

Racing Appeals & Disciplinary Board

Media Release

21 February 2017

Racing Appeals & Disciplinary Board

Date of Hearings: Tuesday, 21 February 2017
Venue of Hearings: Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria
Panel: Shane Marshall (Chairman), Mr. Terry O'Connor (Deputy
Chairman), and Mr. John Hutchison
Name of Person Charged: Mr. Paul Andrews
Town: Rosedale
Track: N/A
Date: 11 August 2015
GAR No: 86 (g), 86 (f) and 86 (o)

Offences Charged:

- (1) GAR 86 (g) Mr. Paul Andrews at his property (Miles Lane, Rosedale) on 11 August 2015, did wilfully assault GRV official Mr. Adam Evans.
- (2) GAR 86 (g) Mr. Paul Andrews did wilfully obstruct GRV officials Mr. A Evans, Ms. F Currie, Mr. G Huntington and Dr. A James from conducting a kennel inspection at his property (Mile Lane, Rosedale) on 11 August 2015.
- (3) GAR 86 (g) Mr. Paul Andrews at his property (Miles Lane, Rosedale) on 11 August 2015 did wilfully threaten GRV officials Mr. A Evans, Ms. F Currie, Mr. G Huntington and Dr. A James.
- (4) GAR 86 (f) Mr. Paul Andrews at his property (Miles Lane, Rosedale) on 11 August 2015 did engage in the use of unseemly, improper and offensive language towards GRV officials Mr. A Evans, Ms. F Currie, Mr. G Huntington and Dr. A James.
- (5) GAR 86 (o) Mr. Paul Andrews at his property (Miles Lane, Rosedale) on 11 August 2015 you did discharge a firearm in the vicinity of GRV officials Mr. A Evans, Ms. F Currie, Mr. G Huntington and Dr. A James whilst they were exercising their duties, which in the opinion of Stewards was improper and constituted misconduct.

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REPORT:

The Stewards of Greyhound Racing Victoria conducted an investigation into the behaviour of Mr. Paul Andrews at his property in Rosedale on 11 August 2015.

During the investigation, Stewards received evidence from registered trainer Mr. Paul Andrews, Mr. Greg Huntington (GRV Manager Investigation), Mr. Adam Evans (GRV – Animal Welfare Compliance and Education Officer), Ms. Fiona Currie (GRV – Animal Welfare Compliance and Education Officer) and Dr. Anthony James (GRV Veterinary Inspection Officer).

After considering the evidence, Stewards charged Mr. Andrews with breaches of Greyhounds Australasia Rules as indicated in charges (1) to (5) above.

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules breaches of 86 (g), 86 (f) and 86 (o) constitute Serious Offences. As a result, on Monday, 19 December 2015 and Tuesday, 20 December 2016 this matter was heard before the Racing Appeals and Disciplinary Board in the first instance under Greyhound Local Racing Rule 47.3 and Sections 83C(b) and 83M(1) of the Racing Act.

Mr. Andrews was represented by Mr. Peter Kilduff Barrister instructed by Littleton Hackford & D'Alessandro.

Mr. Paul Holdenson QC instructed by Corrs Chambers Westgarth appeared for the Stewards of Greyhound Racing Victoria.

Mr. Andrews pleaded not guilty to the charges.

Ms. Josie Gibilsco, Mr. Adam Evans, Ms. Fiona Currie, Dr. Anthony James, Mr. Greg Huntington appeared as witnesses.

DECISION:

1. This decision deals with the penalties to be imposed on Mr. Paul Andrews for breaches of various provisions of the Greyhound Australasia Rules ("GAR"). The breaches relate to an incident which occurred on Mr. Andrews' property on 11 August 2015.
2. In a decision published on 10 January 2017, the Board found Mr. Andrews guilty of five charges. Three were under GAR86 (g), one under GAR86 (f) and another under GAR86 (o). These reasons for decision must be read in conjunction with the reasons for decision of 10 January 2017.
3. In the 10 January decision the Board first dealt with the charge under GAR86 (o). The particulars of that charge were that Mr. Andrews discharged a firearm in the vicinity of Greyhound Racing Victoria ("GRV") officials while exercising their duties which in the

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opinion of stewards was improper and constituted misconduct. The Board dealt with this matter under the heading "Charge 5" at paragraphs 20 to 27 of the decision. At paragraph 27 the Board found that the firearm was discharged in the vicinity of GRV officials, "in an attempt to intimidate them from performing their duties in the absence of Mr. Andrews consent." The Board found at paragraph 26 that Mr. Andrews knew one of the officials, Mr. Evans, and knew that Mr. Evans was from GRV. After discharging the firearm, Mr. Andrews advanced towards Mr. Evans.

4. The above mentioned conduct of Mr. Andrews is quite appalling. The GRV officials were effectively in their workplace, carrying out an unannounced kennel inspection and seeking to inspect a trial track. Mr. Andrews wrongly viewed them as trespassers. As a licensed participant in the industry he was bound to permit them to conduct their inspection. As well as being deliberate and intimidatory, Mr. Andrews' actions were potentially dangerous. It is difficult to imagine a more serious breach of GAR86 (o). Officials in the industry must be protected from those people who seek to intimidate or harm them. They must be permitted to perform their jobs in a stress free environment especially without the fear of being intimidated by use of a firearm.
5. In determining an appropriate penalty for charge 5 the Board must be guided by the interests of justice; see S830 (1)(b) of the Racing Act 1958. It must balance just punishment, specific and general deterrence, denunciation, the preservation of the integrity of the industry and Mr. Andrews' prospects of rehabilitation. Taking all those matters into account the Board considers that the appropriate period of disqualification should be 10 years commencing from the date of Mr. Andrews' suspension as a trainer following the 11 August 2015 incident. The period of disqualification would have been longer but for Mr. Andrews' good record over many years in the industry. It is also important that the penalty would have been less had there been a guilty plea and/or any remorse.
6. The next charge dealt with the 10 January decision was charge No. 2. The particulars of that charge were that Mr. Andrews wilfully obstructed the officials from conducting kennel inspection. This charge was laid under GAR86 (g). The Board dealt with this charge at paragraph 28 of the decision. There the Board noted the discharge of the firearm, the attempt to take Mr. Evans' iPad and swearing at officials to get outside his property.
7. Again, GRV officials are entitled to conduct kennel inspections and licensed persons must submit to the authority of the officials to conduct those inspections. Mr. Andrews' conduct was again appalling in this respect. The officials were doing no harm. They were merely trying to do their jobs. On this charge the Board disqualifies Mr. Andrews for two years but orders that the period of disqualification be concurrent with the period in respect of charge 5.

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8. The Board then dealt with charge 3. That charge was laid under GAR86 (g). It alleged that Mr. Andrews wilfully threatened the GRV officials. The Board dealt with this at paragraph 29 of the decision. It found that Mr. Andrews had said to the officials "you've got two seconds" when approaching Mr. Evans to take his iPad.
9. This charge is a similar charge to charge 2. Any threat to GRV officials attempting to perform their jobs is a serious matter. On this charge we impose a penalty of two years' disqualification but order that it be served concurrently with the penalty in respect of charge 5.
10. The next charge dealt with by the Board was charge 1. Charge 1 was also laid under GAR86 (g). It alleged that Mr. Andrews wilfully assaulted Mr. Evans. The Board dealt with this matter at paragraph 30 of its decision. It found that Mr. Andrews launched himself at Mr. Evans and pushed and shoved Mr. Evans. This again is most appalling conduct. GRV officials should not be subject to being assaulted in their workplace, especially not by industry participants. The appropriate penalty for this charge is five years' disqualification, to be served concurrently with the period of disqualification in respect of charge 5.
11. The final charge dealt with by the Board was charge 4. This charge was laid under GAR86 (f). The Board dealt with this charge at paragraph 31. It referred to Mr. Andrews' swearing at the officials. GRV officials are entitled to be treated with respect by industry participants. Mr. Andrews' behaviour was disrespectful, especially in the presence of Ms. Currie. For this conduct the Board imposes a one year disqualification to be served concurrently with the period of disqualification in respect of charge 5.
12. We reject the submission of counsel for Mr. Andrews that it is a mitigating factor that Mr. Andrews was not charged with firearm offences before a criminal court. The reason or reasons for the failure to lay such charges are not before us. These factors do not deny the gravity of the charge which was before us, being charge 5. We also reject the submission that we should take into account that Mr. Andrews has been dealt with by a criminal court for assault and punished by a \$1,000 fine without conviction. There is no reason why the Board should treat that matter as a mitigating factor on charge 1. The Board can only act on the evidence before it, make a finding as to guilt or otherwise and in setting a penalty have regard only to evidence before it. We see no need to reduce the penalty on charge 1 because of what occurred before the Magistrates Court, especially given that we have imposed no fine in relation to it. Mr. Andrews sought to intimidate the GRV officials by use of a firearm and his physical actions from conducting a kennel inspection. He achieved those aims. It is appalling that he did so in those circumstances. The Board was comfortably satisfied as to those matters and is entitled to consider the appropriate penalty irrespective of what occurred in the criminal court.

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13. In conclusion, a message needs to be sent to the industry that animal welfare officers need to be able to go about their work safely. The industry will not function in an appropriate way if GRV officials are under any threat or risk of physical abuse as well as verbal abuse. The need to maintain the integrity of the industry cannot be overstated.

14. The effect of the penalties in respect of all charges is the Mr. Andrews is disqualified for a period of 10 years commencing on the date of his suspension, that is, 17 August 2015.

.....End.....