

22 August 2023

DECISION

GREYHOUND RACING VICTORIA

and

MITCHELL WHITE

- Date of hearing:** 17 August 2023
- Panel:** Judge John Bowman (Chairperson) and Mr Des Gleeson.
- Appearances:** Mr Steven Brnovic, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.
Mr Mitchell White represented himself.
- Charges:** Greyhounds Australasia Rule (“GAR”) 164(b) states:
An offence is committed if a person (including an official):
(b) refuses or fails to attend or to give evidence at an inquiry (or at any other disciplinary process, hearing or appeal proceeding) or produce a document or other thing in relation to an investigation, examination, test or inquiry (or other disciplinary process, hearing or appeal proceeding) pursuant to the Rules when directed by a Controlling Body, the Stewards, or another authorised person.
- GAR 165(c)(iv) states:
An offence is committed if a person (including an official):
(c) engages in contemptuous, unseemly, improper, insulting, or offensive conduct or behaviour in any manner or form towards, or in relation to:
(iv) a Steward or any other official of a Controlling Body or a Club

Particulars of charges: Charge 1: GAR 164(b)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (GRV) (Member No. 323966) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 11 September 2022, GRV Stewards directed you to attend an inquiry concerning the kennelling of greyhound "Paua of Janie" (NICCT) without the greyhound's registration card at Healesville Greyhound Racing Association, which was subsequently adjourned.
3. On 11 September 2022, GRV Stewards issued three (3) verbal directions to you to re-attend the Stewards' room for the purpose of recommencing the inquiry, in that:
 - (a) Prior to Race 7, GRV Steward Mr Paul Searle directed you to attend the Stewards' room to recommence the inquiry; and
 - (b) Following the running of Race 7, GRV Steward Mr Alan Blackmore directed you to attend the Stewards' room to recommence the inquiry with Mr Searle; and
 - (c) Prior to you leaving course, GRV Steward Ms Catherine Scarlett directed you to attend the Stewards' room to recommence the inquiry with Mr Searle.
4. You failed to attend the inquiry as directed by Stewards.

Charge 2: GAR 165(c)(iv)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (GRV) (Member No. 323966) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. During the race meeting held at the Healesville Greyhound Racing Association on 11 September 2022, you engaged in the use of contemptuous and/or unseemly and/or improper and/or insulting and/or offensive conduct or behaviour

towards GRV Chief Steward Mr Paul Searle, in that when requested by him to wait outside the Stewards' room, you have stated:

(a) "Fuck off"

3. At the relevant time, Mr Searle was acting in the capacity of a Steward and was a person undertaking official duties in relation to greyhound racing.

Pleas: Guilty to both charges

DECISION

Mr Mitchell White, you are pleading guilty to two charges. One is a breach of Greyhounds Australasia Rule ("GAR") 164(b), which could be summarised as being a failure or refusal to attend an inquiry. The second is a breach of GAR 165(c)(iv), which could be summarised as being improper, insulting or offensive conduct towards a Steward or official.

The charges arise out of your conduct at a Healesville meeting on 11 September 2022. You are a licensed person and have been since 29 April 2020. You have been a licensed public trainer since 15 February 2022. Both your parents are also licensed, with your father being an active participant as a trainer.

On 11 September 2022, you took the dog, "Paua of Janie" to Healesville, where it was to compete in Race 7. The registered trainer of the dog was your father. During the kennelling process, you informed the Steward concerned that you did not have the required greyhound information card for the dog. The Chief Steward, Mr Paul Searle, ultimately became involved in the matter. The end result was that the dog competed in the race. An inquiry conducted by Mr Searle had commenced and was to be continued.

However, you did not return so that the inquiry could be brought to a conclusion and effectively refused so to do. We would refer to the statement of the Steward in charge of the meeting, Ms Catherine Scarlett.

That is a very brief summary of the factual context of Charge 1. The bottom line is that you refused to return for the conclusion of the hearing and left the track.

Charge 2 relates to your behaviour when initially outside the Stewards room. The Chief Steward, Mr Searle, asked you to wait outside the Stewards room. Both Steward, Mr James Jeffrey, and visiting New Zealand Chief Stipendiary Steward, Mr Scott Wallis, heard you say

“fuck off”, apparently directed at Mr Searle. Mr Searle had his back to you. He did not hear your comment which seems to have been addressed to him.

Whilst there was some confusion, ultimately you confirmed that you were pleading guilty to the charges.

You are 29 years of age and reside with your parents, both of whom are, as stated, licensed persons. Apart from your involvement with greyhounds as a licensed person, you are employed full time in the healthcare industry. You also spend a lot of time working with the ten or more racing greyhounds kennelled at the premises and take those that are competing to the track on occasions. No previous offence was alleged against you.

Neither of these charges is a trifling matter. The Stewards have enough to do without having their requests for participants to attend ongoing meetings being simply refused or ignored. The use of bad language, apparently directed towards the Chief Steward and in the presence of others is also to be condemned. You have pleaded guilty to the charges, and this will be taken into account, but it must be said that, at times, you did not show any great indication of remorse, particularly in relation to Charge 2 involving Mr Searle. Overall, your conduct at Healesville on 11 September 2022 deserves condemnation.

We agree with Mr Brnovic, on behalf of the Stewards, that a fine is appropriate in respect of Charge 1. Ultimately, you did not dispute this. We agree with him that the fine should be one of \$3,000, with \$1,500 of that suspended for a period of 24 months. That \$1,500 will be activated if you commit a similar offence during that period.

On Charge 2, we agree that a period of suspension is warranted. Behaviour and language of that kind apparently directed at the Chief Steward are not to be tolerated. However, we do not fully agree with the penalty proposed by the Stewards. Whilst there is little indication of remorse or apology, there is a plea of guilty. It is also noted that what was said was not to Mr Searle’s face and indeed he was unaware of your swearing at him.

Weighing all these matters up, including your plea of guilty and the absence of any allegations of prior similar offending, we are of the view that you should be suspended for four months, with two months in turn suspended for a period of 24 months. Again, the suspended penalty will be activated if you should commit a similar offence during that period.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal