

PENALTY DECISION



INQUIRY NUMBER: 17S054
PARTICIPANTS: Jeffrey Stedman
PANEL MEMBER(S): Mr Paul Marks (**Steward**)
DATE OF DECISION: 19 April 2021

Introduction

1. This Inquiry is chaired by myself as a steward appointed under the GRNSW Greyhound Racing Rules (**Rules**).
2. This decision concerns Jeffrey Stedman, who has been charged with breaches of Rules 86B(1)(a), 86B(1)(b), and 86B(1)(c) in which a registered person is guilty if in the opinion of the Stewards, that person:
 - (a) uses in connection with greyhound training, education or preparation to race, or racing, any live animal, animal carcass or any part of an animal whether as bait, quarry or lure, or to entice, excite or encourage a greyhound to pursue it or otherwise;
 - (b) attempts to possess, or has possession of, or brings onto, any grounds, premises or within the boundaries of any property where greyhounds are, or are to be trained, kept or raced, any live animal, animal carcass or any part of an animal for the purpose of being, or which might reasonably be capable of being, or likely to be, used as bait, quarry or lure to entice or excite or encourage a greyhound to pursue it; and
 - (c) causes, procures, permits or allows a greyhound to pursue or attack any live animal, animal carcass or any part of an animal.

[if found guilty, that registered person] shall be disqualified for a period of not less than 10 years and, in addition shall be fined a sum not exceeding such amount as specified in the relevant Act or Rules, unless there is a finding that a special circumstance exists, whereupon a penalty less than the minimum penalty may be imposed.

Background

3. On 24 July 2017, GRNSW investigators attended the property of Mr Stedman, a licensed trainer, at his registered address ("**the Property**") for the purposes of conducting an unannounced inspection.
4. At the time of this inspection, GRNSW investigators observed what appeared to be a decomposing rabbit carcass ("**Carcass**") in a fridge situated within the kennel block area of the Property. GRNSW Investigators conducted an electronically recorded interview with Mr Stedman.
5. At the time of the above interview, Mr Stedman made certain admissions that the possession of the Carcass was for use in connection with greyhound training, education or preparation to race, or racing, an animal carcass as a bait, quarry or lure, to entice, excite or encourage a greyhound to pursue it. On 7 August 2017, GRNSW Stewards determined to impose an interim suspension on Mr Stedman in accordance with Rule 92(5) of the Rules.

6. GRNSW Investigators seized the Carcass taking it to the Australian Museum where it underwent forensic analysis.

Conduct of the Inquiry

7. On or about 7 August 2017, the original inquiry panel imposed an interim suspension against Mr Stedman pursuant to Rule 92(5) of the Rules.
8. On or about 7 September 2017, Mr Stedman denied the charges in a completed election notice.
9. On 26 October 2017, the original inquiry panel (comprised of Mr S Dodd, Ms T Cootes, and Mr G Carroll) held a hearing in relation to this Inquiry.
10. At the end of the Inquiry hearing on 26 October 2017, the original inquiry panel indicated that the hearing would be adjourned for a short period to allow for a forensic examination to occur on samples taken from the Carcass.
11. Since 26 October 2017, the original inquiry panel has ceased their employment with GRNSW and unfortunately, this Inquiry remained stagnant for a significant period of time.
12. On or about 22 February 2021, I took over carriage of this Inquiry in my capacity as Steward appointed by GRNSW under the Rules.
13. On or about 18 March 2021, after reviewing the brief of evidence relevant to the inquiry as well as the transcript of the inquiry hearing conducted on 26 October 2017, I wrote to the Participant and indicated that I had determined that there is sufficient material to find him Guilty of breaching Rule 86B(1)(b), and further, that I found him Not Guilty of breaching Rules 86B(1)(a) and 86B(1)(c). At this time, Mr Stedman was also served with a copy of the Forensic Report of Ms Melanie Marty dated 8 December 2017 which had been obtained following the inquiry hearing conducted on 26 October 2017.
14. In my above letter, Mr Stedman was offered an opportunity to make written submissions addressing penalty.
15. On or about 12 April 2021, Mr Stedman provided this Inquiry with further written submissions regarding the charge against him.

The Evidence

GRNSW Investigation

16. Senior GRNSW investigators, Nick Souris and Chris Dove have provided detailed statements detailing that:
 - (a) At about 5pm on Monday, 24 July 2017 they attended the Ozchase kennel address of Mr Stedman to carry out an inspection;
 - (b) Mr Stedman directed them to a shed where greyhounds were kept;
 - (c) They inspected a fridge located in the shed;
 - (d) A plastic bag was found on a shelf of the fridge which contained the Carcass; and
 - (e) Mr Stedman was interviewed in relation to the Carcass.
17. The Carcass was received by the Australian Centre for Wildlife Genomics at the Australian Museum on 26 July 2017 which then confirmed that the Carcass was that of a rabbit.

Inquiry hearing on 26 October 2017

18. Mr Stedman seemingly accepts that he was provided with a rabbit skin and several rabbit feet by a person (which will not be identified in my below decision) at the Criterion Hotel in Young in or about January 2017. I note the following exchange between Mr Stedman and the original inquiry panel during the inquiry hearing:

Mr Stedman: *“Well, all I can say, I’ve had them there for a long time, never used them. The fellow – the man [...] bought the rabbit at the all-day auctions at Young and he’s took it home, killed it, dressed it and him and his wife ate the rabbit. And I was at the hotel – Criterion Hotel at Young – and [...] walked in with the rabbit skin in the bag, in a shopping bag, and he said, “This might be handy to you.” So I just put it in the car and when I went home, I threw it in the freezer, actually. And roughly a day before I was caught with the rabbit – caught with the skin – if it was left in the freezer, might never have found it. But I pulled it out of there to give more room for more meat. I had just killed another cow. And that’s when I got found with it. And I was asked what it was and I said, “It’s a rabbit skin.” And that was it. And it said several feet. Well, I think a rabbit mostly only got four feet, but I couldn’t tell you whether he’d done another one in and through the extra feet in there, I couldn’t tell you how many feet was in there, I never counted them. They just said several feet. All I know is four feet on a rabbit.”*

19. Further, Mr Stedman seemingly admits that he intended, at least at the time of receipt of the Carcass, to use the Carcass to encourage a greyhound to pursue it. Specifically, I note the following exchanges between Mr Stedman and the original inquiry panel during the inquiry hearing:

Ms Cootes: *“You also said just before that that when you received the rabbit material and you were sitting in the hotel with [...], what occurred in your mind was that you may use the rabbit material for this particular dog?”*

Mr Stedman: *“That’s right, I did think of that.”*

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Mr Stedman: *“I know – year, but I’m just explaining something. I never used it. I was going to use it, that’s the way it should have been.”*

.....

Mr Carroll: *“In that time when you first got the rabbit – the rabbit skin – and then to the point where you sent it off to Mr Sims, at any point then did you entertain the idea, did you think, “Yes, this is why I’ve got the rabbit”? Did you---”*

Mr Stedman: *“Well, it had entered my mind, I’ll admit that, it entered my mind. But a lot of things enter your mind and you still don’t do them.”*

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Ms Cootes: *“I just have one further question, Mr Stedman. So you accepted the rabbit material?”*

Mr Stedman: *“Yeah.”*

Ms Cootes: *“Thinking you may use it?”*

Mr Stedman: *“Yeah.”*

20. Mr Stedman seemingly withdrew his previous admission (made to GRNSW Investigators while being interviewed) that he had used the Carcass to encourage greyhounds to chase. Specifically, I note the following exchanges between Mr Stedman and the original inquiry panel during the inquiry hearing:

The Chairman: *“On page 3 – and correct me if you didn’t say any of this, or Mr Dove didn’t, Dove says: “Do you agree that you said to me: ‘I know it’s illegal but I use it to stir up?’” You say, “Yes.” Mr Dove says, “Yes.” And you go, “That’s right, yes.” Dove says, “And we had a further conversation and I asked you if you use – if the dogs bite the rabbit, and you said, ‘Yes, sometimes they do.’ Is that correct?” You say, “Yes, that’s right, yes.””*

Mr Stedman: *“So, yeah, well, I may have said them sort of things but I might have been relating back to the time we could have done it. You know. I mightn’t have said it that way, but that’s the way I would have relate – I was relating in my own mind, that it was relating back to when we could do it. I can’t understand why we still can’t do it. Greenies is bugging us up, I think. (Chuckles). I mean, a dead – a bit of skin or a dead rabbit, I can’t see much harm in it myself. But I know there’s a rule – you’ve made the rules and the rules are there. No, I never – I might have said it, but that’s where I’m thinking I’m relating back to what I have done, you know, years ago even.”*

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The Chairman: *“And I’ll take you to a couple other points of the interview. Again, on page 4 – and by all means follow it – Mr Dove says, “In relation to that rabbit, what can you tell me about that?” And your response is this: “Well, it was a mate of mine. He buys rabbits from the – what’s the name - the auctions in Young, you know, and he skinned the rabbit. He’s eaten the rabbit and he gave me the skin. Just a stir up for my dogs. That’s all it was. It was a rabbit skin.” Dove: “Did you buy it off him?” You: “No, I didn’t buy it off him; he gave it to me.” Dove: “And how often would you buy a skin or -----” You: “Well, that’s the one only I would have around here and the only one I’ve had.” But then it goes on. And then Dove: “Can you explain to us how you use it? I know you say a stir-up, but I’m not a trainer. So can you just explain to us how you use it?” Your response was: “Well, I mostly – I haven’t got a roundabout, but I’ve got a pole and I hook it on the end of the pole and I go around and swing it.” Mr Dove: “Yes.” “*

Mr Stedman: *“Yeah, I did – that’s right, yeah. I can’t – can’t deny any of that, actually. But I, like I said, it was never used. I’ve said that’s what I do – I done – but I never said – I haven’t done it for that long, I mostly just got the squeakers, a couple of loud squeakers, that’s all I’ve had to have, and that’s all I’ve done.”*

21. Mr Stedman seemingly agreed that he understood what he had said during the interview with GRNSW Investigators. I note the following exchange between Mr Stedman and the original inquiry panel during the inquiry hearing:

The Chairman: *“And the panel wants to put a couple of allegations to you, which we would like a response from you. The first allegation is this: that with the evidence before the inquiry, that although you consumed a number of alcohol drinks prior to returning home on 24 July 2017, your level of intoxication was not at such a state that you did not understand what you were saying in that interview with Greyhound Racing investigators and what’s contained in that interview on 24 July 2017 is a correct account.”*

Mr Stedman: *“Well, it is pretty correct, yeah. You know, I’m not saying that I was stupid or anything like that with the alcohol, I’m just saying I do ramble off at the mouth a bit sometimes, you know, and I might have said things I shouldn’t have said. I do that, anyway.”*

Forensic Report of Ms Melanie Marty dated 8 December 2017

22. Ms Melanie Marty of Genomic Diagnostics has prepared a canine DNA testing report in relation to several fur samples gathered from the Carcass.
23. Of most significance, the report concludes that:

“No reportable canine DNA profile was obtained from any of the fur samples...”

Mr Stedman's written submissions received on or about 12 April 2021

24. Although it was requested that Mr Stedman provide submissions regarding penalty only, he has seemingly provided this inquiry with submissions directed towards the relevant charges. Those submissions were received by GRNSW on or around 12 April 2021 and I note the following specific submissions made by Mr Stedman:
- (a) The rabbit skin was given to him at the pub six months prior to it being found by GRNSW investigators; and
- (b) It had never been used.

Application of evidence to each charge

R86B(1)(a)

25. Although I find Mr Stedman's evidence regarding his use and/or intended use of the Carcass as unconvincing, I must have regard to the findings of the Forensic Report of Ms Melanie Marty dated 8 December 2017 which returned a negative result for reportable canine DNA profile obtained from the Carcass fur samples.
26. While it would be open to me to rely upon Mr Stedman's original admission that he used the Carcass to bait his greyhounds, as a result of the withdrawal of that admission and the results of the Forensic Report of Ms Melanie Marty mean that I am not satisfied that Mr Stedman breached R86B(1)(a).

R86B(1)(b)

27. It is undeniable that the Carcass was located on Mr Stedman's property, where greyhounds are trained or kept.
28. The Carcass comprised a rabbit skin and several rabbit feet.
29. Based on all of the evidence before me, I find that at the time Mr Stedman acquired the Carcass, he intended to use the Carcass to encourage a greyhound to pursue the Carcass. Further, and at the very least, I find that the Carcass might reasonably have been capable of being, or likely to be, used as bait, quarry or lure to entice or excite or encourage a greyhound to pursue it.
30. In light of the above I am satisfied that the elements of R86B(1)(b) are satisfied and Mr Stedman is guilty of a breach of that Rule.

R86B(1)(c)

31. Again, I find Mr Stedman's evidence regarding his use and/or intended use of the Carcass as unconvincing, however I must have regard to the findings of the Forensic Report of Ms Melanie Marty dated 8 December 2017 which returned a negative result for reportable canine DNA profile obtained from the Carcass fur samples.

32. While it would be open to me to rely upon Mr Stedman's original admission that he used the Carcass to bait his greyhounds, as a result of the withdrawal of that admission and the results of the Forensic Report of Ms Melanie Marty I am not satisfied that Mr Stedman breached R86B(1)(c).

Finding

33. Accordingly, I find Mr Stedman guilty of a breach of Rule 86B(1)(b), however I find him Not Guilty of breaching Rules 86B(1)(a) and 86B(1)(c).

Penalty

34. By Rule 92(4), I am required to have regard to the following matters in reaching a decision as to penalty:

- (a) the character and antecedents of the person charged;
- (b) the nature of the breach and the circumstances in which it was committed, in particular, the seriousness of the breach and any negligence, recklessness or indifference of the person charged;
- (c) whether the person has denied or admitted to charge.

35. Importantly Rule 86B(1) states that:

[any person in breach of these rules] shall be disqualified for a period of not less than 10 years and, in addition shall be fined a sum not exceeding such amount as specified in the relevant Act or Rules, unless there is a finding that a special circumstance exists, whereupon a penalty less than the minimum penalty may be imposed.

36. Although Mr Stedman has been afforded sufficient opportunity to address this inquiry on penalty, his submission received on or about 12 April 2021 failed to provide any information which would assist me in deciding whether any special circumstances exist in this matter. However, I have considered several other matters raised by Mr Stedman, namely in an interview conducted by the original inquiry panel on 4 August 2017 and relied upon in its decision to impose an interim suspension.

37. After considering all of the relevant matters, I find the existence of special circumstances on the basis of a combination of:

- (a) Previous penalties imposed by other jurisdictions in relation to the charge for the offending behaviour captured by Rule 86B(1)(b);
- (b) No aggravating factors being present with respect to this matter;
- (c) The length of Mr Stedman's registration history being approximately 25 years and in that time Mr Stedman's disciplinary history does not include any like matters;
- (d) Mr Stedman's age of 76 years;
- (e) The financial hardship suffered by Mr Stedman without the income (in addition to his pension) received from his involvement in the greyhound racing industry;
- (f) The financial hardship already suffered by Mr Stedman as a result of the interim suspension imposed on him since 7 August 2017; and
- (g) The significant delay in determining this inquiry.

38. Finally, I must take into account that Mr Stedman is taken to have pleaded not guilty, and therefore shall receive no discount for an early plea of guilty.

39. Having regard to all of the above matters, I consider that a period of disqualification of 4 years is the appropriate penalty in the circumstances. This period is to be backdated and

commence from the date in which an interim suspension was imposed against Mr Stedman, being 7 August 2017. Accordingly, Mr Stedman's disqualification will cease on 8 August 2021.



Mr Paul Marks

Steward