

6 June 2023

DECISION**GREYHOUND RACING VICTORIA**

and

CRAIG WEBB

Date of hearing: 15 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

6 June 2023

DECISION

GREYHOUND RACING VICTORIA

and

CRAIG WEBB

- Dates of hearings:** 28 November 2022, 29 November 2022, 30 November 2022, 1 December 2022, 19 December 2022 and 3 March 2023
- Panel:** Judge John Bowman (Chairperson), Judge Kathryn Kings 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.
Ms ABC appeared as a witness.
Ms DEF appeared as a witness.
Ms XYZ appeared as a witness.
Ms HIJ appeared as a witness.
Ms Roslyn Fazulla appeared as a witness.
Ms Amanda Fewell appeared as a witness.
Mr Paul Searle appeared as a witness.
Mr Scott Elliott appeared as a witness.
Mr Garry Harrison appeared as a witness.
Dr Steven Karamatic appeared as a witness.
Ms Kayla Cauchi-Brown appeared as a witness.
Ms ABC appeared as a witness.
Mr Anthony Gibbons appeared as a witness.
Mr Anthony Pearce appeared as a witness.
Mr Luke Pearson appeared as a witness.

Charges and particulars:

Charge No. 1 of 22 (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. 2 of 22 (Allegation 1)

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 2019 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, 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, a person having official duties in relation to greyhound racing.

Charge No. 3 of 22 (Allegation 1)

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 2019 you were present at a race meeting.
3. At that race meeting, an official had duties in relation to greyhound racing.
4. During that race meeting, an 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 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. 4 of 22 (Allegation 2)

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 2019 you were present at a race meeting.
3. At that race meeting, an official was carrying out duties.
4. At that race meeting, the official was working and carrying out the duties.
5. During that race meeting, whilst an official was together with another official you approached the official and said words to the effect of: "If I was single, I'd fuck the two of you".
6. You thereby engaged in the use of unseemly, improper or offensive language, or in unseemly, improper or offensive conduct or behaviour, in a manner or form towards, or in relation to, two Officials.

Charge No. 5 of 22 (Allegation 2)

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 or around 2019 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. At that race meeting, an official was working and had official duties in relation to greyhound racing.
5. During that race meeting, whilst an official was with another official, you approached the official and said words to the effect of: "If I was single, I'd fuck the two of you".
6. You thereby engaged in the use of unseemly, improper or offensive language, or in unseemly, improper or offensive conduct or behaviour, in a manner or form towards, or in relation to, two persons who had official duties in relation to greyhound racing.

Charge No. 6 of 22 (Allegation 2)

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 2019 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. At that race meeting, an official was working and had official duties in relation to greyhound racing.
5. During that race meeting, whilst the official was together with another official, you approached the official and said words to the effect of: "If I was single, I'd fuck the two of you".
6. 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. 7 of 22 (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. 8 of 22 (Allegation 5)

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 January 2021 you were present at a race meeting.
3. At that race meeting, an official was working 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 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. 9 of 22 (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. 10 of 22 (Allegation 10)

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 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 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. 11 of 22 (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. 12 of 22 (Allegation 11)

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 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, the official was standing outside the kennel block, you approached the official, 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 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. 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. 14 of 22 (Allegation 20)

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 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 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. 15 of 22 (Allegation 13)

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 August 2021 you were present at a race meeting.
3. At that race meeting, an official was working and carrying out her duties.
4. During that race meeting, whilst the official was walking, you said to her words to the effect of: "You look like you need a hug".
5. You thereby engaged in improper conduct or behaviour in a manner or form towards, or in relation to, a Steward.

Charge No. 16 of 22 (Allegation 13)

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 August 2021 you were present at a race meeting.
3. At that race meeting, an official was working and carrying out her duties.

