

12 February 2024

DECISION

GREYHOUND RACING VICTORIA

and

DEBORAH COLEMAN

- Date of hearing:** 30 January 2024
- Panel:** Judge John Bowman (Chairperson) and Mr Greg Childs.
- Appearances:** Mr Steve Brnovic, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.
Ms Deborah Coleman represented herself.
Ms Lee Fahry appeared as a witness.
- Charges:** Greyhounds Australasia Rule (“GAR”) 165(c) 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:
(i) a Steward or any other official of a Controlling Body or a Club.
- GAR 156(f)(ii) states:
An offence is committed if a person (including an official):
(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:
(i) constitutes misconduct or is negligent or improper.
- GAR 165(a) states:
An offence is committed if a person (including an official):
(a) commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing;

Particulars:

Charge 1: GAR 165(c)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You engaged in contemptuous, unseemly, improper, insulting, or offensive conduct or behaviour towards a Steward, in that;

(a) On 26 June 2023, you were in attendance at the Ballarat Greyhound Club;

(b) Following the running of Race 2, you have attended to the Stewards room where GRV Stewards Ms Lee Fahry, Ms Amanda Fewell and Mr Bernard Blood were present;

(c) Your conduct towards the Stewards has then included;

i. repeatedly walking in and out of the stewards room and berating the Stewards on the condition of the track; and/or

ii. engaging in a verbal barrage of words in a noisy, animated and upset manner; and/or

iii. having a hostile, aggressive and demanding demeanour; and/or

iv. pointing and gesticulating with your hands in a hostile, aggressive and demanding manner; and/or

v. yelling and/or screaming at Stewards about the condition of the track.

Charge 2: GAR 156(f)(ii)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. At the Ballarat Greyhound Racing Club on 26 June 2023 following the running of Race 2, you entered the Track.

3. You did not have permission from the Stewards to enter the Track, which is contrary to the “Greyhound Racing Victoria – Track Rules” requirements.

4. In the opinion of the Stewards, entering the track without the permission of the Stewards, constitutes misconduct or is improper.

Charge 3: GAR 165(a)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You engaged in conduct which is detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing, in that;

(a) On 26 June 2023, you were in attendance at the Ballarat Greyhound Club;

(b) Following the running of Race 2, you have attended to the Stewards room where GRV Stewards Ms. Lee Fahry, Ms. Amanda Fewell and Mr. Bernard Blood were present;

(c) Your conduct towards the Stewards has then included;

i. repeatedly walking in and out of the stewards room and berating the Stewards on the condition of the track; and/or
ii. engaging in a verbal barrage of words in a noisy, animated and upset manner;

iii. having a hostile, aggressive and demanding demeanour;

iv. pointing and gesticulating with your hands in a hostile, aggressive and demanding manner;

v. yelling and/or screaming at Stewards about the condition of the track.

(d) Your conduct was in view of other licensed persons, GRV and club officials, and members of the public.

Pleas: Guilty to Charge 1 and 3
Not Guilty to Charge 2

DECISION

Ms Deborah Coleman, you are charged with three offences. They arise from your conduct at the Ballarat track on 26 June 2023.

Charge 1 involves Greyhounds Australasia Rule (“GAR”) 165(c). This involves conduct of an insulting or offensive nature towards a Steward or official. Charge 2 concerns GAR 156(f)(ii) – misconduct or conduct that is negligent or improper. Essentially it concerns your accessing the track and your behaviour thereon. Charge 3 involves GAR 165(a). It also concerns your conduct towards the Stewards and at least to some extent, it involves the same factual basis as Charge 1.

You have pleaded “Guilty” to Charges 1 and 3, but “Not Guilty” to Charge 2. Aspects of your plea of Not Guilty to Charge 2 were more in the nature of an explanation, although there may be some disagreement as to the details of what you allegedly said or did. We say now that we are comfortably satisfied that Charge 2 has been made out in general terms, although we have doubts concerning some aspects of your alleged behaviour.

