10 February 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**ROBERT PROCTOR**

**Date of hearing:** 4 February 2021

**Panel:** Judge John Bowman (Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Damien Hannan, instructed by Mr Marwan El-Asmar, appeared on behalf of the Stewards.

Mr Robert Proctor represented himself.

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

A person (including an official) shall be guilty of an offence if the person 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 any other person having official duties in relation to greyhound racing.

GAR 86(f)(iii) states:

A person (including an official) shall be guilty of an offence if the person 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 the Controlling Body, or a member of the Controlling Body.

**Particulars of charge: Charge 1**

You, being a person registered with Greyhound Racing Victoria, did engage in the use of contemptuous, insulting or offensive language in relation to a person having official duties in regard to greyhound racing, in that:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 315607) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On Monday 2December 2019, in the course of a conversation with Ms Anthea STANTON (Ballarat Greyhound Complex – Event Co-Ordinator), you engaged in the use of improper, insulting or offensive language, conduct or behaviour in that you stated the following whilst being aggressive, shouting and waving your arms:
3. *“Are you fucking serious”? and*
4. *“Do you think I am fucking driving to Geelong, stupid bitch.”*

**Charge 2**

You, being a person registered with Greyhound Racing Victoria, did engage in the use of contemptuous, insulting or offensive language in relation to a person having official duties in regard to greyhound racing, in that:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 315607) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On Monday 2December 2019, in the course of a conversation with Ms Leeanne CRAWFORD (Greyhound Racing Victoria – Learning and Development Coordinator), you engaged in the use of improper, insulting or offensive language, conduct or behaviour in that you stated the following whilst being aggressive, argumentative and waving your arms:
3. *“GRV are a fucking joke”*
4. *“This is fucking bullshit.”*

**Plea:** Not guilty

**DECISION**

Mr Robert Proctor, you have pleaded “not guilty” to two charges. These charges are breaches of Greyhounds Australasia Rule (“GAR”) 86(f)(iv) and 86(f)(iii). They relate to incidents that occurred at the Ballarat Greyhound Complex on 2 December 2019.

The Rules in question can be summarised as follows: the charge pursuant to GAR 86(f)(iv) relates to alleged aggressive behaviour, including insulting or offensive language, directed to Ms Anthea Stanton, the Event Coordinator of the Ballarat Greyhound Racing Club. The charge pursuant to GAR 86(f)(iii) relates to improper or offensive language and aggressive behaviour directed to Ms Leeanne Crawford, the Learning and Development Coordinator of Greyhound Racing Victoria.

Your alleged behaviour occurred in the offices of the Ballarat Greyhound Complex. It is asserted that you were in the office collecting a starting fee in relation to a dog which was racing at that meeting. At the time, Greyhound Racing Victoria (“GRV”) was also conducting sessions with veterinary surgeons at various locations. You endeavoured to obtain a place at one such session, but were told by Ms Stanton that no vacancies remained for the Ballarat sessions that and you might have to go to Geelong or elsewhere. It is asserted by her that you became extremely angry and abusive, using bad language, asking if she was "fucking serious" and describing her as a "stupid bitch".

Ms Jill Tunbridge, Business Services Manager of the Ballarat Greyhound Racing Club, was working in an adjoining office. She became aware of the agitation and upset in Ms Stanton's office. She went into that office. She alleges that you were extremely agitated, spitting out your words and swearing. She claims that she took you to the table where Ms Crawford was sitting, Ms Crawford being familiar with the veterinary sessions. Ms Crawford alleges that you were agitated and launched into a tirade of abuse concerning the sessions and GRV. She asserts that you used language such as "a fucking joke" and "fucking bullshit".

You admit having discussions with the three people in question, but deny that you used bad language, other than "bullshit". You deny that you were aggressive and angry. You assert that this is a case of mistaken identity and that it was another trainer who behaved in the manner described.

We do not accept this. We are comfortably satisfied that you behaved in the manner described by Ms Stanton, Ms Tunbridge and Ms Crawford. We are comfortably satisfied that you used the language described in the statements of Ms Stanton and Ms Crawford. We accept that you were aggressive as alleged. We accept that Ms Stanton in particular became quite distressed.

We do not accept that this is a case of mistaken identity. Ms Stanton had dealt with you at the counter and you had given her your name and registration number. Ms Tunbridge saw you in the office with her. You were effectively taken to Ms Crawford by Ms Tunbridge. All three identified you in this hearing. You admit talking to all three, but assert that somehow, they came to confuse you with some other trainer who arrived later. We do not accept that. They have identified you. The sequence of events has been described. They have been firm and, in our opinion, reliable in relation to the identification of you and the description of your behaviour. In short, we are comfortably satisfied that the charges have been proven. We shall hear the parties on the question of penalty.

**PENALTY**

This was very poor behaviour and we can understand why Ms Stanton, for example, in particular was upset at the time and briefly tearful a few days later.

The staff of the Ballarat Greyhound Racing Club and GRV are entitled to go about their business without having to endure behaviour such as yours.

We accept that it was a spontaneous and not a premeditated outburst. It was not a calculated and slanderous collection of insults posted subsequently on social media. It was not an attack on the honesty or integrity of the people involved. That does not excuse it. However, there is a distinction between behaviour of the nature you engaged in and a calculated attempt to destroy character and credit on social media.

You do not get the benefit of a guilty plea and have indicated no remorse. You have been training dogs for in excess of twenty years. You have an excellent record. This behaviour appears to have been out of character. You live on your own and the dogs must effectively be your main interest in life. You have no other work.

In all the circumstances, we are not of the view that a period of suspension is warranted. You are fined the sum of $750 on each charge, making a total fine of $1,500.

Mark Howard
Registrar, Victorian Racing Tribunal