

15 October 2024

## **DECISION**

### **GREYHOUND RACING VICTORIA**

**and**

### **GARY FEBEY**

- Date of hearing:** Hearing conducted on the papers.
- Date of decision:** 15 October 2024
- Panel:** Judge Marilyn Harbison (Deputy Chairperson), Ms Danielle Hikri and Ms Maree Payne.
- Appearances:** Ms Amara Hughes, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.  
Mr Gary Febey represented himself.
- Charges:** Local Racing Rule (“LR”) 12.1 states:  
When a greyhound is to no longer be utilised for racing or breeding purposes, every effort must be made by the Owner of the greyhound to rehome that greyhound to an appropriate home.
- LR 13.1 states:  
If an Owner cannot find an appropriate home for their greyhound and is considering euthanising the greyhound, the Owner must provide the Controlling Body with notice, in the prescribed form at least seven days, but no more than 42 days, prior to the euthanasia.
- LR 14.3.1 states:  
Where a greyhound has died (whether due to natural causes, accident, misadventure, euthanasia or otherwise):  
within 2 working days of the date of death (and prior to disposal of the body of the deceased greyhound), the Owner or person responsible for the greyhound must notify the Controlling Body in the prescribed form of the death of the greyhound and

provide a veterinary certificate of euthanasia where available (including, without limitation, the written certificate or letter referred to in LR 14.2.3).

Greyhounds Australasia Rule (“GAR”) 156(f) 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) is corrupt, fraudulent, or dishonest;

(ii) constitutes misconduct or is negligent or improper.

GAR 164(a) states:

An offence is committed if a person (including an official):

(a) makes a false or misleading statement in relation to or during an investigation, inspection, examination, test or inquiry (or at any other disciplinary process, hearing or appeal proceeding) or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound

GAR 151 states:

(1) The person in charge of a greyhound must keep and retain written records detailing all treatments all vaccinations, antiparasitics and treatments administered to the greyhound:

(a) from the time the greyhound enters their care until the greyhound leaves their care; and

(b) for a minimum of two years.

(4) An offence is committed if any person in charge of a greyhound at the relevant time fails to comply with any of subrules (1) to (3) of this rule.

**Particulars:**

**Charge 1: LR 12.1**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (GRV) (Member No. 240659) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You were, at all relevant times, the owner of the greyhound UNNAMED (VJOOX).

3. On 25 July 2022, the greyhound UNNAMED (VJOOX) was euthanised, on your instructions, at the West Footscray and St. Albans Veterinary Clinic.

4. You failed to make every effort to rehome the greyhound UNNAMED (VJOOX) prior to the it's euthanasia.

**Charge 2: LR 13.1**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (GRV) (Member No. 240859) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You were, at all relevant times, the owner of the greyhound UNNAMED (VJOOX).

3. On 25 July 2022, the greyhound UNNAMED (VJOOX) was euthanised, on your instructions, at the West Footscray and St. Albans Veterinary Clinic.

4. You failed to provide GRV the required notice, on the prescribed form and within the required timeframes, that you were considering the euthanasia of the greyhound UNNAMED (VJOOX).

**Charge 3: LR 14.3.1**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (GRV) (Member No. 240659) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You were, at all relevant times, the owner of the greyhound UNNAMED (VJOOX).

3. On 25 July 2022, the greyhound UNNAMED (VJOOX) was euthanised, on your instructions, at the West Footscray and St. Albans Veterinary Clinic.

4. You failed to notify GRV of the euthanasia of the greyhound UNNAMED (VJOOX) in the prescribed form and with the required veterinary certificates, within two (2) working days of that euthanasia.

**Charge 4: GAR 156(f)**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (GRV) (Member No. 240659) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You were, at all relevant times, the owner of the greyhound UNNAMED (VJOOX).

3. On 25 July 2022, the greyhound UNNAMED (VJOOX) was euthanised, on your instructions, at the West Footscray and St. Albans Veterinary Clinic.