The three charges all involve the state of the Ballarat track and your complaints concerning it. You had a runner in Race 2. Following the running of that race, you went to the Stewards’ room to complain about the surface of the track. Mr Brian Hodgson, another trainer who had a runner in Race 2, also made some complaints and is pleading guilty to each of a set of similar charges. We accept that, whilst you knew Mr Hodgson essentially on the basis of a “nodding acquaintance”, you did not know him particularly well and indeed were uncertain of his surname.

We would also accept that you have been involved in the greyhound racing industry for many years and indeed were a Steward in New South Wales for a lengthy period. You have trained in this state for approximately 10 years at your kennels, near Lara, are home to something in excess of 100 dogs.

Turning to Charge 1, you do not dispute that, following Race 2, you visited the Stewards' room whilst in something of an agitated state. There were three Stewards present. You walked in and out, berating them in a loud and hostile fashion. The charge specifies that you were yelling and screaming at them about the condition of the track.

Charge 2 concerns your entering on to the track shortly thereafter. You had formed the belief that, to enter on to the track, you needed to be wearing a hi-vis jacket. Mr Hodgson had gone ahead. You then went and obtained two hi-vis jackets and then hurried in pursuit of the Stewards, who were already on the track in the vicinity of the back straight. We have viewed the video of what occurred. You were on the track with the jackets and hurrying after the Stewards. They were walking on the track and in the vicinity of the middle of it, if not a little towards the outside. Mr Hodgson was on the outside of the track and walking in the vicinity of the 450 metre boxes. He left shortly thereafter.

You walked along the track in conversation with the Stewards. Whilst there is no sound to the video, there is no indication that there was any great hostility in the conversation or that you were being directed to leave the track.

We would add that considerable attention was then paid by the Stewards to the condition of the track. It would seem that ultimately a tractor or other appliance was brought on to the track and considerable work was done. As we understand it, Race 3 was pushed back by approximately half an hour whilst "repair" work was done on the state to the track.

However, the fact remains that you did go on to the track in contravention of the "Greyhound Racing Victoria – Track Rules". That constituted misconduct or was negligent or improper. We bear in mind the circumstances. Nonetheless, we find that the charge has been proven to our comfortable satisfaction.

You are pleading guilty to Charge 3, the breach of GAR 165(a). The facts forming the basis of this charge are very similar to those relating to Charge 1. Your conduct towards the Stewards in the vicinity of their room constituted a breach of the Rule and was prejudicial to the interest, image and the like of greyhound racing.

We turn now to your background and to the penalties to be imposed.

PENALTY

As stated, you have a long history of involvement in the greyhound industry, including many years as a Steward working in various parts of New South Wales. You have been a public trainer in Victoria for in excess of nine years. You have been very successful. You conduct a large operation near Lara, involving the kennelling of in excess of 100 dogs.

Further, we accept that you have an outstanding record, with no relevant previous offences being alleged against you. We also accept that your unfortunate agitation was genuine and that the state of the track at Ballarat was something that needed, and received, substantial attention.

That does not excuse the manner in which you berated the Stewards and the agitated verbal attack you launched at them. The Stewards do not have an easy job. They do not deserve to be abused in this fashion.

Bearing all of the above in mind, we are not of the view that a period of disqualification, as sought by the Stewards, is appropriate. We are of the view that suspension is warranted for Charges 1 and 3, but not for the period sought. We do agree that the penalty for Charge 3 should be concurrent with the penalty for Charge 1.

We also agree that a fine is appropriate for Charge 2, but not of the magnitude of that sought by the Stewards. We would point out that there was justification for criticism of the state of the track, not that this justifies your going on to it. We would also point out that you believed that entry on to the track was permitted if you had a hi-vis jacket and went to the trouble of obtaining this before quite openly going on to the track and joining the Stewards. There is no evidence on the video material of any apparent misbehaviour or hostility thereafter.

Weighing up all of the above, we have reached the conclusion that the following penalties are warranted and are fair and reasonable in the circumstances:

Charge 1: two months suspension.

Charge 2: \$1,500 fine.

Charge 3: two months suspension which is wholly concurrent with the penalty imposed on Charge 1.

Thus, the end result is that you are suspended for a period of two months, to commence immediately, and are fined \$1,500.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal