

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

Matter for determination	Decision dated 13 September 2022 of decision makers Wade Birch, Director Race Day Operations & Integrity and Paul Van Gestel, Steward, to issue a 6-month suspension with 2 months conditionally suspended for 12 months against Mr Michael Hooper.
Internal review decision date	11 October 2022
Internal review decision by	Mr Chris Wheeler Acting Chief Commissioner Mr Peter Collins Commissioner
Internal review decision summary	Revoke the decision of 13 September 2022 and withdraw the charge against Mr Hooper.

REASONS FOR DECISION

1. These are the reasons for decision following an application by Mr Michael Edward James Hooper (“**Mr Hooper**”) for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a Commission decision (“**Commission**” or “**GWIC**”). That decision was to suspend Mr Hooper’s registration for 6 months, 2 months of which was conditionally suspended for a period of 12 months subject to Mr Hooper not breaching Rule 86(o) or any like rule in that 12-month period.
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 31 January 2022 Mr Hooper attended the Richmond Greyhound Racing Club (“**Richmond Club**”) for its Annual General Meeting (“**AGM**”).
5. At the AGM, a verbal altercation took place between Mr Hooper and Ms Leanne Barnes, Secretary Manager of the Richmond Club.
6. At the end of the AGM, Mr Hooper remained at the Richmond Club for a period between approximately 30 to 60 minutes.

7. Mr Hooper had to be prompted to leave the Richmond Club by Ms Barnes at some time between approximately 9:00 and 10:00pm.
8. Following an investigation by GWIC, the original decision makers issued a charge against Mr Hooper until Rule 86(o), which reads:

Rule 86(o), Rules

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

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct;

9. The particulars of the charge were:

1. That Mr Hooper, as a registered Public Trainer and Breeder at all relevant times, on 31 January 2022 did a thing when attending the Richmond Club that in the opinion of the Controlling Body was improper or constituted misconduct by engaging in the following conduct:
 - a. Mr Hooper engaged in a verbal confrontation with Ms Leanne Barnes, who was working as a club official;
 - b. Mr Hooper remained in the vicinity of Ms Barnes for approximately one hour following Ms Barnes' request that all those present leave;
 - c. By remaining in the vicinity where Ms Barnes was working, Mr Hooper acted in a way that was intimidatory towards Ms Barnes;
 - d. That Mr Hooper further remained in the carpark for a period of approximately 15 minutes following a personal request from Ms Barnes to Mr Hooper for Mr Hooper to leave; and
 - e. By remaining in the carpark, Mr Hooper acted in a way that was intimidatory towards Ms Barnes.

10. Mr Hooper attended a hearing on 6 September 2022 with the decision makers. Mr Hooper was accompanied by a support person.
11. At the hearing, Mr Hooper entered a plea of not guilty to the charge and made submissions. Following consideration of those submissions and all of the evidence, the decision makers found the charge proven. Mr Hooper was invited to make submissions on penalty in writing.
12. On 9 September 2022 Mr Hooper made written submissions in relation to penalty. On 13 September 2022 the decision makers imposed a penalty of a 6-month suspension, of which 2 months were conditionally suspended for 12 months subject to Mr Hooper not breaching Rule 86(o) or any like rule in that 12-month period.
13. Pursuant to Rule 174(5) the commencement date of the penalty was deferred to commence from 16 September 2022.

Internal Review Application

14. On 15 September 2022 Mr Hooper applied for an internal review of the decision.

15. On 11 October 2022 Mr Hooper attended an internal review hearing. The hearing on this date was adjourned. In lieu of delivering our findings at a re-scheduled hearing, we deliver our findings in writing.

Decision

16. As internal reviewers, we have had regard to all of the evidence considered by the Commission decision makers on 6 and 13 September 2022, together with the submissions of Mr Hooper made as part of this internal review application.

17. Upon review of the evidence in this matter, we note the following:

- There was conflicting evidence from witnesses as to what occurred during the verbal confrontation at the AGM, however all witnesses who were present in the room at the relevant time indicated that Ms Barnes initiated the interaction and that both Ms Barnes and Mr Hooper were angry and had raised their voices.
- The evidence indicates that neither Ms Barnes nor Mr Hooper had met each other before the AGM. Mr Hopper asserts that he was not aware Ms Barnes was a Club official when the interaction occurred between them. There is no evidence before us that contradicts this assertion.
- The accounts of most witnesses indicated that there were raised voices and angry confrontations between a number of attendees during the course of the AGM, with witnesses variously describing it as *'out of control'*, *'a shambles'*, *'chaos'*, *'turmoil'*, *'one of the worst meetings I have attended'*, that attendees were *'screaming'* and *'yelling'* and that some attendees were so unhappy with the proceedings that they walked out halfway through.
- Four witnesses attested that Mr Hopper remained in the premises after most of the other attendees had left, although there was conflicting evidence as to how long he remained. One witness' evidence was that when approached, Mr Hooper had informed her that he remained in the room after the end of the AGM in an attempt to calm down after a tense AGM. Mr Hooper asserts that he stayed in the room after most of the attendees had left to give Ms Barnes a private opportunity to discuss the matter. This assertion is supported by a comment in an email Mr Hooper sent to Ms Barnes some hours later that *'I remained to give you the opportunity to clear the air'*.
- No police report was made in relation to the interaction between Mr Hooper and Ms Barnes and whilst there was likely to be relevant CCTV footage, this was not downloaded or retained by those with access to it and therefore not able to be considered.
- No action was taken by the Richmond Club against Mr Hooper in relation to the interactions in question, or against any other members who attended the AGM; and
- The matter has been ongoing for approximately nine months, with at least some of the delay being caused by the Commission.

18. As internal reviewers, we must have regard to the matter as a whole, with reference to the evidence and the submissions of Mr Hooper. As internal reviewers, we were not comfortably satisfied on the evidence before us to uphold the original decision. Accordingly, we determine that the charge against Mr Hooper be withdrawn.
19. In accordance with section 91(7)(a) of the Act, we revoke the original decision made by the decision makers on 6 and 13 September 2022 and instead withdraw the charge against Mr Hooper.

Mr Chris Wheeler, Acting Chief Commissioner

Mr Peter Collins, Commissioner

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