



**Racing
Victoria**

**RACING APPEALS
AND
DISCIPLINARY BOARD**

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DECISION

**RACING VICTORIA STEWARDS
and
TERRY MCGREGOR**

Date of Hearing: 16 March 2017

Panel: Judge Bowman (Chair), Mr Josh Bornstein (Deputy), Mr Shaun Ryan.

Appearances: Mr Daniel Bolkunowicz appeared as counsel for the Racing Victoria stewards.

Mr Paul McGuinness appeared as counsel for Mr McGregor.

Charge AR 175(q)

The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise: Any person who in their opinion is guilty of any misconduct, improper conduct or unseemly behaviour.

Particulars The charge relates to a physical altercation that took place between Mr McGregor and Assistant Trainer Doug Arnold at the Mornington racecourse on 12 December 2016.

Plea: Not Guilty.

Decision: Mr McGregor convicted and suspended for a period of 3 months, to commence immediately.

Georgie Gavin
Registrar - Racing Appeals and Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE J. BOWMAN, Chairman
MR J. BORNSTEIN, Deputy Chairman
MR S. RYAN**

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

TERRY McGREGOR

RACING VICTORIA CENTRE, FLEMINGTON

THURSDAY, 16 MARCH 2017

MR D. BOLKUNOWICZ appeared on behalf of the RVL Stewards

MR P. McGUINNESS appeared on behalf of Mr T. McGregor

CHAIRMAN: Mr Terry McGregor, you have pleaded not guilty to a charge that you breached AR 175(q) in that, being a licensed person, a stable employee, on 12 December 2016 at Mornington racecourse, you physically assaulted Mr Doug Arnold, assistant trainer for Mr Tony Noonan. The assault was alleged to be that whilst mounted on a horse, you grabbed him by the throat, struck him to the face on three occasions with your hand, grabbed him by his helmet strap, forcibly pulling on the strap, resulting in him being dislodged from the horse on which he had been mounted. This is said to constitute misconduct or improper conduct in breach of the rule.

We have heard the evidence of Mr Arnold, Mr McGregor and briefly, Mr Ken Neville, called by Mr McGregor. Mr Neville's evidence could be said to be largely peripheral to the central issue. He was not an eyewitness. The central issue is whether Mr McGregor at least manhandled Mr Arnold as alleged by Mr Arnold. Mr McGregor claims that he placed his hand on Mr Arnold's left rib area, upper chest, and did pull on Mr Arnold's helmet strap. He also effectively claims that he was really primarily interested in the welfare of his horse and of vacating the scene.

Even on Mr McGregor's evidence, physical contact was made at least three times with Mr Arnold in circumstances where there is no suggestion that Mr Arnold threatened Mr McGregor with or perpetuated any physical contact with him. We prefer the evidence of Mr Arnold and we accept it without reservation. We regard him as an impressive witness. His version of events was clear and logical.

We accept that Mr McGregor grabbed Mr Arnold by the throat, striking three times with his lower right hand, grabbed him and dragged his head forcefully by the helmet strap, resulting in Mr Arnold's horse rearing and dislodging him. We do not accept Mr McGregor's evidence that he was in some way hemmed in by Mr Arnold and his horse and had no ability to leave the scene for the two or three minutes that it took for the incident to unfold.

We regard what occurred as misconduct and improper conduct within the meaning of AR 175(q) and we find the charge proved. We regard this as quite a serious offence where the outcome could have been considerably worse for all involved. Happily, it did not work out that way, but we regard it as a serious offence and certainly with this sort of behaviour, a message has to be sent. We also note that there was no plea of guilty and therefore no discount associated with such a plea.

There has been a frank admission as to the difficulties which Mr McGregor is currently having because of his shoulder injury. In the circumstances, we think the appropriate penalty is a suspension of three months from this date.