4. During that race meeting, whilst the official was walking, you said to her words to the effect of: "You look like you need a hug".
5. 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. 17 of 22 (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 of 22 (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 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 of 22 (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 of 22 (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 of 22 (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 of 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
Charges 15 and 16 are withdrawn

DECISION

1. INTRODUCTION

Mr Craig Webb is charged with 20 offences. Originally there were 22, but Charges 15 and 16 were withdrawn. Essentially, the Stewards rely on Greyhound Australasia Rules ("GAR") 86(f)(i) and (iv) and GAR 86(o) as an alternative in some instances. At the heart of the Charges are allegations in relation to Mr Webb's behaviour towards female officials and participants.

GAR 86(f)(i) is specifically directed to conduct which involves Stewards. GAR 86(f)(iv) is more sweeping in nature and concerns "persons". GAR 86(o) also concerns persons, but is directed,

inter alia, to things which are improper or constitute misconduct. GAR 86(o) is very much an alternative Charge in many of the Charges.

This was a quite a lengthy hearing, proceeding over some five days and involving 15 witnesses. Ms Sally Flynn KC appeared on behalf of the Stewards. Mr Lynton Hogan of Counsel appeared on behalf of Mr Webb. Mr Webb pleaded Not Guilty to the 20 remaining Charges. He did not give evidence or call any evidence, which is entirely his right. At the conclusion of the evidence, each Counsel spoke to detailed and helpful written submissions.

2. THE APPLICABLE RULES

As stated, GAR 86(f)(i) and (iv) and GAR 86(o) are the Rules applicable. GAR 86(f) could be summarised as relating to the offence of the use of improper or offensive language, conduct or behaviour towards a Steward or any other official. GAR 86(o) relates to improper conduct or behaviour. The Rules are set out in full in the introductory pages of this decision. We accept that the burden of proof is one of a comfortable level of satisfaction (“the Briginshaw test”). We would also refer to the case of *Karakatsonis v Racing Victoria Limited* (2013) 42 VLR 176.

3. THE BACKGROUND FACTS

The factual background against which the alleged offences occurred could be summarised as follows:

Mr Webb is aged 51 years. He is a licensed greyhound trainer based in the Bendigo region and has been in the industry for a lengthy period. The essential allegations against him involve his conduct towards and words spoken to three officials and two participants.

We shall now deal with our findings in relation to the individual charges.

4. CHARGES 1, 2 and 3

Charges 1, 2 and 3 concern Mr Webb’s conduct towards an official at a race meeting on 6 September 2019. The conditions were wintry. It is alleged that an official was in the race viewing area at the front of the official building. A number of people were there, apparently taking up a position to view a race which was about to start, the time of day being about 3.24pm. The official and Mr Webb were amongst them, with Mr Webb standing behind her. Both were in winter attire, and it is asserted that the official was attempting to secure her coat and hood.

It is alleged that Mr Webb put his hands around her neck “and shook her a bit”, which made her feel uncomfortable. It is asserted that he then slapped her back with his left hand.

We have had the opportunity of repeated viewing of the video of what occurred. The incident took place in the background. We are quite satisfied that Mr Webb made some contact with the back of the official’s neck. It appeared to be quite deliberate, but fleeting, as she was struggling to put on the hood of the jacket and, as he was leaving, he may have tapped her on the back.

The incident would appear to have taken a second or so. To adopt a common phrase, “blink and you will miss it”. We could see no indication that Mr Webb shook the official.

Of course, Mr Webb should not have been making any physical contact with the official. We find that this constituted a breach of GAR 86(f)(i) and (iv). This was conduct that could be described as unseemly or improper. In those circumstances, there is no need to consider the alternative charge proscribed in GAR 86(o). Thus, we find that the breach of the relevant Rules has been proven. We are comfortably satisfied of this. The magnitude of the offending is another matter. We would repeat that we do not accept that Mr Webb shook her or, indeed, that he put his hand around her neck. We do accept that he made contact with the back of her neck.

5. CHARGES 4, 5 and 6

These charges also involve the same female official and relate to a separate incident which occurred on an unspecified date in 2019. It is alleged by the official that Mr Webb came into the Stewards’ room at Shepparton. The official and Steward, Ms Roslyn Fazulla, who we understand to have been seated with her, were present. It is alleged by the official that Mr Webb, having entered the Stewards’ room, stated “If I was single I’d fuck the two of you”.

Ms Fazulla also gave evidence. We accept her as an experienced Steward and as a good witness. Ms Fazulla had no recollection of this incident and stated that, had it occurred, she would have “gone off her rocker”. She would have reported it immediately. She was a person who encouraged the immediate reporting of allegations.

We are not comfortably satisfied that Charges 4, 5 and 6 have been made out. They allegedly occurred on a date uncertain, but in front of Ms Fazulla. She was an impressive witness. We accept that, had she been present, she would have reported it immediately. This did not occur. We are of the view that a considerable amount of doubt has been cast on the accuracy of

these Charges to the extent that we cannot be satisfied, comfortably or otherwise, that they have been made out. Accordingly, Charges 4, 5 and 6 are dismissed.

6. CHARGES 7 and 8

Charge 7 is pursuant to GAR 86(f)(i). Charge 8 is pursuant to GAR 86(o). The charges are alternatives based upon an incident which allegedly occurred at the track on or around January 2021. It involves the official and is said to have taken place when she was escorting trainers, including Mr Webb, back to the kennels.

Mr Webb is alleged to have put his right arm around the official's shoulder and squeezed her to him. It is accepted that the official made no formal complaint at the time and that no CCTV footage is available.

We are comfortably satisfied that this incident did occur. We appreciate that no footage exists and note that no witness other than the official was called concerning it. However, we regard her as a credible witness in relation to the occurrence of this incident. We find that Mr Webb is guilty of a breach of GAR 86(f)(i). No physical contact should have been made with the official. Again, the magnitude of this offence may be the subject of debate. Given the finding pursuant to GAR 86(f)(i), the alternative charge pursuant to GAR 86(o) falls away.

7. CHARGES 9 and 10

These charges, which arise out of the one incident, involve an official employed by Greyhound Racing Victoria ("GRV") when these alleged offences occurred at a meeting on 16 June 2021.

The official was engaged in official duties. She claims that on this occasion she became warm and removed her jumper. She asserts that Mr Webb made a remark thanking her for putting on a strip show for him. He allegedly said this in a leering tone, whilst grinning. There is no CCTV footage.

We are comfortably satisfied that this incident occurred as described and was a breach of GAR 86(f)(iv). We appreciate the comments of Mr Hogan concerning the absence of video footage despite the presence of cameras and there being video footage of a separate incident allegedly occurring on the same day. He also queried the absence of a reference in contemporaneous diary notes of the official and the original absence of any recollection of or notes taken by Mr Gibbons, Steward.

However, we accept that this incident occurred. Despite the detailed submission of Mr Hogan, we accept the evidence of the official. She was a persuasive and credible witness in relation to the incident. Again, the gravity of the offence may be a matter of argument, but we are satisfied that it occurred.

In these circumstances, the charge pursuant to GAR 86(o) falls away.

8. CHARGES 11 and 12

These charges also involve the same official and allegedly occurred at the same meeting on 16 June 2021 and after the incident described in Charges 9 and 10. These are effectively alternative Charges pursuant to GAR 86(f)(iv) and 86(o). Video footage of the incident was shown and placed in evidence.

At the time that this Charge arose, the official was standing outside and was waiting for a race to start. It is alleged that Mr Webb touched her on the arm and said, "I couldn't say this inside or I'd get in trouble, but I just want to thank you for wearing that belt for me to express your love for me". The official was wearing a belt with a large diamond heart-shaped buckle.

It is clear from the video material that Mr Webb touched the official on the right arm, pointed to her belt buckle and appeared to make a comment which caused her to look down. His face mask was pulled down and he appeared to smile. He also appeared to pat her on the back as he moved on.

We are comfortably satisfied that the behaviour as described above took place. We do not propose to enter into that part of the submission, or indeed the evidence, which involved Uncharged Acts. It is not an area into which we need to go. It also has the potential to create arguments of bias and the like.

We accept the evidence of the official concerning the incident on 16 June 2021 which forms the basis of Charges 11 and 12. Her evidence was credible and remained intact after cross-examination. It seemed to us to be substantiated by the video material.

