6 June 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**CRAIG WEBB**

**Date of hearing:** 15 May 2023

**Date of decision:** 25 May 2023

**Panel:** Judge John Bowman (Chairperson), Judge Kathryn Kings (Acting Deputy Chairperson) and Ms Maree Payne.

**Appearances:** Ms Sally Flynn KC instructed by Ms Sarah Manly appeared on behalf of the Stewards.

Mr Lynton Hogan appeared on behalf of Mr Craig Webb.

**Charges and particulars:**

**Charge No. 1 (Allegation 1)**

Greyhounds Australasia Rules **86 (f) (i)** reads as follows:

*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 - A Steward*

**Particulars of the Charge being**:

1. You were at all relevant times registered as a trainer with Greyhound Racing Victoria (“GRV”) (Member Number 304505) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.
2. In 2019 you were present at a race meeting.
3. At that race meeting, an official was working.
4. During that race meeting, whilst the official was attempting to secure her coat and hood around her chin, you approached the official and you then put your hands around the neck of the official and shook her a bit, thereby making her feel uncomfortable and, after removing your hands from her neck, you then slapped her back with your left hand.
5. You thereby engaged in improper conduct or behaviour in a manner or form towards, or in relation to an official.

**Charge No. 7 (Allegation 5)**

Greyhounds Australasia Rules **86 (f) (i)** reads as follows:

*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 – a Steward*

**Particulars of the Charge being**:

1. You were at all relevant times registered as a trainer with Greyhound Racing Victoria (“GRV”) (Member Number 304505) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.

2. In or around January 2021 you were present at a race meeting.

3. At that race meeting, an official was and carrying out her duties.

4. During that race meeting, whilst the official was working, you approached the official and you then touched her on her back, put your hands around her waist and said words to the effect of: “Aren’t I lucky.”

5. You thereby engaged in improper conduct or behaviour in a manner or form towards, or in relation to, an official.

**Charge No. 9 (Allegation 10)**

Greyhounds Australasia Rules **86 (f) (iv)** reads as follows:

*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;*

**Particulars of the Charge being**:

1. You were at all relevant times registered as a trainer with Greyhound Racing Victoria (“GRV”) (Member Number 304505) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.

2. In June 2021 you were present at a race meeting.

3. At that race meeting, an official was working and had official duties in relation to greyhound racing.

4. Prior to the first race at that race meeting, an official was taking off her jumper because it was warm, you said to her words to the effect of: “Thanks for stripping for me.”

5. 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.

**Charge No. 11 (Allegation 11)**

Greyhounds Australasia Rules **86 (f) (iv)** reads as follows:

*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;*

**Particulars of the Charge being**:

1. You were at all relevant times registered as a trainer with Greyhound Racing Victoria (“GRV”) (Member Number 304505) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.

2. In June 2021 you were present at a race meeting.

3. At that race meeting, an official was working and had official duties in relation to greyhound racing.

4. During that race meeting, an official was standing outside the kennel block, you approached her, touched her on her right arm and, whilst pointing at her belt buckle, said words to the effect of: “I couldn’t do this inside as I’d get into trouble, but I just want to tell you, I’m so glad you wore that belt buckle to express your love for me”, thereby making her feel uncomfortable, and then touched her back before walking away.

5. 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.

**Charge No. 13 of 22 (Allegation 20)**

Greyhounds Australasia Rules **86 (f) (iv)** reads as follows:

*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;*

**Particulars of the Charge being**:

1. You were at all relevant times registered as a trainer with Greyhound Racing Victoria (“GRV”) (Member Number 304505) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.

2. In August 2021 you were present at a race meeting.

3. At that race meeting, an official was working and had official duties in relation to greyhound racing.

4. During that race meeting, an official was approached by you from behind when you then touched her back or the sides of her body with both hands without her consent and said words to the effect of “Oh, get out of my way” in a joking manner, before you then walked away from her and then, shortly after, you again approached the official and, pointing toward her right knee, said words to the effect of: “You’ve been on your knees, have you”.

5. 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.

**Charge No. 17 (Allegation 8)**

Greyhounds Australasia Rules **86 (o)** reads as follows:

*A person (including an official) shall be guilty of an offence if the person - 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 the Charge being**:

1. You were at all relevant times registered as a trainer with Greyhound Racing Victoria (“GRV”) (Member Number 304505) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.

2. In or around June 2021 you were present at a race meeting.

3. During that race meeting, on multiple occasions, you approached the participant and kissed her on the cheek without her consent.

4. You have thereby, in relation to greyhound racing, done a thing which, in the opinion of the Stewards, was improper or which constituted misconduct.

**Charge No. 18 (Allegation 15)**

Greyhounds Australasia Rules **86 (o)** reads as follows:

*A person (including an official) shall be guilty of an offence if the person - 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 the Charge being**:

1. You were at all relevant times registered as a trainer with Greyhound Racing Victoria (“GRV”) (Member Number 304505) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.

