29 November 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**FRANK MEYER**

**Date of hearing:** 23 November 2022

**Panel:** Judge John Bowman (Chairperson) and Judge Marilyn Harbison.

**Appearances:** Ms Yana Podolskaya appeared on behalf of the Stewards.

Mr Frank Meyer represented himself.

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

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

(f) engages in, publishes or causes to be published, broadcasts or causes to be broadcast, the use of any contemptuous, unseemly, improper, insulting, or offensive language, conduct or behaviour in any manner or form towards, or in relation to- (i) a Steward;

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

GAR 86(q) states:

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

(q) commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

**Particulars of charges:** **Charge 1: GAR 86(f)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 42987) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. During the race meeting held at the Ballarat Greyhound Club on 18 February 2022, you engaged in the use of contemptuous and/or unseemly and/or improper and/or insulting and/or offensive conduct towards Race Steward, Meg Bayliss, in that you:

(a) entered the Stewards' room without invitation or notice while Ms Bayliss was inside alone;

(b) spoke to Ms Bayliss in a loud and aggressive manner, including while using the words "I want to know why Darren Fisher's dog isn't getting swabbed";

(c) failed to immediately comply with Ms Bayliss' initial request to leave the Stewards' room;

(d) in subsequent discussions with Ms Bayliss outside the kennelling area, raised your voice at Ms Bayliss; and

(e) later, while walking with Ms Bayliss in a hallway leading to the kennelling complex, placed your arm around Ms Bayliss' shoulder, without her consent, and said words to the effect of "I haven't touched a young girl like you in years".

1. Ms Bayliss was acting in the capacity of Steward in Charge at the relevant time and had official duties in relation to the race meeting.
2. At the time of the relevant conduct described, it was an offence under GAR 86(f) (as then in force) to engage in the conduct described in particular 2.
3. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 86(f));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 86(f); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 86(f)).

 **Charge 2: GAR 86(f)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 42987) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. During an inquiry held by GRV Stewards, by telephone call with you on 27 February 2022, you engaged in the use of contemptuous and/or unseemly and/or improper and/or insulting and/or offensive language, in relation to a Steward and an official, in that you stated “This Chief Stewards not worth a bumper. That’s why he got thrown out of Western Australia.”
3. At the time of the relevant conduct described, it was an offence under GAR 86(f) (as then in force) to engage in the conduct described in particular 2.
4. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 86(f));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 86(f); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 86(f)).

 **Charge 3: GAR 86(q)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 42987) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 24 February 2022 you engaged in conduct which is detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing, in that you:

(a) published on a social media platform known as Facebook, within a group known as ‘Greyhoundunion’, a comment with the words “I agree big time now the chief steward & head of integrity & staff should resign that would put a bigger smile on the faces of members”; and

(b) your comment was visible to other Facebook users, including but not limited to other members of the Facebook group known as ‘Greyhoundunion'.

1. At the time of the relevant conduct described, it was an offence under GAR 86(q) (as then in force) to engage in the conduct described in particular 2.
2. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 86(q));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 86(q); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 86(q)).

 **Charge 4: GAR 86(f)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 42987) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 24 February 2022 you published contemptuous, unseemly, improper, insulting and offensive language in relation to a steward, in that you:

(a) published on a social media platform known as Facebook, within a group known as ‘Greyhoundunion’, a comment with the words “I agree big time now the chief steward & head of integrity & staff should resign that would put a bigger smile on the faces of members”; and

(b) your comment was visible to other Facebook users, including but not limited to other members of the Facebook group known as ‘Greyhoundunion'.

1. At the time of the relevant conduct described, it was an offence under GAR 86(f) (as then in force) to engage in the conduct described in particular 2.
2. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 86(f));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 86(f); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 86(f)).

**Pleas:** Guilty to Charges 1, 2 and 4

Charge 3 withdrawn by the Stewards

**DECISION**

Mr Frank Meyer, you have pleaded guilty to three charges. The Stewards have withdrawn one charge.

The three remaining charges are pursuant to Greyhounds Australasia Rule (“GAR”) 86(f). Each involves improper conduct towards a Steward.

The first such charge arises out of your conduct towards Steward, Ms Meg Bayliss, at a Ballarat meeting on 18 February 2022. We regard this as the most serious of the charges. You were angry in relation to the swabbing of your dog, “Little Leo”, which had competed in Race 8 and the fact that another particular dog had not been swabbed. You were initially aggressive to Ms Bayliss. You went straight into the Stewards room. She was on the telephone. You and her then moved from that room. At one stage you put your arm around her shoulder, to which she quite understandably objected. You made a remark to the effect that you were sorry and that you had not touched a young girl like that in years.

The other remaining charges involve remarks you made concerning the Chief Steward, Mr Paul Searle. During a telephone conversation with the Investigative Stewards on 27 February 2022, you commented to the effect that the Chief Steward was “not worth a bumper” and that was why “he got thrown out of Western Australia”. This constitutes Charge 2.

On 24 February 2022 you had posted a comment on a social media website known as “Greyhoundunion”. This was that the “chief steward & head of integrity & staff should resign that would put a bigger smile on the faces of members”. This is the basis of Charge 4. As stated, Charge 3 was withdrawn.

Further, as stated, you have pleaded guilty to these charges. Your background is that you are 74 years of age and effectively live alone in Simson, which is a short distance out of Maryborough. Your only income is the pension and you have various financial commitments. There are 13 acres on the property and you have kennels there. We found it a little hard to follow exactly how many greyhounds you have there, as there are some awaiting placement in the Greyhound Adoption Program (“GAP”) and at least one would seem to be a pet. The activity history report of the Stewards would indicate that you train four greyhounds, although one would not seem to have raced for over a year.

In relation to your record, this is certainly not free of blemishes. There have been fines for matters such as offensive conduct and inappropriate language. Importantly, on 9 September 2020 you were suspended for three months for insulting and offensive conduct. Further, we take into account that you had been ill and were just recovering from Covid when this occurred.

In the present case, we accept that your behaviour towards Ms Bayliss was in part precipitated by anger in relation to the swabbing of your dog and related matters. This does not excuse the way you behaved, but is a central part of the background. Putting your arm around Ms Bayliss’ shoulder was something you certainly should not have done. Understandably, she objected to this. Stewards have enough to do without having to put up with ill-mannered behaviour such as you exhibited and particularly you should not have touched Ms Bayliss or in any way manhandled her.

For this conduct, and bearing in mind the gravity of the offence and your record, you are suspended until 1 April 2023.

In relation to Charge 2, your observation concerning Mr Searle, this is entirely inappropriate behaviour towards the Chief Steward. His role is a busy and important one. His duties are constant and demanding. We take into account your health and very limited finances. In relation to this charge, you are fined the sum of $200.

To place such observations and abuse on a social media outlet is, in our opinion, marginally worse. We again take into account your health and your financial situation. On Charge 4, you are fine the sum of $250.

We might add that we regard Charges 2 and 4 as being, in essence, corollaries of Charge 1, arising shortly after it and at a time when you were in ill health.

Thus, the total penalty is suspension until 1 April 2023 and fines totalling $450.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal