1 December 2021

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MATTHEW WALSH**

**Date of hearing:** 18 February 2021

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Brett Day appeared on behalf of the Stewards.

Mr Matthew Walsh represented himself.

**Charges and Particulars:** **Charge 1**

Australian Harness Racing Rule 231(2) states “A person shall not misconduct himself in any way”.

The particulars of the charge being:

1. On 19 February 2021 a race meeting was conducted at Cobram which you attended and performed the duties of a stablehand;

2. In response to the speed in which you approach the ‘Covid Checkpoint’ at the Cobram racecourse Raceday Medic Mr Justin Carroll remarked to you “It’s not a highway” or words to the effect thereof;

3. You responded to Mr Carroll by remarking “what are you a fucking copper” or words to the effect thereof; 4. By directing these comments inclusive of offensive language you misconducted yourself.

**Charge 2**

Australian Harness Racing Rule 187(5) states “A person shall not abuse, intimidate or be deliberately obstructive of the Stewards”.

The particulars of the charge being:

1. On 19 February 2021 you attended the Cobram harness racing meeting and performed the duties of a stablehand;

2. When appearing before the HRV Stewards you did remark towards Harness Racing Victoria Investigative Steward Russell Anderson “Yeah right, well you’re a liar, you tell lies”, “I have a barrister going to chase this up because you you’re lying fucking piece of shit”, “You’re a liar” and “That’s why you left the force, remember” or words to the effect thereof;

3. By making these comments, or words to the effect thereof, you did abuse Harness Racing Victoria Investigative Steward Russell Anderson.

Charge 3

Australian Harness Racing Rule 247 states “A person attending before the Controlling Body its members or employees, the Stewards, officials, or at any proceeding under these rules, shall not speak or behave in a malicious, intimidatory or otherwise improper manner”.

The particulars of the charge being:

1. On 19 February 2021 you attended the Cobram harness racing meeting and performed the duties of a stablehand;

2. You were required to attend before the HRV Stewards in relation to an alleged incident at the ‘Covid Checkpoint’ at the entry to the racecourse;

3. When initially attending before the HRV Stewards you remarked that HRV Investigative Steward Russell Anderson was an “ex-dirty copper” and “ex-corrupt police investigator” or words to the effect thereof;

4. When initially attending before the HRV Stewards you remarked concerning HRV General Manager – Integrity Brent Fisher that “ Well your Brent Fisher, your Brent Fisher your main man he’s got a question mark for corruption over his head” or words to the effect thereof;

5. When attending before the HRV Stewards, and after having been cautioned, you continually spoke over the Stewards in a disrespectful manner;

6. When attending before the HRV Stewards you displayed a contemptuous attitude and remarked “Your kangaroo courts don’t mean nothing to me anymore”, “Your roo courts don’t mean nothing. I copped this in prison right”, “This is above you guys. You’re not qualified to do these …this kangaroo court” and “The roo court yep” or words to the effect thereof;

7. The specific comments and behaviour, detailed above as occurring whilst you were attending before the HRV Stewards, are individually and collectively improper behaviour.

**Plea:** Guilty

**DECISION**

Mr Matthew Walsh, you have pleaded guilty to three charges. These are breaches of Australian Harness Racing Rules 232(2), 187(5) and 247.

Essentially, the charges relate to your conduct towards the Stewards, the language which you directed at them and the like.

During a Directions Hearing in relation to these charges, which arise from misconduct by you, there was some discussion with Mr Brett Day, representing the Stewards and yourself as to the penalties which the Stewards would be seeking in the event of findings of guilty. It became apparent that the penalties which the Stewards would seek if findings of guilty were made were considered by you to be fair and reasonable. Indeed, you apologised to the Stewards for the behaviour towards them which constituted the offences, this behaviour essentially being the use of abusive language and the like. You agreed with and accepted the proposed penalty.

That penalty was the suspension for 12 months of your licence to drive in races. You are only an occasional race driver. Much of your concern had been in relation to you being able to perform stable work, drive in trials, attend race meetings and the like. When the situation was clarified with you, you pleaded guilty and accepted the proposed penalty.

This was a very sensible outcome. Of course, the ultimate decision is always one for the Tribunal, but I have no hesitation in accepting and making the suggested Orders. I congratulate the parties for the very sensible approach that has been adopted.

On Charge 1, your licence to drive in races is suspended for a period of 12 months, commencing 19 February 2021. Charges 2 and 3 are struck out.

Mark Howard
Registrar, Victorian Racing Tribunal