Accordingly, we find that Charge 11 has been made out. Charge 12 falls away. We would add that the video footage does not coincide entirely with the original statement of the official. There is clearly a brief touching on the arm. There is also a very brief pat on the back prior to Mr Webb moving away. The contacts do not appear to be of the magnitude originally described by the official. However, they did occur.

9. CHARGES 13 and 14

These charges concern Mr Webb's alleged conduct towards another official, employed by GRV. The conduct, which involves two alleged incidents occurring in quick succession, was at a race meeting on 25 August 2021. Whilst there is no sound, there is video coverage of what is said to have happened.

The earlier of the incidents involved Mr Webb coming through a door from the track-viewing position into a large room. This was a comparatively brief incident. There is some dispute as to whether Mr Webb touched both sides of the official's body, involving the use of both hands, or touched her briefly with one hand on her right side. It is also asserted that he made the remark "get out of my way" in a playful tone.

We have viewed the video many times. There is no argument but that Mr Webb very briefly placed his left hand on the official. There is no argument but that he used words to the effect of "get out of my way", and not in an angry or impatient fashion. The left hand contact was brief. Whether right hand contact was made is difficult to say.

Whilst contact was made, we regard this aspect of Charges 13 and 14 to be of less concern than the second aspect of the Charges. It is of greater concern. It is alleged that, shortly afterwards, and in the same room, Mr Webb approached the official, pointed to a tear in the right knee of her trousers, and used words to the effect of "Oh, you've been on your knees, have you?". The official has stated that there was a sexual innuendo associated with the question.

As is apparent from the video material, Mr Webb essentially had to cross almost the width of the large room in order to say something to the official. It was not on his direct path back to the door or to the track. He had to make a detour in order to talk to her.

It is also apparent that there was something said by him, and some pointing by him to the knee or knees of the official's trousers.

After a brief conversation, Mr Webb then moved off, partly retracing his footsteps. He then conversed with a male Steward, also effectively patting him or touching him on the upper back or shoulder. We accept that Mr Webb may be a "hands on" type of person. However, that is no excuse. We are comfortably satisfied that this aspect of Charges 13 and 14 has been made out. There was absolutely no need for remarks to or conversations with the official to take place. Mr Webb had to make a detour to speak to her. We are also satisfied that the subject

matter of his remarks was the official's knee or knees and that there was a sexual innuendo associated with those remarks. We accept her evidence in that regard. We are comfortably satisfied that Charge 13 has been proven. The alternative Charge, Charge 14, drops away.

10. CHARGES 15 and 16

Charges withdrawn.

11. CHARGE 17

This Charge concerns the alleged behaviour of Mr Webb towards a participant, Ms XYZ, and thus is based on GAR 86(o). She alleges that more than twice, on different days which are not specified, Mr Webb approached her "out of the blue" and kissed her on the cheek, which made her feel "very ordinary". The Stewards assert that this behaviour might be thought to be comparatively benign, but it was improper for a male trainer to kiss Ms XYZ at work and without her consent. The Charge seems to read as if this occurred more than once on a particular day in or around June 2021, as opposed to multiple occasions in or around June 2021. Her oral evidence was to the effect that the behaviour occurred on more than one day.

Obviously, there is scope for some confusion, but in our opinion not a great deal of weight attaches to the issue of one day or more than one day. In any event, we accept the evidence of Ms XYZ that this occurred on more than one day. We also agree with the Stewards that, for a male trainer to kiss her without her consent, is improper. We do not accept the submission of Mr Hogan that Ms XYZ was a poor witness. In fact, we consider her to have been a good witness, whose evidence, essentially, we accept.

We would add that, whilst we find Ms XYZ to have been a good witness whose evidence we accept, and whilst we are comfortably satisfied that Charge 17 has been made out, we do not regard this offence as being at the more serious end of the list of charges.

12. CHARGE 18

This Charge is also based on GAR 86(o), as are Charges 19 and 20. Ms XYZ gave evidence, that, in August 2021, Mr Webb came up to her and said "My penis is stiff now that I've seen you'se". Ms XYZ alleges that when this happened, she was standing in front of her friend, Ms PQR. Ms XYZ said nothing in response and walked off. She did not resile from this allegation during cross-examination.

