

PLEASE NOTE THIS IS AN INTERIM DRAFT RESPONSE. MY HUSBAND IS ILL AND I DO NOT HAVE ADEQUATE UNDERSTANDING OF THE LEGAL AND PROCEDURAL ASPECTS OF THE CASE. I HAVE BEEN FORCED TO HIRE A LAWYER TO HELP AND THIS LAWYER HAS NOT HAD ADEQUATE TIME TO PROVIDE ASSISTANCE.

I AM LODGING THIS RESPONSE UNDER DURESS BECAUSE WORLD SAILING HAS REFUSED TO RESPOND TO MY REQUEST FOR AN EXTENSION OF TIME. PREVIOUSLY WORLD SAILING REFUSED TO RESPOND TO A REQUEST FOR EXTENSION DESPITE EXTREME CIRCUMSTANCES WARRANTING AN EXTENSION.

WORLD SAILING HAS REFUSED TO ANSWER QUESTIONS CRITICAL TO THIS CASE AND HAS REFUSED TO SUPPLY INFORMATION CRITICAL TO THIS CASE.

PAUL HAS NOT BEEN AFFORDED NATURAL JUSTICE IN THIS MATTER.

Response to Decisions 1 to 4 by the World Sailing Disciplinary Panel

My name is Erika Coady and I am writing this response on behalf of my husband. I have been denied the opportunity to ask questions critical to this case. I have received no responses from critical questions asked. I have also been denied access to information relied upon by the panel including the precedent decision relied upon by the panel.

Paul is no longer in a state to respond on his own due to the abhorrent relentless attack on our family by the organisations of the sport of sailing. This attack was started by our own club Sandringham Yacht Club (SYC) who subsequently recruited Yachting Victoria, World Sailing UK and World Sailing IOM.

The target of this attack is our daughter Stephanie (AUS 109) who allegedly committed gross misconduct by sailing her boat in the SWC Melbourne 2014. This decision was published by the International Jury on the SYC notice board. Stephanie has never been given an opportunity to have her case heard. Stephanie was 16 years old at the time.

The attack on Stephanie started well before the SWC Melbourne regatta and can only be described as utterly disgraceful. When a formal complaint was made about the treatment of Stephanie she was harassed on the water by members of the International Jury.

Knowing that this treatment was not only illegal, it was unethical, a decision was made to continue the attack on Stephanie through Paul. This was a planned and calculated strategy designed to inflict maximum damage on both Stephanie and Paul. This strategy of victimisation is illegal under the Sex Discrimination Act (Cth) Australia. Penalties for victimisation include fines and imprisonment.

Section 94(2) of the SDA sets out the victimisation provisions which include if the Respondent/s subjects or threatens to subject another person to any detriment on the ground that the other person:

“has reasonably asserted, or proposes to assert, any rights of the person or the rights of any other person under this Act or the Australian Human Rights Commission Act 1986.”

It is also a violation of the UN Convention on the Elimination of All Forms of Discrimination against Women (UNCEDAW).

“directly targeting a person who has a particular characteristic is not the only way of discriminating against him or her; there are also other, more subtle and less obvious ways of doing so. One way of undermining the dignity and autonomy of people who belong to a certain group is to target not them, but third persons who are closely associated with them and do not themselves belong to the group...

Indeed, the dignity of the person with a suspect characteristic is affected as much by being directly discriminated against as it is by seeing someone else suffer discrimination merely by virtue of being associated with him. In this way, the person who is the immediate victim of discrimination not only suffers a wrong himself, but also becomes the means through which the dignity of the person belonging to a suspect classification is undermined.

Furthermore, this subtler form of discrimination undermines the ability of persons who have a suspect characteristic to exercise their autonomy. ... People belonging to certain groups are often more vulnerable than the average person, so they have come to rely on individuals with whom they are closely associated for help in their effort to lead a life according to the fundamental choices they have made. When the discriminator deprives an individual of valuable options in areas which are of fundamental importance to our lives because that individual is associated with a person having a suspect characteristic then it also deprives that person of valuable options and prevents him from exercising his autonomy. Put differently, the person who belongs to the suspect classification is excluded from a range of possibilities that would otherwise have been open to him. “

Coleman v Attridge Law ECJ C-303/06

The abhorrent strategy of kangaroo courts, harassment and baiting was designed to seek a punishable reaction from Paul.

The members of the SWC Melbourne 2014 International Jury and the members of this panel are currently the subject of a Federal Circuit Court of Australia complaint by Stephanie and Paul under the victimisation provisions of the SDA.

This panel has made a concerted effort with Jury Chairman Douglas Sloan and others to create a web of deceit and lies to distract away from the issue at hand; the discrimination and victimisation of Stephanie and Paul.

I will be responding to all decisions by the disciplinary panel. It is not too late for the panel to consider objections of all decisions for the following reasons:

- Jurisdiction;
- Interference by Bryan Willis. A complaint had already been laid concerning his involvement that was not addressed;
- Actual and implied bias of the panel;
- Refusal of the panel to discuss critical facts in favour of Paul;
- Undeclared conflict of interest of a panel member; and
- No decisions have been published.

Due to the significant amount of false and deceptive statements that have been presented as facts, it is appropriate to start by detailing the facts of the case that have been supported by evidence including unedited audio recordings, witness statements and written complaint. It is also important to detail the facts that have been deliberately excluded by the panel from all decisions.

Facts

1. Sometime in 2013 Paul and Stephanie introduced themselves to Sandringham Yacht Club Boating Manager, Athanasios Papantonio. Mr Papantonio stated that Stephanie should not be sailing the 49er due to its power.
2. On or about 1 December 2014, Paul was verbally abused by Mr Papantonio; “Get that boat out of here!” Paul complained that he should be supporting Stephanie. He also stated that Stephanie had permission from the club to store the boat. He continued to verbally abuse Paul as he was taking his boat away: “I don’t care less. Get rid of her boat now!”
3. They completed the registration process on the first day of the regatta on 7 December 2014. The form completed by Paul clearly set out Stephanie's name. It could not be contended that there could be any basis for confusion as she does not have a name that could be used by either gender.
4. On 9 December 2014, at 10 am, they were approached by Mr Papantonio and advised that they were not in compliance with the Olympic gender requirements and were not permitted to compete in any subsequent races. Paul contended that this was not appropriate for them to be disqualified on the basis of Stephanie’s gender and that it was a violation of the SDA. Mr Papantonio verbally abused Stephanie and Paul. He left and came back with another person and later again with a member of the International Jury. All were arguing aggressively at Paul.
5. Paul requested a protest be submitted in accordance with the rules. Paul stated he would not race if a protest was lodged. Mr Papantonio stated he would consider lodging a protest and left. Paul lodged a formal complaint in writing at 11:02 am, referring to the International Convention on the Elimination of All Forms of Discrimination Against Women. No response was received prior to the race commencing.
6. As no protest was lodged by 11.45 am, they assumed that the issues had been resolved and sailed towards the race course area.
7. At about the same time Stephanie was disqualified from the regatta and removed from the scoreboard. At no time was Stephanie notified of this.
8. A RIB boat containing the PRO and members of the International Jury was waiting at the shore for them to leave and followed them. Stephanie stopped and Paul gestured with his hands to ask what was going on. The RIB stopped and would not approach them. It then followed behind them to the course and throughout the three races.
9. Stephanie was verbally abused with extreme foul language by other competitors who knew she had been disqualified. This included being told to “fuck off!”. The members of the jury watching on the RIB boat were smiling. Stephanie had no way of knowing she had been disqualified and at no time did the members of the jury tell her.
10. After completing the races, they returned to the regatta venue and discovered that they had been disqualified from racing.
11. Paul was met by Event Director, Mark Turnbull. Paul complained of the verbal abuse and disrespectful treatment of his daughter by Mr Papantonio. Mr Turnbull advised he would like to put forward an offer to the ISAF Jury for Stephanie to be allowed to continue sailing in the 49er class without accruing ISAF points. Paul agreed provided all race scores were recorded.

12. A private meeting was conducted between Mr Papantonio, members of the Jury, Sandringham Yacht Club and Yachting Victoria. Stephanie and Paul were not informed nor invited to attend this meeting. Mark Turnbull was also not invited.
13. In this meeting it was agreed that Paul, not Stephanie, was to be targeted with two disciplinary hearings.
14. At 6pm, after the private meeting, Mr Papantonio wrote a single sentence protest. He did not complete section 6 "*How did you inform the protestee of your intention to protest?*"
15. At or about 7pm Mark contacted Paul. He stated a meeting had been held and that the jury were extremely confident the issue would be resolved tonight. He also stated that the protest that Stephanie and Paul had been asking for had finally been lodged. He requested Paul attend the meeting. He stated Stephanie was not required to attend.
16. At 8pm that evening, an ISAF jury heard the protest and disqualified the boat from the regatta. Paul was denied the opportunity to have the allegations detailed, question witnesses or put his case forward. Paul swore "fuck you" and left.
17. Mr Sloan ran after Paul into the car park area and hit him in the chest. He was then advised by the chief juror, Douglas Sloan that there was to be a second hearing for misconduct. There was a further exchange and the chairman advised Paul that he will not be afforded procedural fairness. A second juror advised Paul that "We're in charge here, not you!".
18. On the basis of this exchange, Paul did not attend the second hearing. The jury conducted the hearing in his absence and disqualified him from the regatta.
19. On 19 December 2014 Paul receives notification by email of a further investigation to be conducted by Yachting Australia into his alleged misconduct at the regatta.
20. On 6 January 2015 Paul is ordered by Sandringham Yacht Club by email to immediately remove Stephanie's boat. When Paul removes the boat he notices the boat park is empty due to the National Championships in Perth.
21. On 13 March 2015 Paul received a telephone call from Vice Commodore Rob Davis. Mr Davis states that Paul and Stephanie deliberately broke the rules. Paul requests an undertaking be given to not discriminate or victimise Stephanie. This request was denied.
22. On 13 March 2015 Paul receives notice by email from Yachting Australia that they would not be taking further disciplinary action.
23. On 26 March 2015 Paul notifies Yachting Australia upon lodging a complaint with the Australian Human Rights Commission (AHRC).
24. On 10 April 2015 Paul notifies Sandringham Yacht Club that due to the treatment of Stephanie they will not be renewing their club membership.
25. On 2 May 2015 Paul received notification from ISAF that Acting CEO Helen Fry had referred the matter to the Disciplinary Commission for further action. Paul subsequently sent an email claiming victimisation and requesting the matter be handled by the civil legal process.
26. On 2 May 2015 Paul received by email directions of the disciplinary panel stating; "Pending further Directions, the Respondent is not at this stage requested to provide comments in respect of whether further action is required and if there should be a hearing and if there is to be a hearing, if it be on papers or in person by Friday, 8 June 2015."

27. On 6 May 2015 Paul received by email from Mr Tillet stating the disciplinary panel will issue new directions in the next few days and that no response was required by Paul.
28. On 14 May 2015 Paul requests by email clarification on the request to be informed on a monthly basis.
29. On 20 May 2015 Paul repeats the request by email. ISAF do not respond. Paul telephoned ISAF lawyer David Tillet for clarification. Mr Tillet advised for all communication to be directed to him being both the legal representative and a member of the disciplinary panel. Mr Tillet confirmed that if no further directions were given by 8 June no further disciplinary action would be taken.
30. On 3 September 2015 the AHRC formally notified the respondents of the complaint.
31. On or about 7 September 2015 Paul telephoned Mr Tillet for an update. Mr Tillet states that ISAF intend to take harsh disciplinary action against him. He also states that if the case is upheld, ISAF will no longer conduct Olympic class events in Australia.
32. On 14 September 2015 Paul received by email directions from a newly formed disciplinary panel restarting disciplinary action. Reasons given were; "The Panel notes that Mr. Coady has not complied with the directions by the previously appointed panel to advise it of the progress of the proceedings before the Australian Human Rights Commission."
33. On 14 September 2015 Paul requests of ISAF by email for the allegations levelled against him to be provided. This request was denied.
34. On 15 September, 28 September 29 September, 30 September and 2 October 2015 Paul demands by email for the allegations levelled against him to be provided. This request was again denied.
35. On 2 October 2015 Paul submitted a response to the disciplinary panel without knowing the allegations levelled against him. Paul stated he had not been afforded natural justice and will not be participating any further as the decision has been pre-judged.
36. On or about 25 November 2015. Paul's cousin notifies us that he is ill. He had recently had an operation to remove stomach cancer.
37. On 24 December 2015 (Christmas Eve) Paul's cousin notifies us that he is too sick to attend Christmas Day with us.
38. On 24 December 2015 (Christmas Eve) at 8:26pm Paul received by email from ISAF containing a response from Mr Sloan containing new and false allegations against Paul.
39. On 25 December 2015 (Christmas Day) Paul informs ISAF that he has organised a family holiday and will be unable to respond before that time. The request for extension was denied.
40. On 26 December 2015 we go to Paul's cousin's apartment and find him gravely ill. He is taken to hospital and put into an induced coma.
41. On 31 December 2015 Paul advises the panel he has had a death in the family (his cousin). Still no extension of time given.
42. On 16 January 2015 Paul advised ISAF that his response was late due to the death in the family. The response is submitted the next day.
43. On 10 February 2015 Paul received by email a decision from ISAF. The decision is grossly biased and contains false statements against Paul.

Jurisdiction

Jurisdiction of the International Jury

44. The jurisdiction of an International Jury is limited to that granted by the Racing Rules of Sailing (RRS). Breach of government law, in this case International and Australian human rights law, is outside the jurisdiction of the International Jury. The International Jury were notified that the action taken by the PRO (Mr Papantonio) was in violation of the SDA and the UNCEDAW. The International Jury were fully aware that Stephanie was asserting her rights under the SDA.

45. The complaint of violation of discrimination law was made two hours before the start of racing. The subject of the complaint and the subject of the protest lodged in retaliation to the complaint are the same. The subject is the taking of adverse action for sailing in the 49er Olympic class. As stated in decision 3 at 31 “

“The Jury simply did not have jurisdiction to hear such a complaint.”

The protest hearing was a deliberate action to oust the jurisdiction of the Federal court.

46. The International Jury were fully aware they did not have jurisdiction to hear the case. This was also stated to them by Paul in the hearing. The International Jury made the ridiculous statement that the RRS override human rights law. It was also stated that rule 3 of the RRS means that taking action for human rights violations is punishable as gross misconduct. Sloan stated in his decision that a violation of rule 3 had occurred and that this was gross misconduct. This was a deliberate and disgraceful attempt to oust the jurisdiction of the Federal court.

Jurisdiction of this Panel

47. For the same reasons above, this panel does not have jurisdiction to hear this case.

48. This panel relies upon the World Sailing disciplinary regulations. Paul is not bound by these regulations as they were never referred to in any correspondence including the NOR or RRS prior to or during the SWC Melbourne. Paul had to ask David Tillet where to find them.

49. The RRS do not authorise the publication of decisions.

50. The disciplinary hearing conducted by Yachting Australia was taken under 69.3(a) of the RRS. The RRS does not authorise concurrent hearings under 69.3(a). It authorises the National Authority or ISAF. It does not authorise both.

51. A panel (previous to this current panel) was formed as subsequent action from the Yachting Australia investigation. The RRS 69.3(c) only authorises subsequent action by ISAF/WS where the National Authority has suspended eligibility. I do note that the RRS were changed in January 2016. The previous version of the RRS must apply as detailed at para 64: *“No change to a disciplinary procedure should be introduced with retrospective effect unless favourable to the person charged”*.

52. Furthermore, all involved, including the jury and this panel, are the subject of a Federal court complaint. All people involved and the events are the same. The complaint was lodged with the AHRC on well before this panel and the previous panel were formed.

53. The UNCEDAW has been ratified in Australia through the SDA (Cth) and, in the UK and IOM through the Equality Act 2010. Where there is a conflict of laws, it is ludicrous to suggest that a sporting organization’s regulations override International and local human rights law.

54. The above facts have been presented with every response since SWC 2014. The panel have deliberately refused to accept the jurisdiction of the Federal court. This panel is duty bound to respect the appropriate jurisdiction, being the Federal court.

Invalid Protest

55. Stephanie was disqualified before the start of the first race. The protest by the PRO was lodged many hours after disqualification action was taken that night. This is a very clear breach of 63.1 of the RRS. This has been raised numerous times and the panel refuse to even discuss this critical fact.

56. The protest was not lodged within the timeframe of 2 hours from the finish of the first race for the day. It was lodged approximately six hours later. The PRO was given the opportunity to put his reasons forward. His reason was due to being too busy with race administration. This was a false statement. The protest was lodged after private meetings with YV and SYC. Paul was not given an opportunity by the IJ to put forward his reasons why it should not be extended. There was no good reason to extend the time. This is a very clear breach of 61.3 of the RRS. This has been raised numerous times and the panel refuse to even discuss this critical fact.

57. Neither Stephanie nor Paul were not informed of the protest within the time limit. They requested a protest be lodged at the appropriate time and this request was deliberately denied. This is a very clear breach of 61.1 of the RRS. This has been raised numerous times and the panel refuse to even discuss this critical fact.

58. The PRO was an interested party due to the history of previous verbal abuse. This was raised at the start of the hearing. It was agreed by the jury that he was an interested party but the protest was still accepted. This is a very clear breach of 60.3 of the RRS.

Conduct of a Disciplinary Hearing without affording Natural Justice #1

59. ISAF Disciplinary Commission Rules of Procedure state disciplinary panels shall:

“as an overriding principle, act fairly and in accordance with the principles of natural justice at all times”

“allow the Respondent and any other Participant at the hearing to:

- i) present evidence;*
- ii) question each other;*
- iii) call and question witnesses (subject to the Panel's discretion to accept testimony by telephone or written representations); and*
- iv) make opening and closing statements;”*

Paul was denied all listed requirements for natural justice.

60. Paul was not allowed to present evidence or make an opening statement. At the start of the hearing he was promised he would be given the opportunity to put his case forward. See position 02m:50s of hearing.mp:

Sloan: "... I wanted you to know ahead of time you will get absolutely every chance to say everything you want and need. We want to hear what you have to say."

The witness was given every opportunity to put his case forward. Paul was not afforded this opportunity. See position 11m:35s of hearing.mp3 :

Sloan: "Can you tell us from your side what you did yesterday?"

Coady: "Yes so I was..."

Sloan interrupts and talks over to change the subject: "Yes. Yes. Just a sec. Before we, because I know you have a lot on your mind. Can you just tell us did you race yesterday?"

By interrupting and preventing Paul's opening statement with leading and confusing questions, he did in fact make Paul's opening statement for him without his consent.

This was also raised by another Juror and ignored by Sloan. See position 13m:20s of hearing.mp3:

Jones: "I thought we were going to wait for the full statement from Paul as to..."

Sloan interrupts and talks over to change the subject: "Well the thing is, he has a lot more that he wants to say and so what I want to do is break it up a bit and ask him just who were you sailing with and keep it simple."

61. The PRO was given every opportunity to ask questions of Paul without harassment and interruption. Paul was not afforded that opportunity. See position 12m:01s of hearing.mp3:

Sloan: "Would you like answer him (Soulis) any questions?"

Coady: "I would like to ask you all a question..."

Sloan gestures to Soulis not to answer and interrupts and talks over Paul: "You will get to ask it. We will answer questions later"

Coady talks over Sloan: "Am I allowed to sail with my daughter in the FX against the women?"

Bell: "No."

Soulis: "In my personal... No"

Coady: "And you are right."

Bell interrupts: "Are you allowed to sail in the FX Ultra?"

...

Sloan: "Any other questions you would like to ask?"

Coady: "No I am just going to say. So we are all in agreement?"

Sloan interrupts and talks over: "No. No wait."

Due to the difficulty in answering one simple question without interruption Paul was forced not to ask any further questions.

62. Paul was refused the opportunity to call witnesses. This panel claims that Paul never requested to call witnesses. Paul did not need to make the request as the request had already been made by one of the jurors and been denied. See position 10m:18s of hearing.mp3 :

Sloan: "Anything I need to ask him (Soulis)?"

Jones: *“Ah. No”*

Sloan: *“From either party?”*

Jones: *“Presuming either party has witnesses? ...”*

Sloan interrupts and talks over to change the subject: *“I know. Soulis do you have any reason to believe any of us are interested parties?”*

The panel has refused to acknowledge this disgraceful and deliberate denial of natural justice.

63. The panel states that the above are not breaches of natural justice because all could have been presented during the opportunity to sum up. This is completely incorrect. Paul was ordered by Sloan to follow the protocol set by Sloan. See position 05m:56s of hearing.mp3:

Sloan: *“Please. Do me a favour. Can you follow our protocol whether you agree or not?”*

The opportunity to present evidence and call witnesses had passed. Paul was following the protocol set down by Sloan. He was told to sum up. To disobey this would have resulted in allegations of gross misconduct.

64. In *Dirk de Ridder v. International Sailing Federation (ISAF) CAS 2014/A/3630*, non-exhaustive propositions which underpin the essential requirements of fairness and ensure that justice is not only done but is seen to be done were set out:

- “1. There should be a clear demarcation line between the roles of investigator, prosecutor and adjudicator-in short a legal separation of powers.*
- 2. There should be a full disclosure of all material in the possession of the prosecution which may be of assistance to the person charged with a disciplinary offence.*
- 3. The material on which the adjudicator is invited to base its verdict should be clearly defined to the person charged, and, as far as possible, the adjudicator should be shielded from material potentially prejudicial to the person charged but on which the prosecution does not intend to rely.*
- 4. There should be a clear demarcation between persons who sit at first instance and those who sit on any bodies to which first instance decisions may be appealed within the same disciplinary structure.*
- 5. A person charged should be informed of and given access to the procedures to be applied in his or her case.*
- 6. No change to a disciplinary procedure should be introduced with retrospective effect unless favourable to the person charged.”*

These requirements were not afforded to Paul.

65. Douglas Sloan and Bill Bell ambushed Paul with a barrage of questions on behalf of the PRO. The questions related to material not included in the protest and which Paul was not prepared for. When he tried to answer he was again persistently interrupted. When he objected he was told by Sloan *“You can’t even answer a bloody question!”*

Douglas Sloan and Bill Bell were acting in the capacity of legal advisor and representative for the PRO. They were also acting as prosecutor of the case. This behaviour displayed a very clear bias towards the PRO. See position 13m:50s of hearing.mp3:

Sloan: *“Ok so what we want to get into now is, we want to get into the meat of the question and Soulis is declining to ask the questions so I am sure that we will.”*

66. The allegations against Paul were not detailed in the protest form. The protest form had one sentence stating AUS 109 sailed in violation of the NOR. Paul’s request for the allegations to be detailed was ignored. He cannot answer allegations levelled against him unless those allegations are made to him.

See position 03m:27s of hearing.mp3 :

Coady: *“Where’s the relevance of 3.8?”*

Sloan: *“3.8 is where the relevant parts going to be where it says Men’s 2 person dinghy high performance.”*

Coady: *“Ok... So where is the breach of that?”*

Sloan: *“We’ll get into that.”*

67. Paul was deliberately ambushed with material that was not made available to him including:

- a. Irrelevant State legislation; and
- b. Registration documentation;

68. Paul was deliberately ambushed with allegations not made to him:

- a. Allegations of “interfering” with the other competitors;
- b. Knowingly entering the regatta in the wrong class on behalf of the skipper;
- c. Hiding the gender of the skipper from race officials.

69. Paul was also found guilty of charges that were never mentioned in the protest or the entire protest hearing:

- a. Gross misconduct; and
- b. Bringing the sport into disrepute.

70. Paul was not given or given access to, information concerning the procedures to be applied in his case. The IJ were fully aware that Paul had little knowledge of sailing regulations or how to find them. Paul has never skippered a boat in a race.

71. Paul requested the Olympic gender requirements to be supplied immediately upon being notified of the issue. He was told they would be supplied. To this day no Olympic Gender requirements have been produced. In other words they do not exist or are hidden from public view. The Olympic requirements are detailed in the 49er class rules. There is no mention of gender in the class rules. There is no requirement in any documentation from World Sailing or the IOC that excludes mixed crews from the 49er class. This panel have refused to respond to this fundamental fact. How can Paul be found in violation of something that does not exist?

72. It cannot be denied that Paul was not afforded natural justice. It also cannot be denied that this was not accidental, it was deliberate and well planned. To take action against Stephanie and Paul, without a hearing, or even notice of a hearing, for requirements that either do not exist or are not available to the public is absolutely beyond belief. This abhorrent behaviour has been completely ignored by this panel.

Conduct of a Disciplinary Hearing without affording Natural Justice #2

73. The second hearing was a deliberate and malicious act of victimisation. Not happy to inflict the maximum punishment available to him, Sloan organises a second hearing that is identical to the first. Sloan had already decided in the previous hearing that Paul had committed gross misconduct and brought the sport into disrepute for sailing in the 49er Men's class. The second hearing served no purpose but to humiliate and seek a reaction from Paul.

74. The second hearing was conducted immediately after Sloan ran after Paul into the car park and assaulted him. Mr Sloan claims that he and the IJ were in fear of their lives from Paul. Despite this, Sloan never called for an adjournment for things to settle down and took the unbelievable action of running after Paul into the car park area to hit him. It cannot be denied that Sloan acted as a judge in his own cause in this hearing.

75. It was constructively impossible for Paul to attend the hearing as he was not going to be afforded natural justice (procedural fairness). Sloan was asked numerous times whether Paul would be afforded procedural fairness. Sloan refused to respond a number of times. He then responds no on two occasions:

Coady: *"And I am going to get a fair hearing am I?"*

Sloan: *"You are welcome to bring an attorney"*

...

Coady: *"You completely and utterly excluded every bit of evidence I put forward."*

Sloan: *"That's our decision"*

...

Coady: *"I will join you if I am going to be afforded procedural fairness. You completely ignored everything I did and none of it is on record."*

Sloan: *"Just because you say it doesn't make it fact"*

Coady: *"So where is the record of all this?"*

Sloan: *"I am not going into all this with you"*

...

Coady: *"I will join this meeting if I am afforded procedural fairness."*

Sloan: *"No ifs."*

...

Coady: *"I will be here if you can afford me procedural fairness"*

Sloan: *"There's no ifs. You come in and join us or not"*

76. The response from this current panel in decision 3 is beyond belief and goes to heart of credibility of the panel:

“Mr. Coady makes a number of statements regarding the protest hearings that are not supported by the audio recording. This reflects adversely on Mr. Coady's credibility and the reliability of statements he makes.” ...

“A review of the audio file referred does not reflect a response of “no”.”

Conduct of a Disciplinary Process without affording Natural Justice #3

Conduct of Bryan Willis

77. The ISAF/World Sailing Code of Ethics details the requirements and process for declaring conflicts of interest:

“1.9 Conflict of Interests

(b) ISAF Parties shall avoid any situation that could lead to a conflict of interests. Conflicts of interests arise if ISAF Parties have private or personal interests that detract from their ability to perform their function with integrity in an independent and purposeful manner...

(c) ISAF Parties shall not perform their functions where there is an existing or potential conflict of interest unless it has been disclosed and those with the appropriate authority within ISAF have confirmed in writing they may perform such function.

(d) If there is doubt or there is no appropriate authority to consider an existing or potential conflict of interest it shall be referred to the Ethics Commission for determination.”

78. An objection was raised by Paul to the involvement of Disciplinary Commission Chairman Bryan Willis. Mr Willis is, facing extremely serious allegations in the Federal court in the US of not affording procedural fairness to a sailor. In other words allegations the same as those being made here. Mr Willis had a very clear conflict of interest in this matter.

79. Mr Willis himself decided that it was appropriate for him to continue to be involved in this current disciplinary action. This was not a decision that Mr Willis should have made and was in violation of the Code of Ethics.

80. Mr Willis in his decision claimed that he had no influence whatsoever in the panel. As will be seen, this could not be further from the truth.

Formation of this current Panel

81. After a complaint by Paul, the previous panel issued directions stating he did not have to give reasons why a hearing should proceed. He was also given an undertaking further directions on the matter would be issued before 8 June 2015 or the panel would not proceed with a hearing. This is clearly stated in the directions:

“Pending further Directions, the Respondent is not at this stage requested to provide comments in respect of whether further action is required and if there should be a hearing and if there is to be a hearing, if it be on papers or in person by Friday, 8 June 2015.”

This deadline expired and the panel was disbanded.

82. The current panel was formed over four months after the deadline in retaliation to the receipt of Stephanie and Paul's complaint to the AHRC, a very clear act of victimisation in violation of the SDA.

“The Panel notes that Mr. Coady has not complied with the directions by the previously appointed panel to advise it of the progress of the proceedings before the Australian Human Rights Commission. The new Panel (from here on the “Panel”) therefore issues the directions contained herein.”

It was impossible for me to advise the previous panel as the previous panel did not exist, it had been disbanded. Notwithstanding this, previous panel member David Tillet was regularly notified by me and the AHRC of any updates. No information was kept from the panel.

83. This panel and the previous panel has refused to provide information on the time limits on disciplinary procedures. It would be expected that administrative decisions would be made within 28 days unless further direction were made prior.

84. Paul made an objection to the pre-judging of the previous panel’s decision. David Tillet stated, and has not denied, that the panel intended to take severe action against Paul. It was stated this would not be a life ban but would be severe. This statement was made before any submission was made by Paul. It was clearly the intention of the Disciplinary Commission was to severely punish Paul no matter what he put forward.

