15 December 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**WILLIAM McMAHON**

**Date of hearing:** 9 December 2022

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Judge Marilyn Harbison.

**Appearances:** Mr Steven Brnovic, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.

Mr William McMahon represented himself.

**Charges:** Greyhounds Australasia Rule (“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.

GAR 86(f)(i) 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.

GAR 86(f)(iv) 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-

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

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 the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct.

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

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 44472) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.
2. On 11 February 2022, you were present at Traralgon Greyhound Racing Club and you were the handler of Greyhound “Desley” for Race 4 commencing at 7.53 pm.
3. On 11 February 2022, you engaged in conduct that was detrimental or prejudicial to the interest, image, control or promotion of greyhound racing, in that:
4. you were present at Traralgon Greyhound Racing Club and you were the handler of Greyhound Desley for Race 4 commencing at 7.53 pm;
5. While walking to the starting boxes and in control of the greyhound ‘Desley’, you intentionally exposed your underwear in view of other participants, members of the public and cameras.
6. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(q) (as then in force) to engage in the conduct described in particular 3.
7. By reason of Greyhounds Australasia Rule 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:
8. affect the previous operation of the Old Rules (including Rule 86(q));
9. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 86(q)); or
10. affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of Rule 86(q)).

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

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 44472) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.
2. On 13 February 2022, you were the handler of greyhounds in three (3) events at Sale Greyhound Racing Club where Ms Heather Harvey and Mr Rohan Berkhout were exercising the functions and powers, and carrying out the duties, of a Race Steward.
3. Stewards Harvey and Berkhout conducted an inquiry with you in the Stewards room due to concerns that you were slow in boxing greyhounds and that you had shown signs that you were impaired by alcohol.
4. During the inquiry with Stewards, you were hostile and your conduct was offensive including in the course of making the following statements:
5. “Scratch all me dogs. Scratch all me dogs, you don’t fuck with me”.
6. “All me dogs come out now. Scratch the fucking lot”.
7. “Everyone in the industry thinks youse a joke”.
8. “You are pathetic”.
9. “You’re wrong. You’re a dairy farmer and nothing else”. (Referring to Steward Heather Harvey)
10. “How they gave you a steward’s job is beyond me. And you too”.
11. “Let’s get one thing straight right, people come to me with bad dogs right, whatever you do, do not take me on, on this one, I am not pulling cows tits”.
12. “You do realise you are opening a can of worms you don’t want to open”.
13. “I do not care about your kennel staff, they are not trained they are not greyhound people”.
14. “You stewards are a joke”.
15. Each of the statements particularised in paragraph 4 above, individually and in combination, amounted to the use of improper conduct or behaviour in a manner or form towards, or in relation to, a Steward or Stewards.
16. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(f)(i) (as then in force) to engage in the conduct described in particulars 4 and 5.
17. By reason of Greyhounds Australasia Rule 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:
18. affect the previous operation of the Old Rules (including Rule 86(f)(i));
19. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 86(f)(i)); or
20. affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of Rule 86(f)(i)).

 **Charge 3: GAR 86(f)(iv)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 44472) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.
2. On 13 February 2022, you were the handler of greyhounds in three (3) events at the Sale Greyhound Racing Club where Ms Heather Harvey and Mr Rohan Berkhout were exercising the functions and powers, and carrying out the duties, of a Race Steward.
3. Stewards Harvey and Berkhout conducted an inquiry with you in the Stewards room due to concerns that you were slow in boxing greyhounds and that you had shown signs that you were impaired by alcohol.
4. During the inquiry with Stewards, you were hostile and your conduct was offensive, including in the course of making the following statements:
5. “Scratch all me dogs. Scratch all me dogs, you don’t fuck with me”.
6. “All me dogs come out now. Scratch the fucking lot”.
7. “Everyone in the industry thinks youse a joke”.
8. “You are pathetic”.
9. “You’re wrong. You’re a dairy farmer and nothing else”. (Referring to Steward Heather Harvey)
10. “How they gave you a steward’s job is beyond me. And you too”.
11. “Let’s get one thing straight right, people come to me with bad dogs right, whatever you do, do not take me on, on this one, I am not pulling cows tits”.
12. “You do realise you are opening a can of worms you don’t want to open”.
13. “I do not care about your kennel staff, they are not trained they are not greyhound people”.
14. “You stewards are a joke”.
15. You thereby engaged in improper conduct or behaviour in a manner or form towards, or in relation to, a person having official duties in relation to greyhound racing.
16. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(f)(iv) (as then in force) to engage in the conduct described in particulars 4 and 5.
17. By reason of Greyhounds Australasia Rule 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:
18. affect the previous operation of the Old Rules (including Rule 86(f)(iv));
19. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 86(f)(iv)); or
20. affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of Rule 86(f)(iv)).