In our opinion, this Charge is clearly made out if the evidence of Ms XYZ is accepted. Mr Hogan pointed out that the Stewards had not elicited evidence from Ms PQR and that Mr Webb had denied that the incident ever occurred. He urged us to consider Ms XYZ to be an unreliable witness whose evidence, without corroboration, should not be accepted.

We disagree with Mr Hogan. As stated, we are of the view that Ms XYZ was a good witness, who gave credible evidence, which we accept.

In short, we are comfortably satisfied that Charge 18 has been made out. We find in favour of the Stewards.

13. CHARGE 19

This Charge also arises out of the 2021 events. The occurrence of an incident is admitted, but aspects of it and the general seriousness of it are in dispute.

The Stewards allege that, whilst Ms XYZ was talking to Mr Webb's adult son, Sam, Mr Webb came up from behind Sam and pulled his son's pants and underpants down. Ms XYZ asserts that she did not see any part of Sam's body because she had lowered her eyes, and informed Sam of this on the following day. Sam asked whether she had seen anything, which, as submitted by the Stewards, effectively confirmed that Mr Webb had pulled down both the pants and the underpants.

The Stewards assert that for a grown man to pull down the pants of another adult male in the workplace and in front of a female "worker" is clearly inappropriate and improper. Mr Hogan has argued that, on the evidence, the better view is that Sam's genitalia and buttocks were not exposed. He submitted that this was a silly and immature prank which does not meet the standards required necessary to constitute an offence pursuant to GAR 86(o).

We disagree. In our opinion the behaviour of Mr Webb was both inappropriate and improper and clearly the requirements of GAR 86(o) have been met. We are comfortably satisfied that the Charge has been made out.

14. CHARGE 20

This Charge involves an alleged incident in front of the kennel block and where there was a wash bay getting some sun at the relevant time. The precise date of the incident is not entirely clear. Given the dates of race meetings, it would appear that this alleged incident occurred on

either 23 August 2021 or 25 August 2021. In any event, Ms XYZ reported it to an official on 1 September 2021. She also complained of the incident that forms the basis of Charge 18 at this time.

An area of dispute in relation to this Charge centres on the weather conditions. Ms XYZ claims that she was sitting on a chair in the sunshine when it occurred. It was put that the Stewards' report showed that it was showery on 23 August 2021 and overcast on 25 August 2021. Ms XYZ remained adamant that she was seated and that the sun was out at the relevant time. We are not of the view that the semi-official description of weather conditions prevailing at or around the time of the incident is decisive. For example, whether there were sunny breaks on an overcast day is not discussed. The bottom line is that we do not consider that the credit of Ms XYZ has been damaged by the question of any semi-official overall comment on the weather conditions.

In any event, the assertion of Ms XYZ is that she was sitting near a wash bay getting some sun when Mr Webb came from behind her right shoulder and put his left hand down the front of the white GRV top which she was wearing. It happened very quickly. She put her hand there immediately, but thinks that some of his hand did touch the top of her breast. She cannot recall any words being spoken and believes that she was "just in shock". This incident was not captured by CCTV cameras, the area where it occurred not being covered.

We are not of the view that the overall accuracy of what Ms XYZ has said has been damaged by any uncertainty as to the precise location where this occurred or by the issue of the semi-official brief description of the weather conditions on the day. We accept Ms XYZ as a witness of truth insofar as her essential description of what took place is concerned. We are comfortably satisfied that the charge has been proven.

15. CHARGE 21

This Charge, and Charge 22, concern Ms JKL. Previously she had seen Mr Webb at the races, but he was not someone that she knew well.

Ms JKL gave evidence concerning an incident which allegedly occurred at a meeting in early 2021. She was bending over, whilst getting a dog out of her trailer. She asserts that whilst she was so doing, Mr Webb came up from behind her, put his hands on her hips, and mimicked a sexual act by moving his hips back and forth. She alleges that he also stated that she should get rid of her partner. She jumped quickly out of the way and got the dog out in order to get away from the situation. She described the incident as being embarrassing and humiliating.

