

**DECISION ON AN INTERNAL REVIEW APPLICATION UNDER  
SECTION 91 OF THE *GREYHOUND RACING ACT 2017***

Matter for determination	Decision dated 27 December 2021 of the Steward Shane O'Shea under section 59 of the <i>Greyhound Racing Act 2017</i> to issue a fine of \$200 for breach of Rule 86(f).
Internal review decision date	25 January 2022
Internal review decision by	Mr Wade Birch, Director Race Day Operations & Integrity Mr Matthew Tutt, Director Compliance, Policy & Legal Services
Internal review decision summary	Vary the decision of 27 December 2021 and impose a fine of \$100.00

**REASONS FOR DECISION**

1. These are the reasons for decision following an application by Mr Brett May ("**Mr May**") for internal review under the *Greyhound Racing Act 2017* ("**Act**") of a decision of Steward Shane O'Shea made at Maitland on 27 December 2021. That decision was to issue a \$200 fine to Mr Brett May for a breach of Rule 86(f).
2. This is a reviewable decision within the meaning of section 91(1) of the Act. As we were not substantially involved in making the reviewable decision, we have dealt with this application.
3. Under section 91(7) of the Act, an internal reviewer is empowered to:
  - Confirm the reviewable decision the subject of the application; or
  - Vary the reviewable decision; or
  - Revoke the reviewable decision.

**Background**

4. On 27 December 2021 Mr Brett May attended the Maitland race meeting.
5. During the course of the meeting, Mr May expressed comments to the effect of "*the stewards are morons*" to the on-course veterinarian engaged at the meeting.
6. Mr May attended an inquiry with Stewards at the race meeting, in which he was charged with a breach of Rule 86(f), which reads:

**Rule 86(f), Rules**

A person (including an official) shall be guilty of an offence if the person-

(f) 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-

(i) a Steward;

7. Mr May pleaded guilty to the charge and expressed regret and remorse regarding his comments, during that hearing.
8. Steward Shane O'Shea found Mr May guilty of the charge and issued a fine of \$200.00

### **The internal review application**

9. On 2 January 2021, Mr May lodged an application for internal review of the decision made on 27 December 2021.
10. Mr May requested the internal review be conducted via telephone. The internal review was conducted via telephone on 25 January 2022.
11. Mr May submitted that the penalty of a \$200 fine was too severe given the circumstances. Mr May made reference to a stewards' report dated 29 December 2021 in which another participant was issued with a formal reprimand for an offence under Rule 86(g).
12. Mr May made admissions as to the comments he made but submitted that they were not directed at the Stewards, but instead were expressed as an opinion to the on-course veterinarian.
13. Mr May submitted that at no time was there any confrontation between himself and any Steward or veterinarian.
14. Mr May submitted that he had been a registered participant since 1978, approximately 43 years. Mr May submitted that he has an unblemished record with no prior incidents against his name.
15. Mr May submitted that his early guilty plea and the regret and remorse displayed during the hearing should be considered by the internal reviewer when considering whether the original decision was appropriate.

### **Decision**

16. In considering whether the penalty imposed by Steward O'Shea is appropriate, we have had consideration of the following:
  - a. Stewards Report dated 27 December 2021 from Maitland;
  - b. Internal Review application from Mr May;
  - c. The submissions made by Mr May on 25 January 2022 by telephone.

17. In accordance with section 91(7)(a) of the Act, having reviewed all of the material, we vary the original decision made by Steward O'Shea on 27 December 2021, being to issue a fine of \$200 against Mr May, and impose a penalty of a fine of \$100.00

Mr Wade Birch, **Director Race Day Operations & Integrity**

Mr Matthew Tutt, **Director Compliance, Policy & Legal Services**

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