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

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 44472) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.
2. On 13 February 2022, you were the handler of greyhounds in three (3) events at Sale Greyhound Racing Club where Ms Heather Harvey and Mr Rohan Berkhout were exercising the functions and powers, and carrying out the duties, of a Race Steward.
3. Stewards Harvey and Berkhout conducted an inquiry with you in the Stewards room due to concerns that you were slow in boxing greyhounds and signs that you were impaired by alcohol.
4. During the inquiry with Stewards, you were hostile and your conduct was offensive, including in the course of making the following statements.
5. “Scratch all me dogs. Scratch all me dogs, you don’t fuck with me”.
6. “All me dogs come out now. Scratch the fucking lot”.
7. “Everyone in the industry thinks youse a joke”.
8. “You are pathetic”.
9. “You’re wrong. You’re a dairy farmer and nothing else”. (Referring to Steward Heather Harvey)
10. “How they gave you a steward’s job is beyond me. And you too”.
11. “Let’s get one thing straight right, people come to me with bad dogs right, whatever you do, do not take me on, on this one, I am not pulling cows tits”.
12. “You do realise you are opening a can of worms you don’t want to open”.
13. “I do not care about your kennel staff, they are not trained they are not greyhound people”.
14. “You stewards are a joke”.
15. In the opinion of the stewards, you have, in relation to greyhound racing engaged in conduct which was improper and constitutes misconduct.
16. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(o) (as then in force) to engage in the conduct described in particulars 4 and 5.
17. By reason of Greyhounds Australasia Rule 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:
18. affect the previous operation of the Old Rules (including Rule 86(o));
19. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 86(o)); or
20. affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of Rule 86(o)).

 **Charge 5: GAR 86(q)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 44472) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.
2. On 27 February 2022, you were present at Sale Greyhound Racing Club and you were the handler of Greyhound “Dr Dean” for Race 7 commencing at 7.39 pm.
3. At the conclusion of Race 7, you grabbed the tail of the greyhound Dr Dean while you were in the catching pen and dragged it away, causing it pain and discomfort.
4. Your conduct in grabbing and dragging the greyhound Dr Dean in the catching pen was engaged in in an area visible to the public and was captured on CCTV at the Track.
5. You have thereby engaged in conduct that was detrimental or prejudicial to the interest, image, control and promotion of greyhound racing.
6. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(q) (as then in force) to engage in the conduct described in particulars 3, 4 and 5.
7. By reason of Greyhounds Australasia Rule 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:
8. affect the previous operation of the Old Rules (including Rule 86(q));
9. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 86(q)); or
10. affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of Rule 86(q)).

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

Not Guilty to Charge 5

Charge 3 withdrawn by the Stewards

**DECISION**

Mr William McMahon has pleaded guilty to Charges 1, 2 and 4. At the commencement of the hearing, Stewards withdrew Charge 3, leaving Charge 5 as the only charge in dispute.

Having watched a replay of the video footage at the end of the race, it is very clear that Charge 5 is made out against Mr McMahon. There is no reason for allowing licensed participants/trainers/handlers to pull greyhounds by their tail under any circumstances. The fact that Mr McMahon is not as agile as he once was and that the dog, “Dr Dean”, could get aggressive if left for too long with the other participants in the catching pen is no excuse. Other trainers restrained their greyhounds without pulling on their tails. We accept the evidence from Greyhound Racing Victoria (“GRV”) that Dr Dean would have been uncomfortable and in pain by having its tail pulled. Furthermore, such action by Mr McMahon presents an image that is poor and detrimental to the racing industry.

Mr McMahon has been a long-term participant in the racing industry. He has a large-scale operation with over 300 greyhounds and is assisted by his family members and four staff.

Although he has pleaded guilty to three charges, he has a relevant history of abusive behaviour. Stewards are entitled to perform their duties without fear of being abused. In our consideration, general and specific deterrence are most relevant to inform both licensed personnel and Stewards that aggressive behaviour and abuse towards them will not be tolerated.

In all the circumstances, on Charge 1, we impose a penalty of a $250 fine. On Charge 2, we impose a six month immediate suspension. On Charge 4, we impose a six month suspension which is to be concurrent with the penalty imposed on Charge 2. On Charge 5, we impose a fine of $2,000 with $1,000 to be suspended for a period of 12 months pending no further Rule breaches.

Mark Howard
Registrar, Victorian Racing Tribunal