23 December 2022

**DECISION ON PENALTY**

**GREYHOUND RACING VICTORIA**

**and**

**BRANDYN GRENFELL**

**Date of hearing:** 20 December 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Robert Abrahams.

**Appearances:** Mr Patrick Considine appeared on behalf of the Stewards.

Mr Brandyn Grenfell did not attend the hearing.

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

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

(f) engages in… the use of any contemptuous, unseemly, improper… 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.

**Particulars of charge:** 1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 236132) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

 2. On 3 January 2022, you made a phone call to the mobile phone number of Lachlan Gough being a person having official duties in relation to greyhound racing.

 3. During that call you used the following threatening language, which individually and altogether, was contemptuous, unseemly and improper:

 a. “I'm going to be at The Meadows on Wednesday night and I'll fix you up then….”

 b. “…because what I do is I fix things..”

 c. “And if there's an issue, I sort it”.

 d. “So, what I'm telling you right now is that if it doesn't stop I'll fix it”.

 e. “If you say my name once more I'll fix that, that's what I'm going to say”.

**Plea:** Not Guilty

**PENALTY**

1. Mr Grenfell was found guilty in a decision of this Tribunal published on 27 October 2022 of an offence under Greyhounds Australasia Rule (“GAR”) 86(f). The offending conduct occurred in a telephone conversation with a Greyhound Racing Victoria (“GRV”) official.
2. The Tribunal considered that Mr Grenfell used language which was unseemly and improper as directed to a GRV official. The Tribunal found that the language used made the official uneasy in dealing with Mr Grenfell. The comments were referred to in the decision as “inappropriate”, “disrespectful” and “a form of bullying”.
3. Counsel for GRV referred to the comments as “threatening”. Mr Grenfell was not dealt with on a charge of making threatening comments. We accept that he did not intend to make threatening comments, but the words used by him were unequivocally unseemly and improper.
4. In setting a penalty, we take into account the principles of general and specific deterrence and denunciation of the conduct. We regard the offending as serious, because it concerns an industry participant in an inappropriate dealing with an official. Officials must be entitled to go about their work without being subjected to that sort of conduct from industry participants.
5. We note that Mr Grenfell contested the charge and is not entitled to the discount on penalty that would flow from a guilty plea. However, we observe that Mr Grenfell has no relevant prior breaches of the Rules on his record. We also note that the conduct occurred during a single phone call. It did not concern a public Facebook post or email or other similar matter, as has occurred with other transgressions by other industry participants under the Rule in question.
6. In all the circumstances, we impose a penalty of three months disqualification, to commence today, and a fine of $1,500.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal