

RACING NSW
STEWARDS INQUIRY

5 Venue: Stewards Room, Mudgee Racecourse
Date: Thursday 27 May 2021

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10 INQUIRY INTO THE CONDUCT OF MRS COLLEEN WALKER,
CHAIRPERSON, MUDGEE RACE CLUB

COMMITTEE OF STEWARDS:

15 M. F. Van Gestel — Chairman of Stewards
S. G. Railton — Deputy Chairman of Stewards

PRESENT:

20 C. Walker — Chairperson Mudgee Race Club
J. Kennedy — Solicitor, by leave, assisting Mrs Walker
J. Johnstone — Racing NSW General Manager
Investigations & Surveillance

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TRANSCRIPTION FROM DIGITAL VIDEO CONFERENCE RECORDING

30 **CHAIRMAN:** This inquiry is being recorded and anything that's said by the parties may
be used by Racing NSW at a later point in time. If there's any further action in relation
to this inquiry, there'll be a transcript made available of this inquiry today. That will be
provided to the parties. Formally, my name is Marc Van Gestel. I'm the Chief Steward
35 at Racing NSW. Mr Railton, who sits at the end of the table, is the Deputy Chairman
of Stewards. We're the two Stewards who have been appointed to hear this matter
today.

40 Sitting next to me is Ms Jacqueline Johnstone, who is the General Manager of our
Investigations and Surveillance Unit. Ms Johnstone is here to assist the inquiry. She
has compiled a brief of evidence and she may ask some questions in relation to the
matter or we may refer to her in terms of certain advice in respect of the process. But
the decision-making process will be between myself and Mr Railton.

45 For the record, your name is Mrs Colleen Walker?

C. WALKER: When do I ask questions please?

CHAIRMAN: In relation to?

50 **C. WALKER:** What you just said.

CHAIRMAN: You can ask, yes.

55 **C. WALKER:** So there's two people that make the decision, not three, is that correct?

CHAIRMAN: No. There's two in this process.

C. WALKER: Okay.

60 **CHAIRMAN:** Mr V'landys has appointed a Committee of Stewards to hear the matter and the appointment has been myself and Mr Railton to this process. I'll explain the process in a moment.

C. WALKER: No, that's okay.

65 **CHAIRMAN:** I'll just get the introductions—

C. WALKER: I thought there would be three. That's all.

70 **CHAIRMAN:** —and we'll go from there.

C. WALKER: Thank you.

CHAIRMAN: Okay. So your name is Mrs Colleen Walker?

75 **C. WALKER:** That's correct.

CHAIRMAN: We know you as being the former Chairperson of the Mudgee Race Club?

80 **C. WALKER:** I'm a suspended Chairperson of the Mudgee Race Club. That's correct.

CHAIRMAN: Okay. All right. Your name, sir, is Mr Joe Kennedy?

85 **J. KENNEDY:** Yep.

CHAIRMAN: Mr Kennedy, we've had some communication and leave has been granted for you to assist Mrs Walker during this process. You might just provide us with your qualifications and also your current firm that you're working for?

90 **J. KENNEDY:** Sure. Qualification, I'm an admitted solicitor, principal solicitor with Hall Payne Lawyers.

95 **CHAIRMAN:** The matter the Stewards are inquiring into today is in relation to my correspondence that I sent through to yourself, Mr Kennedy. That was of 27 April and it's in relation to an inquiry to consider, firstly, as to whether, Mrs Walker, you had engaged in conduct within the workplace that may be considered to be workplace harassment or bullying. That's the first section of the inquiry. Secondly, Mrs Walker, as to whether you were in breach of the Mudgee Race Club Constitution by not

100 referring membership applications to the Committee as required by section 4(2) of the
Mudgee Race Club Incorporated Constitution. The third aspect of the inquiry is
whether you, Mrs Walker, were acting in the capacity of the secretary executive but
also the Chairperson or Committee member of the Mudgee Race Club in contravention
105 of section 18e of the minimum requirements set by the Racing NSW Sub-Committee
following a show-cause hearing that was conducted on 19 January 2016. So they're
the three matters that we've been asked to inquire into today.

In relation to the process, Mr Railton and I have been requested by Mr V'landys to
conduct this inquiry and then, subsequent to considering all the evidence, make any
110 recommendations to Mr V'landys in his capacity as Chef Executive in relation to
whether or nor those matters that have been identified require any further investigation
in relation to those matters. Do you understand the processes that I've detailed and
that are in place in respect to the matter?

115 **J. KENNEDY:** Yes. I understood that at the end of the evidence, hoping we get there
in the next two days—

CHAIRMAN: Yes.

120 **J. KENNEDY:** —there'll be consideration given to charges and whether or not that
happens at the end of tomorrow or some later time?

CHAIRMAN: Yes, there's several options. One of those options, as you've identified,
may be charges. The other options may be other action, which could be taken by
125 Racing NSW. That may include things such as whether Mr V'landys believes it's
appropriate for charges to be issued; whether he accepts our recommendations. He
may not accept our recommendations, having regard to the evidence, but there may
be other matters that Racing NSW could also consider in terms of whether a show-
cause notice is issued in relation to the conduct, if that conduct is found to be
130 established. Then that obviously would then move to a hearing in terms of giving
consideration to those matters that we recommended.

J. KENNEDY: And in terms of the recommendations, are they made in private to Mr
V'Landy's, he then makes a decision and we're notified? Is that how—

135 **CHAIRMAN:** That's how it would work, yes. We'll consider the evidence, make any
recommendations that we think are appropriate and then Mr V'landys will then
consider as to whether or not he agrees with those recommendations and whether the
matter progresses any further in relation to it.

140 **J. KENNEDY:** Okay.

CHAIRMAN: I've identified the scope of the inquiry today. I should just formally mark
the material we have before us into the evidence so that we understand and we can
145 refer to those. Firstly, I provided Mrs Walker and also Mr Kennedy with an evidence
brief, and that evidence brief has been, as I said, sent to the parties. Within that
evidence brief are 21 exhibits. What I'll do for the purpose of this inquiry is to mark that
evidence brief as Exhibit A in respect to this inquiry.