85. An objection was raised to Mr Willis to the selection of an all-male panel. In response two women were put on the panel. Mr Willis deliberately changed the number of panel members from three to four. This critical change was not detailed to Paul and the final panel was not listed. Paul did not realise this critical change until it was too late. This change nullified any effect that the two women would have, as Mr Burger would now have the deciding vote in the event of a tie. The preference for an odd number is detailed in the IJ Manual. This was a deliberate and deceptive act by Mr Burger and Mr Willis.

86. Melinda Erkelens failed to declare a conflict of interest due to her friendship with IJ Chairman Douglas Sloan. Both are or have been members of St Francis Yacht Club and both have been members or sailed out of Richmond Yacht Club. Mr Willis would have known or ought to have known of the friendship. Mr Willis would have known or ought to have known that Mr Sloan most probably had previously discussed the matter with Mrs Erkelens. This is even more disgraceful considering Mrs Erkelens is a member of the World Sailing Ethics Commission.

Fabrication of Evidence

87. This panel has abused its position by allowing hearsay evidence for the benefit of the IJ and ignored hard evidence from Paul in the form of audio recordings and witness statements. This is an incredibly blatant display of bias.

88. This panel has discredited the hard evidence in the form of supplied audio. The full audio was offered in 2014 and no interest in it was shown. Audio excerpts were supplied to prove statements made by the IJ. These were short excerpts and were not edited in any way. It was quite clear that they were not the complete audio as they were very short excerpts of a very long hearing. At no time did Paul state that the audio had been edited (changed) as claimed by the panel. The panel requested the full audio. This was delayed as the panel did not respond to Paul’s concerns about the security of this audio from release to the public. This concern was due to the release of other sensitive information by the IJ that was altered and used by online trolls. Despite the panel not giving any undertaking to Paul, it was supplied complete and unedited. World Sailing have already made threats to release the audio to other parties without his consent.

89. Despite supplying the audio this panel then claims that it was edited. This was a blatant and deliberate fabrication. The panel then changes this in decision 3 to state it was incomplete audio despite knowing it was complete.

“The fact that Mr. Coady at first provided an edited version of the recording to the Panel (removing the swear words), reflects adversely on his credibility. This is an attempt to provide an unbalanced version of what transpired at the hearing. This is mitigated to some extent by him belatedly admitting that he edited the recording.” ...

*“The fact that Mr. Coady told the Panel he had edited the audio version to remove the swear words and then later sent what he **alleges** is a full audio recording of the hearing leaves the Panel uncertain as to whether the ‘full version’ received in January was in fact complete.” ...*

“The incomplete audio recording provided of the protest hearing support the evidence of Mr. Papantonio given at the rule 69 hearing.” ...

“It is unclear as to whether the audio recording covers the complete time period, including all events in the foyer.” ...

Paul has provided the full audio as requested and YOU are alleging it is not and, your allegations have no basis whatsoever. The panel have subsequently used the audio only for the purpose of proving Paul swore at the jury; an allegation that Paul has never denied. Where the audio proves Sloan has lied and, Paul was not afforded natural justice, the audio is discredited as incomplete or edited.

“In these proceedings the audio recording was useful to the Panel to establish the facts regarding Mr. Coady's conduct. The usefulness of the audio recording was materially reduced by Mr. Coady altering the recording before submitting it to the Panel”

90. This panel has also encouraged Mr Sloan to fabricate evidence in the form of false statements and accepted these statements as fact despite them being proven false by hard evidence.

91. The IJ claims in the hearing “statement of facts”:

“He threatened legal action against the jury, the ISAF and Yachting Victoria.” ...

*“He aggressively questioned the jury members about their departure date from Australia which was perceived as a **personal threat to their safety**”*

As this panel is fully aware I have been seeking this statement retracted continuously since my first email on the subject on 12 December 2014:

“For your information there are number of blatant lies in the "facts" documents. I would like to clear up that at no time did I threaten legal action against the organisers of Sail Melbourne or Yachting Victoria. This is a blatant fabrication.

I can prove this as all conversations from the night were recorded on my mobile phone. This mp3 file is available if you do not believe me.”

Also in Mr Sloan’s response to this panel on Christmas Eve 2015:

*“During the hearing he also **threatened the jury with lawsuits** and at one point collected our name badges so he could identify each of us with a suit that would name us individually and **detain us from returning to our countries** in order to answer questions of a higher court.”*

The audio proves this as a blatant fabrication. Paul asked for the names so that he could lodge an AHRC complaint. This is a voluntary conciliation process that does not make decisions or award damages. Paul stated at the start of the hearing his intention to lodge a complaint to the AHRC if the decision was unlawful. The reason for asking if they would be staying in the country is obvious; how documents can be delivered to them. This is proven false by the audio. This has also been stated by Paul numerous times including to this panel. This panel's response in decision 3 is beyond belief and goes to the heart of credibility of this panel:

“The audio recording does reflect that he questioned the Jury members of the date of their departure immediately after apparently collecting the name tags for the Jury members. ... The additional finding, by way of inference by the Jury, that Mr. Coady's conduct was with the intention to intimidate, is supported by the circumstances. In the absence of any explanation by Mr. Coady why he asked these questions and collected the name tags, the Panel finds that it was with the intention to intimidate, although the Panel does not find that it was with the threat of physical harm. This constitutes gross misconduct of a serious nature.”

92. The IJ claims in the hearing facts:

“He was loud, insulting, aggressive, rude, and verbally abusive throughout the entire process.”

This is a gross exaggeration. The audio clearly shows that a heated argument developed towards the end of the hearing after Paul was refused to have the allegations detailed, to question witnesses or put his case forward. Paul was regularly interrupted by Sloan and Bell and ambushed by Bell with information not made available to him or detailed on the protest.

93. The IJ claims in the hearing facts:

“He further attempted to intimidate the jury by physically slamming furniture with his fist and a book, multiple times.”

This is a ridiculous statement and proven false by the audio. Again this panel's response is beyond belief and again goes to the heart of credibility of this panel:

“At a particularly tense part of the hearing (21:58) there is a noise heard which sound like tapping on the table. These sounds might be what the Jury refers to “slamming” a book multiple times in Allegation 18.”

