dougall was working as a clerk of the course at Bendigo on 17 October 2020. She rode to where Moorabool was being attended to after hearing on the radio that a horse had broken down. She said that Mr Stanaway told Dr Heislers to stop treating the horse. Ms Dougall said that the mare was agitated. She saw no blood on the horse’s neck. She did not recall anyone saying anything about “shooting the vet”.
33. Ms Kate Newton was also working as a clerk of the course at Bendigo on the day in question. She did not recall any comment about shooting. She said that she was present when the mare was given her first needle.
34. Mr Zac Scullie worked as a barrier attendant at Bendigo on 17 October 2020. He participated in an interview with Mr Cram. He gave evidence before the Tribunal that his answers to Mr Cram were truthful. Mr Scullie said that he “helped take the horse off the jockey” and assisted with “vet advice”. He said that Dr Heislers conducted himself in a very professional manner. Mr Scullie described Mr Stanaway’s behaviour as poor and very disrespectful and rude to everyone involved with the horse at the time, especially Dr Heislers. Mr Scullie said that, before Mr Stanaway reached the first responders, he was yelling and screaming and became angrier and more aggressive as he came closer. Mr Scullie said that Mr Stanaway “threatened the vet Chris that he’d just shoot the horse and shoot him” and said that “there’s no animal welfare so we should not have vets at the track”. He was very aggressive to the other barrier attendants, who were just trying to do their jobs. Mr Scullie said that the whole procedure was conducted by the veterinarian and barrier attendants in a normal way and in accordance with how they were taught by RV. He said that his role included holding the needle used to sedate the mare.
35. Mr Scullie was with the mare when she returned to the stalls. He said that Mr Stanaway was very aggressive towards Ms Blount-Greene. He said that what had occurred earlier was “a bad look on the racetrack” and he was glad that there were no spectators.
36. In his other evidence before the Tribunal, Mr Scullie said that he assisted Dr Heislers in sedating the mare and in putting on the splint. He said that he saw Mr Stanaway jogging up the track. He recalled Mr Stanaway saying, “What are you doing, the horse is fine”, in a loud voice. The words about shooting Dr Heislers were said by Mr Stanaway when he was about 5 metres away from Mr Scullie. He stated that Mr Stanaway said he was going to “shoot the horse and shoot the vet”. The comment about shooting the horse and the veterinarian was made in a heated fashion, but “everyone brushed it off and continued doing their job”.
37. It should be said that Mr Scullie was the last witness to be called. He was not available earlier. With Mr Stanaway’s consent, Mr Scullie’s evidence, which was comparatively brief and covered much the same ground as earlier witnesses, was to be taken last. This was after the evidence of Mr Stanaway and his witness, Mr Tingate. However, immediately before Mr Scullie gave his evidence, Mr Stanaway unexpectedly sought an adjournment. Because Mr Scullie’s evidence was brief and would cover much of the same ground as several earlier witnesses, the Tribunal determined to take it and then deal with the surprising adjournment application. Mr Stanaway patently disagreed with this course of action. He left the hearing room and did not return.
38. Accordingly, there was no cross examination of Mr Scullie. Mr Stanaway walked out of the hearing before Mr Scullie gave his evidence. Mr Stanaway had earlier on the morning of the third and final day of the hearing asked for an adjournment in order to obtain legal representation. Mr Scullie was the only witness left to be called. The Tribunal decided that Mr Scullie’s brief evidence should be taken and then it would reconsider the adjournment application. However, Mr Stanaway did not reappear after the closing of the evidence. It is repeated that Mr Scullie’s testimony had been deferred by consent in order to be called at the conclusion of Mr Stanaway’s evidence.
39. Mr Stanaway called his strapper, Mr Peter Tingate, as a witness. Mr Tingate said that, when Moorabool returned to the stalls, she was groggy and had blood down her neck. He said that the blood was present from her jaw to her neck, but that he could not see where it was coming from. He said that Mr Stanaway removed the splint before the mare came out of sedation.
40. Mr Stanaway gave evidence. He told the Tribunal that he did not run up the track to the mare, but that he was moving as quickly as he was able to, given the urgency of the situation. He said that he told the veterinarian and the barrier attendants to leave the horse alone and that he wanted to take her back to the stalls. He said that he rang his veterinarian on the following Monday, believing that he would not come out on a Sunday. He said that he gave the mare “bute” on Sunday himself. His veterinarian had said that he could not come until the upcoming Wednesday.
41. Mr Stanaway said that a recording played to the Tribunal concerning an attempt by Stewards, together with Dr Grace Forbes, to do a welfare check on the horse was accurate. The attempted welfare check occurred on Tuesday, 20 October 2020 at about 9.24am at Mr Stanaway’s Torquay stables.
42. Mr James Hitchcock is a Steward with Racing Victoria. He gave evidence that he attended at Mr Stanaway’s stables in Torquay to check on the welfare of Moorabool on the morning of 20 October 2020. He attended with Dr Grace Forbes and another Steward, Mr Raymond Livingstone.
43. As the trio were walking towards the stables, Mr Stanaway started yelling. He was standing next to Moorabool, which had its near foreleg in a bucket. Mr Stanaway was “loud, threatening and abusive”. He told the Racing Victoria officials to leave the premises and threatened to call the police. Mr Livingstone informed Mr Stanaway that Racing Victoria Stewards were entitled to be on the premises and Mr Stanaway replied that it was none of their business. The officials decided that there was no point in trying to conduct the welfare check and left at that point. They had no recollection of Mr Livingstone taking the mare’s leg out of the bucket, as asserted by Mr Stanaway.
44. Mr Raymond Livingstone gave evidence about his attendance at Mr Stanaway’s stables on the morning of 20 October 2020. He said that he was the first of the three RV officials to enter the stables and that he told Mr Stanaway that they were there to look at Moorabool. He said that Mr Stanaway immediately made his way to a grey mare, which had a leg immersed in a bucket of water. He said that Mr Stanaway was aggressive, threatening and abusive, voicing his dissatisfaction about what had happened at Bendigo and saying that they should not be on his property. Mr Livingstone informed Mr Stanaway that the Stewards and Dr Forbes were entitled to be on the property. Mr Stanaway nonetheless denied access and was uncooperative. He told Mr Livingstone that a veterinarian would not look at the horse unless her condition worsened. Mr Livingstone denied trying to take Moorabool’s leg out of the bucket.
45. Dr Grace Forbes gave evidence before the Tribunal. She has been the General Manager of Veterinary Services for Racing Victoria for 3 years. She said that she attended with Mr Livingstone and Mr Hitchcock at the Torquay stables in order to inspect Moorabool on Tuesday morning, 20 October 2020. She attempted to find out if Mr Stanaway had obtained veterinary care for Moorabool. She gave very similar evidence to that given by the two Stewards about the conduct of Mr Stanaway during the visit.
46. Earlier, on Sunday 18 October 2020, Dr Forbes had sent a text message to Mr Stanaway inquiring about Moorabool’s health. His replies were not responsive, but were argumentative about what had occurred at Bendigo. He later responded with a photo of Moorabool’s foot in a bucket, saying that she was improving with salt water treatment.

**B. The laying of charges and subsequent publicity.**

1. On 26 October 2020 the Stewards laid 8 charges against Mr Stanaway relating to the incidents at Bendigo and Torquay. The hearing of those charges was delayed due to the COVID-19 pandemic.

On 7 April 2021, in an online publication called punters.com.au, Mr Stanaway is quoted referring to the laying of those charges. The article noted that: -

“Racing Victoria will allege Stanaway acted in a manner prejudicial to the image, interests and welfare of racing towards a vet and handlers at Bendigo and then Stewards in a subsequent stable visit”.

Mr Stanaway is quoted in the article as saying that he did the right thing by the horse, but is being punished and he was being “mistreated and tarnished by RVL”.

The article continued: -

“Stanaway will argue he became agitated and incensed after the raceday vet and handlers ignored requests “to stop” trying to inject Moorabool with a sedative, because the mare cannot be sedated”.

**C. RULINGS**

**Charge 1**

1. Stewards of Racing Victoria have charged Mr Stanway under Australian Racing Rule (“AR”) 228(a) with engaging in conduct prejudicial to the image, interests, integrity or welfare of racing. The particulars of the charge allege that Mr Stanaway, while Moorabool was being attended to by barrier attendants and by Dr Heislers, ran up the track in the direction of the mare, yelling and/or screaming at those attending to the horse to stop doing so and that there was nothing wrong with the horse.
2. Mr Stanaway pleaded not guilty to the charge. We are comfortably satisfied that the charge is made out. We find it proven and record a finding of guilt in relation to it. Our reasons for doing so now follow.
3. We are satisfied, on the totality of the evidence, that Mr Stanaway moved as quickly as he was able in order to confront Dr Heislers and the barrier attendants assisting Moorabool and to make them stop attending to the horse. We accept the evidence of Dr Heislers, at [20] above and Mr Tucker at [27] above, which was not challenged by Mr Stanaway.
4. We are satisfied that those facts, together with the publication by punters.com.au of an interview with Mr Stanaway about his conduct at Bendigo, amount to conduct which was prejudicial to the image, interests and welfare of racing.
5. Mr Stanaway’s conduct was an extremely bad look for the racing industry. He conducted himself in an appallingly aggressive manner towards employees of Racing Victoria who were going about their work in a professional and routine manner. He interfered with the professional veterinary treatment of a severely injured horse. The subsequent publicity regarding the matter, in which he willingly participated, showcased the incident to the racing public. Dr Heislers’ evidence that he could not think of a worse welfare outcome for the mare shows how detrimental Mr Stanaway’s conduct was to the interests of racing.
6. From the viewpoint of proper and professional conduct by a trainer at a race meeting, it is difficult to think, at least in modern times, of more reprehensible conduct. This puts a very poor light on the racing industry and brings it into disrepute.

**Charge 2**

1. Charge 2 is a charge laid pursuant to AR 228(c), which prohibits behaviour which is improper or insulting to racing officials. The particulars of the charge refer to Mr Stanaway’s refusal to allow Dr Heislers to undertake emergency care of Moorabool and to his refusal to allow such care to be given when the mare returned to the stalls.
2. The evidence before the Tribunal is that Dr Heislers was prevented by Mr Stanaway from injecting a further sedative to Moorabool and that he removed the splint which Dr Heislers wanted to remain on the horse. We are comfortably satisfied that, by so doing, Mr Stanaway engaged in improper conduct towards Dr Heislers, especially in regard to his preventing Dr Heislers from giving more appropriate veterinary treatment. The inappropriate behaviour was egregious because of its welfare implications for Moorabool.

**Charge 3**

1. Charge 3 is laid pursuant to Local Racing Rule (“LR”) 94 (a)(ii), which prohibits intimidating and abusive conduct towards Stewards or employees of Racing Victoria. The particulars of the charge refer to the stable visit on 20 October 2020 and to the intimidating and abusive conduct directed at the two Stewards and Dr Forbes. In the hearing before the Tribunal, Mr Stanaway, to his credit, did not seek to suggest that such behaviour was not intimidating or abusive. Nonetheless, he maintained his not guilty plea regarding this charge. We are comfortably satisfied that it is made out, having regard to the abovementioned evidence of Dr Forbes, Mr Livingstone and Mr Hitchcock. We are comfortably satisfied that Mr Stanaway is guilty of this charge.

**Charge 4**

1. This charge is under LR 94A(a), which prohibits intimidatory or abusive conduct towards employees of Racing Victoria. The particulars allege abusive conduct by Mr Stanaway towards two of the people involved on the track, as well as when the mare was returned to her stall.
2. We are comfortably satisfied that this charge is made out. In particular, we find that it is made out in relation to Mr Stanaway’s appalling behaviour towards Ms Blount-Greene in the float when it arrived back at the stalls. Ms Blount-Greene, although with 10 years experience with horses, is a young woman whose personal space was invaded by Mr Stanaway in the float. He stood half a metre from her while he berated her and questioned her ability to do her job. It was bullying and intimidating behaviour which has no place in any workplace, let alone in the racing industry. We are also comfortably satisfied that Mr Stanaway abused Dr Heislers. Dr Heislers, to his credit, ignored the abuse as he continued to treat the mare on the racetrack. The abuse included casting assertions about Dr Heislers professional capacity to perform his duties.
3. Mr Stanaway is guilty of charge 4.

**Charge 5**

1. Charge 5 is laid under LR 94B(a), which prohibits threats against a racing official. The particulars allege that Mr Stanaway said words to the effect that he would shoot Dr Heislers or put him down. The most impressive account of Mr Stanaway’s remarks to that effect were given by Ms Blount-Greene, who was standing with Mr Stanaway and Dr Heislers when the words were uttered. She said that Mr Stanaway said to Dr Heislers “if you shoot her, I will shoot you”. Under cross examination by Mr Stanaway, she was unshaken in relation to that very firm recollection. Dr Heislers said that he could not remember what Mr Stanaway said to him, because he was concentrating on his work. Effectively, he chose to ignore Mr Stanaway’s irrational rantings. He said that he was uncertain if Mr Stanaway said that he wanted to shoot him. Within days of the incident, Ms Blount-Greene gave evidence in the Stewards’ investigation. She stated that Mr Stanaway said: -

“You are not to treat his horse because you are going to shoot her. If you shoot her, I will shoot you”.

Mr Baxter gave evidence that Mr Stanaway said that he would put Dr Heislers down (see at [32] above). Mr Scullie, as discussed at [43], also gave evidence concerning Mr Stanaway saying that he would shoot Dr Heislers.

1. Mr Stanaway denied that he said that he would shoot Dr Heislers or put him down. It is highly likely that Mr Stanaway did not mean literally that he would put Dr Heislers down or shoot him. He was in a rage and most of the first responders, including Dr Heislers, were not taking him seriously. Nonetheless, we accept on the totality of the evidence before the Tribunal that he did say words to the effect alleged in the particulars and that these words amounted to threats. Whether any threat was intended to be carried out is immaterial.
2. We are comfortably satisfied that Mr Stanaway is guilty of charge 5.

**Charge 6**

1. Charge 6 concerns an alleged breach of AR 231(1)(b), which relates to a failure to obtain veterinary treatment when necessary.
2. Moorabool sustained a serious injury at Bendigo on 17 October 2020. It ultimately ended her racing career. Dr Heislers was adamant that urgent veterinary treatment was required when Mr Stanaway removed her from the racecourse. That treatment should have been sought that afternoon or evening, or, at the worst, on the next day. It was at least negligent for Mr Stanaway not to attempt to consult a veterinarian until the following Monday and not to arrange an appointment until the Wednesday. The injury to the horse required optimally a thorough urgent examination of the affected area and, ideally, imaging. The approach taken by Mr Stanaway had the potential to delay the recovery of the horse at best and exacerbate her condition at worst.
3. We are comfortably satisfied that charge 6 is made out. Mr Stanaway is guilty of charge 6.

**Charge 7**

1. Charge 7 was withdrawn by the Stewards.

**Charge 8**

1. Charge 8 is made under AR 232(c)(ii). AR 232(c)(ii) prohibits the obstruction or hindering of Stewards in the performance of their duties. The facts relevant to this charge overlap with those relevant to charge 3. For the reasons discussed in dealing with charge 3, we are also comfortably satisfied that charge 8 is made out. We find it proven and record a guilty finding on that charge.

**D. Conclusion**

1. The case is adjourned to a date to be fixed for a hearing on the question of penalty in relation to the above seven charges concerning which a finding of guilty has been recorded.

Mark Howard

Registrar, Victorian Racing Tribunal