2. During a race meeting in August 2021, you were present and a trainer, a participant was also present.

3. On an occasion during that meeting, whilst the participant was standing in front of her car, you approached her and said to her words to the effect of: “My penis is so stiff now that I’ve seen you.”

4. You have thereby, in relation to greyhound racing, done a thing which, in the opinion of the Stewards, was improper or which constituted misconduct.

**Charge No. 19 (Allegation 17)**

Greyhounds Australasia Rules **86 (o)** reads as follows:

*A person (including an official) shall be guilty of an offence if the person - 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 the Charge being**:

1. You were at all relevant times registered as a trainer with Greyhound Racing Victoria (“GRV”) (Member Number 304505) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.

2. During a race meeting in August 2021, you were present and a participant was also present.

3. On an occasion during that meeting, in August, 2021, whilst the participant was talking to your son, you approached your son from behind and then pulled your son’s pants down in front of the participant.

4. You have thereby, in relation to greyhound racing, done a thing which, in the opinion of the Stewards, was improper or which constituted misconduct.

**Charge No. 20 (Allegation 18)**

Greyhounds Australasia Rules **86 (o)** reads as follows:

*A person (including an official) shall be guilty of an offence if the person - 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 the Charge being**:

1. You were at all relevant times registered as a trainer with Greyhound Racing Victoria (“GRV”) (Member Number 304505) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.

2. On or about August 2021 you were present at the race meeting and a participant was also present at that race meeting.

3. During that race meeting, whilst the participant was seated, you approached her from behind her and tried to put your hand down the front of her shirt.

4. You have thereby, in relation to greyhound racing, done a thing which, in the opinion of the Stewards, was improper or which constituted misconduct.

**Charge No. 21 (Allegation 6)**

Greyhounds Australasia Rules **86 (o)** reads as follows:

A person (including an official) shall be guilty of an offence if the person - *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 the Charge being**:

1. You were at all relevant times registered as a trainer with Greyhound Racing Victoria (“GRV”) (Member Number 304505) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.

2. In or around early 2021 you were present at a race meeting and a participant was also present at that race meeting.

3. During that race meeting, whilst the participant was collecting a greyhound from her trailer, you approached the participant from behind her, grabbed her on her hips and pretended to do a sexual act behind her whilst suggesting that she leave her partner.

4. You have thereby, in relation to greyhound racing, done a thing which, in the opinion of the Stewards, was improper or which constituted misconduct.

**Charge No. 22 (Allegation 16)**

Greyhounds Australasia Rules **86 (o)** reads as follows:

*A person (including an official) shall be guilty of an offence if the person - 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 the Charge being**:

1. You were at all relevant times registered as a trainer with Greyhound Racing Victoria (“GRV”) (Member Number 304505) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and the Local Racing Rules.

2. In August 2021 a race meeting was conducted and both you and a participant were present at that race meeting.

3. After the race meeting had finished, and whilst trials were then being conducted, whilst a participant was with an official, you approached the participant and pretended to kiss her on her cheek, making her feel uncomfortable, and you then said to the official words to the effect of: “You’re just jealous”.

4. You have thereby, in relation to greyhound racing, done a thing which, in the opinion of the Stewards, was improper or which constituted misconduct.

**Pleas:** Not Guilty to all charges

**DECISION**

**INTRODUCTORY REMARKS**

Mr Craig Webb, you have been found guilty of a number of breaches of Rule 86 of the Greyhounds Australasia Rules (“GARs”). All of these offences concern your behaviour towards female officials of Greyhound Racing Victoria (“GRV”) and licensed female participants. The offences took place on or in the immediate vicinity of greyhound race meetings conducted under the auspices of GRV. We shall deal only with those charges in relation to which a penalty was imposed and which are set out above.

We say at the outset that there is a pattern of behaviour which permeates these offences, which are of varying gravity.

Before dealing with the penalties for the individual charges, we emphasise that a pattern of behaviour such as this is to be strongly condemned. Officials and participants should be able to go about their business without having to put up with behaviour from a licensed person that ranges from the annoying or disrespectful to the completely offensive, intolerable and deserving of strong condemnation.

We turn now to the individual charges and the penalties to be imposed.

We shall deal with the charges in the sequence set out in the details preceding these sentencing remarks, save that we shall state our penalty for Charge 20 at the outset. We would point out that, in the table of penalties set out by GRV, the penalty for Charge 20 is listed specifically as being the “Head Sentence”. We think that this is appropriate and no argument to the contrary was advanced. We also accept the approach effectively adopted by the Stewards that the penalties in relation to the other offences are concurrent with, rather than additional to, the Head Sentence.

We find that the appropriate penalties are as follows.

**Charge 20**

This is indeed a serious offence. It involves the placing of your hand down the front of the blouse of a participant. It seems to have occurred suddenly, giving the participant little or no chance to avoid it. This is completely unacceptable. On your behalf, Mr Hogan has argued that a penalty range of six to 12 months suspension or disqualification is appropriate. We disagree. In our opinion, the appropriate penalty is disqualification for two years.

We turn now to the other charges. We shall not go into them in great detail. The charges and penalties are as follows:

**Charge 1**

This involves the touching of an official in the area of the back of her neck. It was a very brief touching, and at first scarcely visible on the video material. Nevertheless, it occurred. Officials are entitled to go about their duties without being touched by participants. However, we disagree with the submission of the Stewards that a period of disqualification is warranted. This was a fleeting incident. In our opinion, the appropriate penalty is a fine of $250.

**Charge 7**

This relates to you putting your arm around the shoulders of an official and using words to the effect of “Aren’t I lucky”. Touching of this nature accompanied by observations such as this is offensive and unacceptable. The appropriate penalty is suspension for one month, wholly concurrent with the penalty on Charge 20.

**Charge 9**

On this occasion, you observed an official taking off her jumper. We accept that, in a leering fashion, you thanked her for stripping for you. Whilst this charge does not involve physical contact, we regard it as being unpleasant and embarrassing. We fix the penalty as being suspension for six months, wholly concurrent with the penalty on Charge 20.

**Charge 11**

This charge relates to your touching an official on the arm and stating words to the effect that you wanted to thank her for wearing the particular belt that she had on so as to express her love for you.

This conduct was also unacceptable and embarrassing. We fix the penalty as being suspension for six months, wholly concurrent with the penalty on Charge 20.

**Charges 13**

This charge involves you placing your left hand upon an official and saying, perhaps facetiously, “get out of my way”. It also involves making lewd comments concerning a hole or tear in the trousers that she was wearing.

In our opinion, Charge 13, involving, amongst other things, lewd and unsolicited comments, warrants a penalty of disqualification for a period of six months.

This penalty is concurrent with that on Charge 20.

**Charge 17**

Charge 17 concerns an unwanted kiss on the cheek of a participant. This was both unwanted and unanticipated behaviour. We fix the penalty at suspension for two months, wholly concurrent with the penalty on Charge 20.

**Charge 18**

This involves a particularly lewd comment made to an official or officials. This was totally unacceptable. The appropriate penalty is disqualification for three months. Again, this is wholly concurrent with the penalty on Charge 20.

**Charge 19**

This charge relates to you pulling down your adult son’s pants in the car park at a track when he was standing in a group containing a female participant or female participants. This behaviour was childish and offensive. It deserves a penalty of disqualification for three months. That penalty is wholly concurrent with the penalty on Charge 20.

**Charge 21**

Charge 21 also arises out of your conduct in the car park at a race meeting, but on an occasion different from that in Charge 19. You came up behind a participant who was bending forward into the boot of a car and mimicked a sexual act.

Firstly, this was appalling behaviour, not in the slightest comic or amusing, and extremely embarrassing for the participant involved.

We are of the view that this offence warrants a more severe penalty than many of the other offences.

You are disqualified for a period of 18 months. This is concurrent with the penalty on Charge 20.

**Charge 22**

This charge concerns you kissing, or almost kissing, an official who was in the midst of performing her duties, and then saying to another person words to the effect of “You’re just jealous”.

Whilst this behaviour is not as grievous as that involved in some other charges, it is nevertheless inappropriate, unwanted and embarrassing.

It deserves a penalty of four months suspension, which is wholly concurrent with the penalty on Charge 20.

**SOME FURTHER MATTERS**

We turn now to other matters involving your background, behaviour and later occurrences.

We accept that you have been in the industry for many years and have no record of any offences such as these. We have also taken into account the fact that you have arranged for and undertaken some medical or behavioural assistance.

Further, as a result of your behaviour you have been barred by the Stewards from attending greyhound meetings. This has been the situation for some eighteen months. Whilst it cannot be counted as time served by way of a penalty or a specific offence, clearly it is an important matter that can be taken into account. The Stewards have acknowledged this.

We accept that greyhound racing has long been an important and enjoyable feature in your life and that of your family.

We also note that you are a family man in full-time employment away from the greyhound racing industry.

You do not get the benefit of a reduction for a guilty plea. To plead not guilty was entirely your right, but you do not get the allowance that often accompanies a plea of guilty.

The Stewards originally submitted that the appropriate total penalty should be one of disqualification for three to five years. This was a global figure with no break down of individual penalties. We did not agree with this approach and individual penalties were then suggested for each charge. As we understand it, the Stewards’ submission remains that the total period of disqualification should be in the range of three to five years.

Mr Hogan, on your behalf, submitted penalties for each charge, although some of these submissions did not specify precise penalties. In any event, the penalties suggested by him varied from a warning and short suspension to a suspension or disqualification of 8 to 12 months for Charge 20.

As is evident from the above, we are of the opinion that a period of disqualification is warranted. We have made some allowance for your good record and for the fact that a form of penalty, in essence banning you from attending greyhound race meetings, was imposed on you by the Stewards some eighteen months ago. That ongoing penalty is of some significance. We also take into account the character references provided.

As earlier stated, the conclusion that we have reached is one of disqualification for a period of two years, commencing immediately. The concurrency of other penalties has been discussed. In addition, you are fined $250.

Mark Howard
Registrar, Victorian Racing Tribunal