94. Mr Sloan's response to this panel on Christmas Eve 2015 stated:

“Prior to the initial hearing, I was informed by the scorer that he met Mr. Cody on the steps outside the regatta office and that he was extremely agitated. The scorer advised me that Mr. Cody did not use any foul language, but was extremely aggressive towards him asking several times "What is your name? Is your name going on the injunction when I shut down this regatta? Whose name should I put in the injunction?". The scorer informed me that he tried to calm him down and explained that the Regatta Director (Mark Turnbull) was on his way and would discuss the situation with him, but he repeatedly ignored his comments and with his face less than half a meter away, was extremely aggressive in both his verbal and body language. The scorer stated that in his 27 years of regatta work, he had never been spoken to nor physically confronted as he was during this incident. This report from the scorer was not evidence in the hearing; I merely submit it as further evidence to refute Mr. Cody's claim not to have threatened anyone with a law suit. Indeed, it appears he threatened many people connected with the regatta.”

This was a complete fabrication. No complaint was lodged by the scorer and Paul never made such ridiculous statements. He certainly did not physical confront or abuse the scorer with his face less than half a meter away. No mention of this allegation has been made since now. Paul requested evidence of this to be produced or it be thrown out. This request was denied. Again the panel has accepted this as fact.

95. The false statements made by Mr Sloan have made it impossible for anyone to see what is truth and what is fiction. This panel has a duty to ensure that deliberately false or exaggerated statements are noted as such and not accepted as fact. It also has a duty not to encourage such behaviour.

Bullying of Paul and Stephanie

96. The bullying and harassment of Stephanie by the PRO and the IJ was disgraceful. Stephanie and Paul were verbally abused together by the PRO. This has been clearly detailed and two witness statements that have been supplied and ignored by this panel. The PRO was subsequently joined by Bill Bell who also joined in with the aggressive attack in front of Stephanie. The PRO and Bill Bell refused to lodge a protest.

97. The PRO and members of the IJ including Mr Sloan and Mr Bell waited in ambush on the shore for Stephanie to leave for racing. They were fully aware Stephanie would sail if no protest was lodged. They followed Stephanie throughout the days racing. While Stephanie was being verbally abused with extreme indecent language, they watched on in enjoyment. This has been admitted by Mr Sloan.

98. This bullying also occurred prior to the regatta start when Paul was verbally abused by the PRO when setting up Stephanie's boat for sailing. This has been also been deliberately ignored by this panel.

99. The current panel has taken an extremely aggressive and grossly bias strategy. All evidence supplied by Paul has been excluded. All evidence of denial of natural justice has been ignored. Numerous threats of injurious action against Paul have been made by this panel despite neither the panel, the DC or the CEO having authority to take such injurious action. They have also refused reasonable requests for adjournment despite Paul suffering under extreme conditions. This is extreme bullying and a gross breach of the victimisation provisions of the SDA.

100. The bullying of not only Paul but our entire family is disgraceful. The night before Christmas 2015 we received notification that Paul's cousin was too ill to attend Christmas Day celebrations with us. On the same night we receive an email from Helen Fry with disgraceful allegations against Paul. We requested an apology and for this behaviour to stop. Unfortunately Helen continued. Helen Fry was formerly the acting CEO and was responsible for referring Paul to the Disciplinary Commission for further action.

101. On Boxing Day we visited Paul's cousin at his apartment. He was very ill and an ambulance was called. He entered a coma that night. He passed away a few days after this. Our family was devastated.

102. This panel requested that Paul supply a Doctor's certificate to prove he is unable to respond to the panel. The panel subsequently ignored this certificate and then continued to publish injurious and derogatory comments about Paul stating that he was not suffering from any illness. This is gross and unacceptable bullying of Paul:

“Normally any tribunal would allow an appropriate extension of time for a party to be heard in the case of illness on any issue that affects that party.” ...

“The tone and style of Mrs. Coady's email is the same as that of all of Mr. Coady's emails. The same or similar arguments and threats previously made are repeated. The Panel is of the view that either Mr. Coady is writing these emails purporting to be from Mrs. Coady, or that Mrs. Coady is writing them on the instructions of Mr. Coady.”

“The Panel is not persuaded under the circumstances that Mr. Coady's conditions is such that he could not make meaningful submissions on the issue of sanction and publication at this time.”

It is also unacceptable to respond to a request for extension of time after the action has been taken. A very clear denial of natural justice.

103. I requested that all correspondence be directed to me to shield Paul directly from the bullying. I specifically stated that I did not want false statements made against me in the same way they had of Paul. Unfortunately my requests were denied and I was defamed in the same manner as Paul for no reason.

104. All requests for the harassment of Paul to stop were denied. On one occasion at 2:30am in the morning I requested Helen to stop harassing Paul with emails and to direct them to me. Her childish response was to deliberately send the same email to Paul in defiance. Three times in a row I requested it to stop and three times in a row she deliberately sent the same email to Paul:

“I enclose the final decision of the Disciplinary Panel in this matter. Please note that three of the decisions are to be published after 1 April”.

I gave up requesting for it to stop.

105. Neither Mrs Fry, the CEO, this panel nor the Disciplinary Commission have the authority to publish the decision under regulation 35.

*“35.3.12 All decisions made under the auspices of this Code by any Independent Panel or Independent Appeals Panel, or by any National Authority, shall be published by the **Judicial Board**, save that the **Judicial Board** may, in its absolute discretion (against which there is no appeal):*

(a) decide not to publish a decision if such publication is inappropriate in all the circumstances;
or

(b) decide to redact parts of the decision and publish only the redacted copy.”

Notwithstanding this, as explained previously Paul is not bound by regulations not mentioned in any race documents or the RRS. This is absolutely disgraceful bullying under the instructions of Bryan Willis and his panel.

106. Due to the abhorrent and unrelenting harassment of Paul and me, I requested that all correspondence be directed through the World Sailing UK lawyer or another person not connected with the disciplinary. This request was denied. In response this panel uses this as a refusal to cooperate:

“A further factor to consider is that Mr. Coady has indicated (through Mrs. Coady) that he will not correspond with the Disciplinary Commission in future.” ...

“The Panel will not delay matters further and will make a decision.”

Causal Nexus

107. The causal nexus between the victimisation of Stephanie and Paul as clearly detailed and the reaction from Paul cannot be denied.

108. The abuse of Stephanie was disgusting. I was witness to this and supplied a statement that was ignored by this panel. Even worse, Stephanie's statement was ignored.

109. If the formal complaint of discrimination was addressed this would not have happened. You chose instead to ignore the complaint and take disqualification action without hearing or notice of hearing.

110. If any of the following acts of victimisation did not occur the resulting behaviour of Paul would not have occurred:

- a. Verbal abuse by the PRO one week prior to the event;
- b. Refusal to lodge a valid protest prior to taking action;
- c. On water harassment of Stephanie by the PRO and IJ;
- d. Condoning of verbal abuse of Stephanie by other competitors;
- e. Refusal to accept the reasonable offer put forward by the OA;
- f. Denial of natural justice in the conduct of the hearing;
- g. Organising a second hearing identical to the first;
- h. Running after and assaulting of Paul by Sloan;
- i. Refusal to seek legal advice before taking action;
- j. Conduct of secret meetings with stakeholders prior to the disciplinary hearing, excluding Stephanie and Paul.

111. You deliberately set out to get a reaction from Paul and you were successful.

Sanction

112. This panel alleges that Paul attacked innocent "volunteers". As has been detailed, the "volunteers" are far from innocent. The actions of the PRO and the IJ were malicious, completely unprovoked and unwarranted.

113. The contention that the PRO is a volunteer is false. The PRO was receiving a very significant manager's wage from SYC at the time. Hardly a volunteer.

114. This panel has refused to supply any information on the payment of the IJ. They are paid a daily fee, daily allowance, business class flights, transport, luxury accommodation, food and other benefits. They are hardly volunteers.

115. Stephanie and Paul entered into contract in good faith and were attacked for no reason.

116. This panel claims that the only decision relevant to this case is from 2007. It also claims the misconduct was not as bad and there were mitigating circumstances. Unfortunately I have been refused the information relied upon by the panel. I do have a short paragraph on the case that shows the abuse was severe, unprovoked and natural justice was afforded. He was also allowed to call witnesses and have a lawyer present. In contrast Paul was not afforded procedural, was ambushed, refused witnesses, refused to put his case forward... the list goes on. Let's not forget that Paul was assaulted by the jury chairman.

117. This panel claims that the case of Ben Ainslie is of no relevance but provides no reasoning for this. Ben was disqualified for two races for assaulting two innocent race workers. He did not apologise to the people he assaulted and publicly complained of the excessive punishment.

118. The most significant case that has been deliberately ignored by this panel is that of the 2012 SWC Melbourne. James Sly deliberately entered the FX women competition with Olivia Price. They were allowed to sail until a protest was lodged by the women competitors. They were told the correct class was the Men's 49er. They refuse to enter that class and are allowed to continue sailing the FX class. Mr Sloan was the chairman of the IJ at the time and Mr Bell was a juror.

119. World Sailing does not have the authority to ban someone outside of their jurisdiction. The six month blanket ban including non-WS events is not authorised.

120. There is no cogent reason to explain such a ridiculously excessive punishment. Paul has been victimised for asserting his legal rights and the rights of Stephanie.

Summary

I have presented very clear evidence of a relentless campaign of victimisation directed at my family. We have done nothing to deserve this. The enormous amount of abuse and bullying that has been detailed far exceeds the reaction Paul had to this bullying.

This panel, Bryan Willis and the office of the CEO have behaved disgracefully. You set out to punish and defame Paul after realising the strength of his and Stephanie's legal case. You have deliberately inflicted harm on someone for no reason whatsoever other than asserting their rights.

You have made a very clear statement that child abuse is not only authorised it is rewarded. You have also made a very clear statement that anyone who stands up to this abuse will be attacked.

All of the decisions published are grossly bias, contain false statements, exaggerations and are highly defamatory. This has been clearly detailed and supporting evidence supplied. It cannot be denied that Paul has not been afforded natural justice in any of the investigations against him. To publish this would be a very malicious act of victimisation.

The World Sailing International Jury and the Disciplinary Commission have refused to abide by the Racing Rules of Sailing. You also have no jurisdiction to take action under regulations not referred to in any race documents. You have made an absolute mockery of your own justice system and code of ethics.

It cannot be denied that this blatantly biased kangaroo court was in retaliation for the assertion of human rights. This panel has no interest in affording Paul natural justice and is motivated upon discrediting the Federal court case:

“Mr. Coady's conduct all along is strange and irrational. It appears that he started off on a crusade and in a confrontational manner with his insistence that his daughter is entitled to sail in a men's event. His conduct at the protest hearing appeared to be caused by his anger. He clearly has a problem controlling his emotions. He has invested an enormous amount of energy and time in these proceedings to continue to fight what he considers to be the issue (i.e. gender discrimination), instead of dealing with his own misconduct.

On the one hand one is inclined to feel sorry for Mr. Coady that he could be so misguided. On the other hand the manipulative way in which he dealt with these proceedings indicates that his actions are deliberate and not just misguided, and this Panel's sanction must take this deliberateness into consideration.”

You clearly imply that Paul has no right to defend himself. You also clearly state that there is no link between the disgusting relentless victimisation of Stephanie and Paul's reaction. You attacked Paul and Paul defended himself. You accused Paul of physical abuse when in fact your Jury Chairman ran after Paul and assaulted him. Paul never touched anyone or damaged any furniture.

You have taken the opportunity of mocking the Federal Court case without having any information on the case. You also have zero understanding or respect for human rights law. Stephanie was unable to sail in the FX class because despite the efforts of Yachting Australia and the International 49er association, no crew female was found anywhere in the World, after two years of trying! You changed the class without notifying anyone and without taking into consideration the effect this would have on women. You caused the problem and you have done nothing to help the situation. You broke the law and we are the victims!

This malicious action is for the purpose of distracting away from the real issue. The formal complaint of discrimination of Stephanie Coady lodged on the morning of 9 December 2014. A complaint that has never been answered and is now the subject of Federal court action.