4. Your conduct surrounding the circumstances leading up to the euthanasia of the greyhound UNNAMED (VJOOX) constitutes misconduct and /or is improper.

**Charge 5: GAR 164(a)**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (GRV) (Member No. 240659) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You were, at all relevant times, the owner of the greyhound UNNAMED (VJOOX).

3. On 25 July 2022, the greyhound UNNAMED (VJOOX) was euthanised, on your instructions, at the West Footscray and St. Albans Veterinary Clinic.

4. During an inquiry held with you on 16 May 2023, you have made false or misleading statements concerning the circumstances leading to the euthanasia of the greyhound UNNAMED (VJOOX).

**Charge 6: GAR 151**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (GRV) (Member No. 240659) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You were, at all relevant times, the owner of the greyhound UNNAMED (VJOOX).

3. On 25 July 2022, the greyhound UNNAMED (VJOOX) was euthanised, on your instructions, at the West Footscray and St. Albans Veterinary Clinic.

4. You failed to retain written records detailing all treatments administered to the greyhound UNNAMED (VJOOX) for the required period of time.

**Pleas:** Not Guilty

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**PENALTY**

1. We now move to penalty.
2. At the liability hearing on 12 September 2024, we found Mr Febey guilty of all six charges. Mr Febey was extremely aggressive during the hearing. He would continually talk over other participants, and spoke in extremely threatening language, particularly to the witness Dr Kim Cao. Therefore, we have determined that the penalty hearing should be

by way of written submissions. We are now in possession of the penalty submissions from the Stewards. We have also received penalty submissions from Mr Febey.

3. We agree with the submission of the Stewards that the principal focus of sentencing should be that of general deterrence. It is morally reprehensible and completely unacceptable for greyhounds to be euthanised unnecessarily. Such an act destroys all public confidence in the greyhound racing industry. It is common knowledge that participants in the past have been caught deliberately euthanising their greyhounds once the dogs finished their active racing career. This practice must be stopped, or the future of greyhound racing itself is in jeopardy.
4. In this case, it is clear from the evidence that Mr Febey knew that euthanasia was unnecessary and persisted in it despite the concerns of the veterinarian and veterinary staff at the clinic to which the dog was taken.
5. Such action must be met with the strongest possible condemnation.
6. Further, we accept that Mr Febey failed completely to cooperate with the Stewards in their investigation of the circumstances of the euthanasia and attempted to mislead them as to these events.
7. We accept also that Mr Febey's belligerent manner at the liability hearing, both towards the Tribunal and towards the witness called to give evidence before the Tribunal, is an aggravating factor, although we have discounted that somewhat given that it appears that he has a history of some mental health problems. However, in his intemperate written submissions as to penalty, we note that he maintains that the witness is lying and remains steadfastly indignant at being brought to account for the circumstances under which the dog was euthanised.
8. This brings into clear focus the principle of specific deterrence – that is, the prospect that Mr Febey may reoffend. We agree with the submissions of the Stewards that he showed no remorse at the time of the hearing. He was concerned only to justify the action that he had taken. We note with concern that he has a previous offence in relation to rehoming a greyhound. This offence took place on 11 May 2021, just three years ago. Clearly, he knew from that time that proper steps needed to be taken before rehoming a greyhound and he disregarded them. In his written submissions, he has once again shown no insight into his duty as a greyhound owner to responsibly rehome greyhounds in his care. We have grave concerns that he may reoffend in this manner in the future. Specific deterrence is therefore a major consideration in sentencing him.