The Stewards allege that, when interviewed, Mr Webb admitted that he did approach Ms JKL from behind, but denied making physical contact with her or making any attempt to act in a sexual manner. Why he approached her from behind is unclear.

Mr Hogan emphasised that there had been no contemporaneous complaint or comment by Ms JKL. He submitted that, at a subsequent time on that day, she congratulated Mr Webb on race wins. She made no complaint at that time. No other witness gave supporting evidence, despite the conduct allegedly taking place in a busy area. Mr Hogan further argued that there seems to have been no complaint for a period of nine months. Mr Hogan further submitted that this is to be contrasted with the situation in Charge 22, where the matters the subject of the Charge were mentioned by Ms JKL within a few days.

We accept Ms JKL as a witness of truth. We do not regard any delay in reporting the matter as being a factor of any great substance. In our opinion, any comparison with the speed of complaint in relation to Charge 22 does not take matters much further. In relation to Charge 22, a Steward was actually present at the time of the behaviour, was aware of it, and later made notes about it. Returning to Charge 21, that Mr Webb did come up behind Ms JKL when she was getting a dog out of a trailer is not contested. Even if the evidence of Ms JKL is left to one side, the reason why Mr Webb did or should come up behind her is not apparent. However, we accept her account of what happened and what was said as being accurate.

Accordingly, we are comfortably satisfied that Charge 21 has been proven.

16. CHARGE 22

The circumstances which form the basis of Charge 22 arose on 21 August 2021, when Ms JKL was acting as a starter at a meeting. Following the running of the last race, she was obliged to stay as the starter of some trials. A Steward, Ms Amanda Fewell, also stayed on in an official capacity. Both she and Ms JKL gave evidence as to what happened.

Mr Webb had a dog in a particular trial. Both Ms JKL and Ms Fewell, along with Mr Webb, were in the immediate vicinity of the starting boxes. There is CCTV footage of the starting boxes, although it must be said that aspects of it are not particularly clear. Further, Ms JKL gave evidence that the actual incident happened well before what appears on the video. In any event, it is alleged that Mr Webb approached Ms JKL and either pretended to kiss her on the cheek (Ms JKL's evidence) or did actually kiss her around the cheek area (Ms Fewell's evidence). In our opinion, it is a matter of perception and Ms JKL gave evidence that Mr Webb put his face "very close, very close, very close" to her face and made a kissing sound. We

accept Ms JKL's version, but can fully understand why Ms Fewell may well have thought that actual contact had been made. It is further asserted by Ms JKL that Mr Webb then said to Ms Fewell words to the effect of "You're just jealous".

It was argued on behalf of Mr Webb that the video did not show the alleged kissing incident, but did show Ms Fewell and Mr Webb both wearing masks. The Stewards had required that masks be worn at this meeting and this included post-race activities. Mr Hogan argued that Ms Fewell had given evidence that she did not hear anything. Further, Ms JKL did not have the best of hearing.

We are satisfied that the incident of the "pretend" kiss did take place. We are also comfortably satisfied that Mr Webb did make a comment to the effect of "You're just jealous", even if Ms Fewell did not hear it.

We do not agree with the submissions of Mr Hogan that there was no improper conduct or misconduct for the purpose of GAR 86(o). Even if it was a pretend kiss at very close range, this seems to us to be improper conduct or misconduct. The statement about jealousy, which we accept was made, simply underlines it.

We are comfortably satisfied that Charge 22 has been proven. We shall hear the parties further as to the gravity of the offence, but we would indicate that, subject to such further argument, our initial impression is that the offence constituting Charge 22 is towards the lower end of the scale of gravity.

17. CONCLUSION

Charges 15 and 16 have been withdrawn. Charges 4, 5 and 6 are dismissed. We are comfortably satisfied that the remaining 17 Charges have been proved to our comfortable satisfaction. We shall hear argument, but it seems to us that there are varying degrees of the gravity of the offending involved in these Charges.

We shall hear the parties in relation to the question of the appropriate penalties for those 17 Charges.

Mark Howard
Registrar, Victorian Racing Tribunal