

2 July 2024

## **DECISION**

### **GREYHOUND RACING VICTORIA**

**and**

### **MICHAEL GIBBONS**

- Date of hearing:** 6 June 2024
- Date of decision:** 7 June 2024
- Panel:** Judge John Bowman (Chairperson) and Ms Amanda Dickens.
- Appearances:** Mr Tim Brook appeared on behalf of the Stewards.  
Mr Michael Gibbons represented himself.
- Charge:** Greyhounds Australasia Rule 156 (w), reads as follows:
- 156 General Offences
- An offence is committed if a person (including an official):  
(w) Fails to comply with a policy or code of practice adopted by a Controlling Body;
- Particulars:**
1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 43753) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
  2. On the 23rd of February 2024 you posted on social media forum [www.greyhoundsales.proboards.com](http://www.greyhoundsales.proboards.com) and made comments under the username "geetwo".
  3. That breach Greyhound Racing Victoria's Social Media Guidelines.
- Plea:** Not Guilty
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## **DECISION**

Mr Michael Gibbons, you have pleaded “Not Guilty” to a breach of Greyhounds Australasia Rule (“GAR”) 156(w) – the failure to comply with policy or code of practice adopted by a Controlling Body.

The Charge relates to entries that you made on a website called “Aussie Greyhounds Forum” on 23 February 2024. These entries related to a physical altercation involving other participants, one of whom was a 77 year old gentleman. In relation to those participants, you were patently very much on the side of the 77 year old man.

The posts were as follows:

### **Post 1**

*“...So, if anybody out there has an elderly neighbour, who says snide remarks to you, going by this case, it's all okay if you go into their premises and attempt to assault th[em]”*

### **Post 2**

*“Can't wait for certain participant to make a remark to me first, because by this case outcome, I'm entitled to physically interact with minimal penalty”.*

The issue is whether these entries constituted a breach of the relevant Rule.

Rule 156(w) effectively deals with the GRV Social Media Guidelines and the concept of inappropriate social media activity. In summary, it prohibits the publishing or making of comments detrimental to the industry or a person involved in it or the directing of abuse or inappropriate comments about, inter alia, individuals participating in the industry.

In our opinion, your entries on the “Aussie Greyhounds Forum” website do breach Rule 156(w). There were comments made about persons in the industry. The first comment mentions “going by this case”, which clearly is a reference to an alleged failure of the Stewards to take action. The second quote is a clear reference to the outcome of a case embarked on by the Stewards.

Both comments were clearly on a website dealing with greyhound racing and both mentioned a specific case brought by the Stewards. The mentions, referring to case outcomes, were patently sarcastic and critical. Both are observations that involve the broad terms of GAR 156(w) and the Social Media Guidelines and hence breach GAR 156(w).

We are comfortably satisfied that the Charge has been proven. We shall hear from the parties on the question of penalty.

## **PENALTY**

We take into account the fact that you have been a licensed trainer for something in excess of thirty years and had until recent times a very good record. We also note your difficult financial circumstances. You have no other source of income apart from that from greyhound racing. Your wife is in part-time work and you have two young children. You have various demands upon the family income, including rent, day to day expenses, food and expenses in relation to the greyhounds and the like. At the moment you have approximately eight greyhounds racing and a number awaiting possible acceptance into the GAP scheme. The dogs which you have are basically greyhounds that have not made the grade with larger training enterprises. That you manage to make an income, however limited, from them is to your credit and reflects well upon your ability as a trainer.

However, we must also take into account that this is your second offence of this nature in under two years. That is apart from the fact that this offence breaches the terms of the suspended penalty ordered by this Tribunal on 20 February 2023.

On that occasion, you were found guilty of a breach of Rule 165(a). You were suspended for three months, two months of which was in turn suspended for two years on the basis of no further offending of this nature.

We are quite satisfied that, whilst you have not breached the identical Rule on this occasion, it is of sufficient similarity to contribute a breach of the conditions of the 2023 decision. In other words, the suspended penalty of two months suspension now becomes operative.

For the present offending, we are of the view that a penalty involving suspension for one month, with a greater period of suspension hanging over you, is appropriate. This was not offending of a high or very high level and the Stewards did not suggest that it was. Nevertheless, it is your second offence of this nature in a comparatively short period. It is behaviour that potentially attracts adverse publicity to greyhound racing and creates a poor image of those participating in it. You pleaded Not Guilty to this offence and contested it. That is completely your right, but it means that there is no consideration of the discount that might be attracted by a guilty plea.

Accordingly, you are suspended in relation to the present offence. That suspension is for three months, with 2 months of that suspended for 24 months. This activates the older suspended penalty of two months suspension and this means an actual suspension of 3 months effective from 29 May 2024.

We emphasise that it is our opinion that your recent breach of GAR 156(w) constitutes a breach of the suspended penalty from the case involving GAR 165(a), it being a Rule in essence relating to conduct similar to that constituting a breach of GAR 156(w).

You are also fined the sum of \$250, which was the monetary penalty imposed by the Stewards in the first instance. However, given the very difficult financial circumstances in which you find yourself at the age of 60 and with the only source of income that you have being unavailable, we are prepared to make this a suspended penalty for a period of 24 months. It will become payable if you commit a relevant offence during that period.

Thus, the bottom line is as follows. The total term of suspension is for 3 months, being 1 month for the current breach of 156(w), which has in turn activated the suspension in 2023 for 2 months for the offence under 165(a). You are also fined the sum of \$250, which is suspended for a period of 24 months.

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Mark Howard  
Registrar, Victorian Racing Tribunal

## Investigative Stewards Hearing Report

**Friday 24 May 2024**

Date of Hearing: Friday 24<sup>th</sup> of May 2024  
Venue of Hearing: Greyhound Racing Victoria Head Office – Remote  
Name: Mr Michael Gibbons  
Date of offence: Friday 23<sup>rd</sup> of February 2024

Rule: **Greyhounds Australasia Rules (GAR) 156 (w)**

Officiating Chairman: Mr Dylan Bartolo  
Investigative Steward: Ms Bianca Brocchi

### **REPORT**

On Tuesday, 5<sup>th</sup> of March 2024, Investigative Stewards held an Inquiry with Mr Michael Gibbons relating to a public and online social media post which was alleged to be detrimental to the Greyhound Racing industry and a breach of the GRV Social Media Guidelines.

On the 20<sup>th</sup> of February 2023 Mr Michael Gibbons was found guilty of two (2) charges relating to a breach of GAR 165(a) which related to the publication of a social media post that contained comments which were proven to be detrimental or prejudicial to the interest, welfare, image, control or promotion of Greyhound Racing.

Mr Gibbons was fined \$500 with \$250 suspended for 24 months. Mr Gibbons was also penalised with a 3-month licence suspension with 2 months of that suspension suspended for a period of 24 months. All suspended penalties were recorded to be fully installed for any other conduct related offences committed during this period of 24 months.

On Friday, 24<sup>th</sup> of May 2024, Chairman Mr Dylan Bartolo held a Stewards Hearing with Mr Michael Gibbons relating to the abovementioned charge. Ms Gibbons entered a plea of not guilty to the charge.

The charges are as follows:

### **CHARGE 1**

#### ***Greyhounds Australasia Rules (GAR) 156 (w)***

Relates to public social media post published on the 23<sup>rd</sup> of February 2024 where its content was in breach of the GRV Social Media Guidelines, namely by; *making comment that is detrimental to the greyhound racing industry, or any person, activity or organization involved in it.*

Mr Gibbons pleaded not guilty to the charge. The charge was found proven.

### **PENALTY**

**NB: Steward Investigation/Hearing decisions are subject to Appeal under the Rules of Greyhound Racing.**

**Charge 1**

- \$1500 fine (\$500 wholly suspended for 12 months).
- 6-month GRV licence suspension (3 months wholly suspended for 12 months)

The reinstatement of suspended penalties (pursuant to Stewards Hearing Report dated 20<sup>th</sup> February 2023)

- 2-month GRV licence suspension reinstated.
- \$250 fine reinstated.

In determining penalty, the Chairman considered several factors namely:

- Mr Gibbons not guilty plea and cooperation during the investigation.
- Mr Gibbons prior history and Stewards Hearing conducted on 20<sup>th</sup> of February 2024.
- Suspended penalties incumbent on the participant.
- Specific and general deterrence.



**Mr Dylan Bartolo**  
Investigative Steward  
**GREYHOUND RACING VICTORIA**