9. We know very little about Mr Febey's background or present circumstances. As we have already outlined, it has not been possible to conduct this sentencing hearing in his presence. Given this difficulty, and the lack of mitigatory material in his written submissions, the only matters in mitigation which we have ascertained in relation to Mr Febey are that he has been involved in greyhound racing for many years, that he is 70 years of age and that he has a good record in the industry, apart from the 2021 offence which we have outlined above.
10. Taking all these circumstances into account, we have arrived at the following penalties. We consider it necessary that we impose a substantial period of disqualification. We have treated Charge 4 as the head sentence, as in our view it is the most serious.
11. On Charge 1, which is a charge of failing to make every effort to rehome the greyhound, the sentence which we impose is a three month disqualification. This penalty is to be served cumulatively on the penalty imposed for Charge 4.
12. On Charge 2, which is a charge of failing to provide notice to GRV prior to euthanasia, the sentence which we impose is a three month disqualification. This penalty is to be served concurrently with the penalty imposed for Charge 3.
13. On Charge 3, which is the charge of failing to give notice of the euthanasia once it had occurred, the sentence which we impose is a three month disqualification. This penalty is to be served concurrently with the penalty imposed for Charge 4.
14. On Charge 4, which is a charge of having done something which is improper in the circumstances surrounding the euthanasia of the greyhound, the sentence which we impose is a six month disqualification.
15. On Charge 5, which is a charge of making a false and misleading statement during the inquiry, the penalty which we impose is a three month disqualification. This penalty is to be served cumulatively on the penalty imposed for Charges 1 and 4.
16. On Charge 6, which is a charge of not keeping treatment records, the penalty which we impose is as follows \$500 fine.

17. Thus, the effective penalty is a 12 month disqualification, to commence from the date of this decision, and a \$500 fine.

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Kathleen Scully  
Assistant Registrar, Victorian Racing Tribunal



17 September 2024

## **DECISION**

### **GREYHOUND RACING VICTORIA**

**and**

### **GARY FEBEY**

<b>Date of hearing:</b>	12 September 2024
<b>Date of decision:</b>	12 September 2024
<b>Date of reasons:</b>	17 September 2024
<b>Panel:</b>	Judge Marilyn Harbison (Deputy Chairperson), Ms Danielle Hikri and Ms Maree Payne.
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<b>Charges:</b>	Local Racing Rule ("LR") 12.1 states: When a greyhound is to no longer be utilised for racing or breeding purposes, every effort must be made by the Owner of the greyhound to rehome that greyhound to an appropriate home.  LR 13.1 states: If an Owner cannot find an appropriate home for their greyhound and is considering euthanising the greyhound, the Owner must provide the Controlling Body with notice, in the prescribed form at least seven days, but no more than 42 days, prior to the euthanasia.  LR 14.3.1 states: Where a greyhound has died (whether due to natural causes, accident, misadventure, euthanasia or otherwise):

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**Pleas:** Not Guilty

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**DECISION**

1. Mr Gary Febey comes before us charged with six offences. Each of the offences relates to a greyhound which he owned in 2022. The greyhound is referred to in the charges as "Unnamed (VJOOX)". Its family name was "Bella". The greyhound was euthanised on 25 July 2022.
2. The first Charge against Mr Febey is that he made insufficient efforts to rehome this greyhound. The second charge is that he failed to notify Greyhound Racing Victoria

("GRV") of his intention to euthanise this greyhound. The third Charge is that he failed to notify GRV within two working days of the death of Bella. The fourth Charge is a Charge of improper conduct. Charge 5 relates to the of making a false statement during the GRV inquiry into the death of this greyhound. The last Charge is that he failed to retain treatment records of this greyhound for a minimum of two years after its death.

3. Mr Febey has been a registered public trainer and breeder for 12 years.
4. Bella first came to the attention of GRV on 21 July 2022, when Mr Febey applied for a voucher for desexing the animal. The application lodged by Mr Febey detailed that the dog was to be desexed on 27 July 2022.
5. There was no other contact between GRV and Mr Febey over the subsequent months. An employee of GRV followed up on this application many months later, telephoning Mr Febey on 9 March 2023 to ask what had happened in relation to the desexing. In this conversation, Mr Febey told the GRV employee that the dog had not been desexed, as she had been euthanised. He said that this euthanasia occurred after she had fractured her leg at a trial at Traralgon many months before.
6. It then became apparent that the dog had been euthanised on the 25 July 2022, by Dr Kim Cao, a veterinarian at the West Footscray and St Albans veterinary clinic.
7. GRV Stewards allege that Mr Febey has fabricated the account of the dog fracturing its leg.
8. The veterinary practice records indicate that Mr Febey had first taken the dog to the clinic on 19 July 2022 and had requested on that date that the dog be euthanised. On that day there was no veterinarian at the clinic. The veterinary staff expressed concern about euthanising an apparently healthy dog, which was described by staff as walking on all four legs and eating treats whilst at the clinic. The staff telephoned a veterinarian in another practice to ask what to do. That veterinarian told them that, as long as Mr Febey had given proper consent, the euthanasia should take place. However, before that could be done, Mr Febey telephoned the clinic. He expressed some anger at the delay in euthanising the dog. He picked the dog up from the clinic and took it away.
9. However, he returned again to the clinic on 25 July 2022 and this time spoke to Dr Cao, who was on duty at the clinic. Dr Cao gave evidence before us.
10. Her evidence was that Mr Febey said to her that the reason for the euthanasia was a lameness issue and that he asked her repeatedly to just euthanise the dog. The

veterinarian suggested that she should first examine the dog to identify the problem, but Mr Febey refused. He said that he wanted to be present at the euthanasia to make sure it was done. Dr Cao was reluctant as she had observed that the greyhound did not appear injured and there was no obvious fracture. She said that the dog was standing “OK on all four legs”.

11. On the basis of this evidence, the Stewards contend that the dog did not have a serious injury that would justify euthanasia. It is contended that the dog’s injury, if present at all, would likely have healed without treatment and not impacted on her quality of life. This is the basis for Charge 1.
12. In relation to Charge 2, the Stewards contend that Mr Febey did not advise of his intention to euthanise the greyhound within the minimum period of seven days required under the Rules.
13. Charge 3 is that Mr Febey did not notify GRV of the death of the greyhound or submit a receipt for that euthanasia service.
14. Mr Febey has asserted to this Tribunal and to the Stewards that he did advise staff by telephone that the euthanasia had occurred. There is no record of this having been entered in GRV FastTrack records.
15. Charge 4 arises out of the matters referred to so far in connection with the euthanising of the greyhound. The Stewards assert that the unnecessary euthanasia of this greyhound brings the industry into disrepute and that there is a very real prospect that Mr Febey’s actions will have a negative impact on the industry. His action in doing so can be characterised as improper.
16. Charge 5 relates to Mr Febey’s actions during the inquiry, and specifically the evidence which he gave to the Stewards that the dog had been euthanised after having been injured at Traralgon during a trial and having broken her hock. It also relates to his description of the dog being so injured that she could not stand, and his advice to the Stewards that he had produced a copy of the receipt for the euthanasia to them. The Stewards allege that each of these statements were false and misleading.
17. Charge 6 is a charge of failing to produce treatment records. Mr Febey told the Stewards that he had thrown out all the treatment records relating to the dog. Records are required to be maintained for a period of two years.

18. The brief contained evidence from Dr Gavin Goble, who is the general manager for greyhound welfare and rehoming with GRV. It was he who had spoken to Mr Febey on 9 March 2023 to follow up on his desexing voucher application. He gave evidence about his conversation with Mr Febey on that day and also as to follow up text messages with him. He said that Mr Febey had described the greyhound as being in pain and very purple on the inside of the leg, and also having a hock injury. His professional opinion was that, if that description was true, it would suggest the presence of a muscle tear in the dog's leg and that such a condition would heal without treatment and not impact at all on the dog's long term health.
19. Mr Febey was interviewed by the Stewards on 16 May 2023. In that interview, he described the dog as having been injured after colliding with another dog when it was trialling at the Traralgon track. He said that Bella "split her webbing". Mr Febey said that a person who was there told him to get the dog to the veterinarian and he did so. He could not say which day this was. He said that a veterinarian nurse at the clinic had looked at the dog and saw that the leg was swollen and purple and her hock was swelled up, but there was no veterinarian there. He took the dog home and brought her back the next day when a veterinarian was on duty. He did not know what injury the veterinarian had diagnosed, or what was wrong with the dog except that it could not stand on its leg. He said that the veterinarian put her to sleep the next time that he went back. He said that there were no x-rays taken of the injury.
20. Mr Febey said that he had notified GRV of the euthanasia by telephoning them and speaking to people whom he identified as Josie, Daniel, and Jack. He said that he was told to get a certificate of euthanasia. He did so and emailed it to GRV. He said that he did this when he was asked.
21. During the interview, the Chairperson put the following to Mr Febey:

"It appears to Dr Goble that you made no effort to diagnose the injury and your only intent was to euthanise Bella"

Mr Febey replied "correct". This proposition was put to him several times in the inquiry, and he confirmed his agreement to that comment.
22. Mr Febey gave evidence before us. He was very aggressive and rambling. It was very difficult to conduct the hearing due to his frequent and loud interruptions, swearing and the numerous and extremely concerning threats that he made.



23. In assessing his evidence, we have allowed as much as possible for the fact that disciplinary hearings are confronting and stressful events. We take into account Mr Febey's description to us of having suffered childhood trauma and consequential mental illness of an unspecified nature. We accept that the hearing process may therefore have been particularly gruelling for him. However, we found Mr Febey to have been a most unsatisfactory witness. On several occasions the Assistant Registrar was forced to mute him because he refused to accept the authority of the Tribunal or to show any respect towards other participants when they were speaking. His assertions about the facts are not borne out by the other evidence which we have heard. We have determined that we do not accept the evidence which he gave where it conflicts with the evidence of Dr Goble, Dr Cao and the records of GRV.
24. Dealing with each of the charges in turn our findings are as follows.
25. In relation to Charge 1, we are satisfied that he made insufficient effort to rehome this greyhound. It is clear from the evidence that he made no effort at all. He was determined to have the greyhound euthanised. He would not even allow it to be examined medically before this procedure took place.
26. In relation to Charge 2, we are satisfied that he failed to notify GRV of his intention to euthanise the greyhound. There is no record of any such notification, and he did not appear to understand that he was obliged to give any such notification. He was invited at the hearing to give evidence as to whether he advised GRV of his intention to euthanise the dog before the euthanasia took place. He did not give evidence about this issue.
27. In relation to Charge 3, we are satisfied that Mr Febey failed to notify GRV within two working days of the death of the greyhound. We accept the evidence that we have heard that the notification took place in 2023 after the contact described by Dr Goble.
28. In relation to Charge 4, we are satisfied that he engaged in improper conduct within the meaning of that Charge. Clearly his actions as we have described them were most improper. We agree that the euthanasia of this greyhound was unnecessary. We agree that such an act brings the industry into disrepute and thus satisfies all the elements of this Charge.
29. In relation to Charge 5, we are satisfied that Mr Febey made false and misleading statements to the Stewards as alleged in that Charge and outlined during oral submissions by counsel for the Stewards at this hearing.

30. In relation to Charge 6, we are satisfied that Mr Febey failed to produce treatment records when requested to do so.
  31. Accordingly, we find each of the Charges proven.
  32. Given the extraordinary difficulty that we have had in curbing Mr Febey's aggressive outbursts during this hearing, we have determined that we will hear penalty submissions by way of written submissions.
  33. The Orders that we make are:
    1. The Stewards are to file and serve submissions by 24 September 2024.
    2. Mr Febey is to file and serve any submissions in reply by 1 October 2024.
    3. The Registry will advise the parties as to the date of the decision in relation to penalty and the mode in which it will be handed down.
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Kathleen Scully  
Assistant Registrar, Victorian Racing Tribunal