

## Scope of response

1. I have been requested to respond to allegations levelled against me, see attachment 1, in the document at attachment 2. I will only answer allegations levelled against me in attachment 1 and will be unable to answer any other allegations against me as they have not been levelled to me or have not been referred to in attachment 1.
2. No statements of witnesses or other evidence has been provided to me. I will be unable to respond to witness statements or any other evidence as it has either not been made available to me or has not been referred to in attachment 1.
3. I have made numerous requests to have the allegations levelled against me to be detailed. These requests have been ignored.
4. ISAF have referred to an unnamed document containing 35 paragraphs of allegations and further 8 paragraphs of allegations in another document. These documents have not been identified and served on me despite numerous requests to the Chairman of the DC and the DC administration. See directions 11 September 2015:  
*"The Chief Executive Officer is directed to serve these documents on Mr. Coady with these Directions in terms of RoP 9.1."*
5. I will be supplying audio recordings captured on my mobile phone lawfully under the Telecommunications (Interception and Access) Act 1979 (Cth) and the Surveillance Devices Act 1999 (Vic).
6. Further supporting information can be found in my complaint to the Australian Human Rights Commission (AHRC). I have been informed by the AHRC that Peter Sowrey has received a copy of this.

## Allegations levelled

The allegations levelled against me in attachment 2 are as follows:

1. I had knowingly entered myself and my daughter as a mixed-gender crew in a men-only class.
2. I had been rude, insulting and aggressive to the ISAF technical delegate as well as the ISAF PRO in public.
3. During the entire protest hearing I was rude, angry, loud, abusive, and threatening to the international jury.
4. Many times during the hearing I had to be encouraged to quit yelling, sit down and conduct myself as a gentleman.
5. At the conclusion of the hearing I was profane, yelling and rude in the public foyer of the Sandringham Yacht Club.
6. I was escorted out of the building due to my escalating loud and profane language which was disturbing the yacht club and formal event going on upstairs.
7. I deliberately did not attend for the 69 hearing.

I put forward that these allegations are either false, exaggerations or simply my reaction to extreme unlawful victimisation of my daughter and I by Soulis Papantonio, the ISAF International Jury and other sailors.

The ISAF IJ conducted a pre-judged kangaroo court. This disgusting abuse of process amounts to a very clear act of victimisation to which I reacted.

## Denial of Natural Justice

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;”*

The breaches of natural justice by the ISAF IJ are numerous and include, but are not limited to, the following:

### Prejudging of first hearing:

Prior to the hearing, the witness (Soulis Papantonio) was given the opportunity to put his case forward to members of the IJ, Sandringham Yacht Club Management, Yachting Victoria and the race organisers. This was in response to our formal complaint by email of unlawful discrimination by Soulis. The helm Stephanie Coady and I were not invited to put forward our case. As a result the hearing was pre-judged and a level of collusion existed prior to the hearing between the IJ and the witness.

### Not given the opportunity to answer allegations

The allegations against me were not detailed in the protest form. The protest form had one sentence stating AUS 109 sailed in violation of the NOR. My request for the allegations to be detailed was ignored. I cannot answer allegations levelled against me unless those allegations are made to me.

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.”

Not given opportunity to have my case heard through opening and closing statements

At the start of the hearing I was promised I would be given the opportunity to put my case forward. See position 02m:50s of hearing.mp3 :

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. I 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 my opening statement with leading and confusing questions, he did in fact make my opening statement for me without my 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."*

I was promised I would receive everything in writing. See position 09m:33s of hearing.mp3 :

Sloan: *"Paul we will give you everything in writing from here on and you are welcome to accept, agree or reject it."*

This request was subsequently denied when I complained nothing I said had been included in the report. My request to have my response recorded was denied.

I did manage to make a very brief closing statement but was again persistently harassed and interrupted by Bell and Sloan while making it. My closing statement was an assertion of human rights under the SDA. This assertion of human rights was deliberately ignored.

Not given opportunity to ask questions without harassment or interruption

The witness was given every opportunity to ask questions of me without harassment and interruption. I 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 me: *"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 I was forced not to ask any further questions. I did not want to argue against Sloan as I was also told 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?"*

[Not given the opportunity to call witnesses.](#)

I was not given the opportunity to call witnesses. The most important witness, the skipper, was not allowed to attend. This was raised by me and also by another Jury member.

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?"*

[Bias of Jury Chairman and Jury Member](#)

Prior to the hearing in a phone call from Mark Turnbull I was told ISAF IJ are *"very keen to reach an amicable resolution with me"* and *"had put in the protest as requested by me"*. He informed me of the time of this meeting.

The IJ had no intention of coming to an amicable resolution with me. Their intention was clearly to punish me for asserting human rights under the SDA.

After I had asked one question, Douglas Sloan and Bill Bell ambushed me with a barrage of questions on behalf of the witness. The questions related to material not included in the protest and which I was not prepared for. When I tried to answer I was again persistently interrupted. When I objected I 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 witness. They were also acting as prosecutor of the case. This behaviour displayed a very clear bias towards the witness. 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 answer the questions so I am sure that we will."*

See also position 02m:27s of decision.mp3 :

Coady: "Why has all the evidence I put forward been excluded?"

Sloan: "Oh no it's not excluded."

Coady: "You didn't read it out."

Sloan: "We didn't. Knowing that it wasn't a fact it was just your opinion"

### Denial of Natural Justice (Procedural Fairness) in the second hearing

The second hearing purports to be in response to alleged abuse of race officials. The notice form was signed hours prior to the first hearing so it was not in response to my behaviour in the first hearing. At no time did I abuse any race official and at no time did the witness make allegations of this to me.

I take offence to the false allegation that I abused the race officials. The 49er PRO is a friend of mine. I am also friends with other 49er race officials and in fact, one of them came out publicly in strong support of Stephanie.

The race officials did receive verbal abuse from Soulis Papantonio not me.

After the notification of the second hearing a direct question was asked numerous times: "*Will I be afforded procedural fairness (natural justice)?*" The response was no. On the basis of this I was forced not to attend. See argument.mp3 .

### Breach of Racing Rules of Sailing

The action to disqualify was taken many hours prior to the protest being lodged in violation of 63.1 and 63.3 of the RRS.

The request by us for a protest to be lodged was made in the morning. Soulis had many hours and many staff to complete a one sentence protest. Accepting a late protest against the gender of Stephanie was in violation of 61.3 of the RRS.

At no time during the hearing was I allowed to put forward my reasons as to why the protest should not be accepted. Again I was not given the opportunity to put my case forward before the decision was made. A very clear denial of natural justice.

### Unlawful Discrimination and Victimisation

The unlawful discrimination of Stephanie Coady is the subject of legal action currently with the Australian Human Rights Commission (AHRC).

The unlawful victimisation of me after asserting my human rights is also with the AHRC. This includes but is not limited to verbal abuse from Soulis Papantonio and the denial of natural justice in the conduct of the hearing by the ISAF International Jury.

It was agreed by race organiser Mark Turnbull, subject to approval of ISAF, that we would be allowed to sail with ISAF points held in abeyance pending the outcome of any dispute. This was standard practice in these situations. Notwithstanding this, the IJ refused this request preferring to seek harsh disciplinary action.

The hearing was a very clear act of victimisation in violation of the Sex Discrimination Act (Australia). The disciplinary action by the IJ was taken for a breach of Rule 3 of the RRS. A very clear objection was made by me, and accepted by the IJ, to the use of Rule 3 to nullify rights under the SDA. Notwithstanding this, the objection and assertion of rights was ignored and the disciplinary action was taken as a direct result of the assertion of human rights under the SDA.

See position 04m:59s of hearing.mp3 :

*Bell: "You agree that you are not going to take it to, ah, resort to any other court of law or tribunal?"*

See position 02m:20s of decision.mp3 :

*Sloan: "Whether you agree or not, and we do understand you don't, what we want you to know is that we feel that you were in violation of rule 3... and we feel that you were in violation of the NOR."*

## Response to Allegations levelled

The allegations levelled against me in attachment 2 are as follows:

1. I had knowingly entered myself and my daughter as a mixed-gender crew in a men-only class. Response:
  - a. I was a man entering in a men's competition. I was not in breach of NOR.
  - b. Mixed crews have competed in the 49er in the past. No announcement had been made by ISAF stating otherwise.
  - c. The 49er class rules do not exclude women. Stephanie was in compliance with the class rules.
  - d. I entered the race at the request of Stephanie as her regular crew was injured. I am not a competitive sailor. In fact I have never skipper a boat.
  - e. There are no female 49er crews available. There are plenty of male crews available. Women are treated less favourably by excluding mixed crews which amounts to unlawful sex discrimination.
  - f. The position of 49er helm, as opposed to crew, does not involve strength and stamina warranting exclusion on the basis of sex.
  - g. ISAF knowingly accepted the entry. Stephanie was present and declared herself as skipper at all meetings and measurements.
  - h. Stephanie's participation in the 49er was announced on the ISAF website well prior to the event starting.
  - i. The ISAF PRO was the boating manager of Stephanie's club. He was fully aware she was sailing in the 49er at SWC Melbourne. He was fully aware she had been sailing the 49er with a male crew for over two years.
  - j. Stephanie was present at all meetings including measurement and declared herself as helm.
  - k. The "Olympic gender requirements" do not exist in any document. I had requested the document and it was never produced.
  - l. At no time did we sail while being disqualified. Soulis never told us not to sail he told us we were in breach of the gender rules in the NOR, which we explained was

unlawful. We clearly stated to Soulis that we would not sail if he lodged a protest. This was stated numerous times. It was clearly stated by race officers that we would not face disciplinary action if we sailed. No protest was lodged so we sailed.

2. I had been rude, insulting and aggressive to the ISAF technical delegate as well as the ISAF PRO in public. Response:
  - a. This is a fabrication.
  - b. The ISAF PRO was rude insulting and aggressive one week prior to the event and during the event. I did not respond to this.
  - c. Loud offensive language was used by other male competitors in public in front of the female sailors including Stephanie.
  - d. Stephanie was subject to extreme verbal abuse on the water by sailors who knew she had been disqualified. Stephanie was not aware she had been disqualified.
  - e. Refer two witness statements at attachment 3.
3. During the entire protest hearing I was rude, angry, loud, abusive, and threatening to the international jury. Response:
  - a. I did not threaten anyone physical harm or legal harm. This is a fabrication.
  - b. I did react after it became apparent that I had been set up by a pre-judged kangaroo court.
  - c. I already stated in my submission to Yachting Australia that my behaviour was completely inappropriate but also completely out of character. Any rational person would have reacted similarly when faced with such extreme victimisation and abuse of process. Especially when that person is a parent defending an innocent child!
4. Many times during the hearing I had to be encouraged to quit yelling, sit down and conduct myself as a gentleman. Response:
  - a. I was told once. This was after IJ Chairman had implied I was stupid by saying "You can't even answer a bloody question".
5. At the conclusion of the hearing I was profane, yelling and rude in the public foyer of the Sandringham Yacht Club. Response:
  - a. I left the meeting and walked at a fast pace out the front door of the venue. Sloan ran after me outside the venue and confronted me aggressively. He aggressively slapped a piece of paper in my chest. I thought he was going to punch me. I bent over to pick up the document. He walked back up the stairs to the front door of the venue. I was approximately 10 meters away when he then said in a loud voice "The fuck you wasn't too cool either". This was heard by elderly members of the public and those inside the venue. See notice of second hearing.mp3
  - b. Sloan confronted me, started the argument and, was the first to swear in front of members of the public. Sloan set the example for what was appropriate.
6. I was escorted out of the building due to my escalating loud and profane language which was disturbing the yacht club and formal event going on upstairs. Response:
  - a. I left on my own accord after Sloan and Bell stated I was not going to be afforded procedural fairness (natural justice).
7. I deliberately did not attend for the 69 hearing. Response:
  - a. I was forced not to attend after Sloan and Bell stated I was not going to be afforded procedural fairness (natural justice).

## Objections to further disciplinary action by ISAF

I object to further disciplinary action on the following grounds:

1. I was not afforded natural justice in both hearings conducted by the IJ. This is especially true of the second hearing where it was clearly stated by Douglas Sloan that I would not be afforded procedural fairness (natural justice).
2. There is a very clear causal nexus between my behaviour after the decision of the IJ and, the unlawful victimisation from Soulis Papantonio, Douglas Sloan and Bill Bell.
3. The action taken by the ISAF International Jury (IJ) grossly exceeds that of previous ISAF 69 decisions:
  - a. In comparison at the World Championships in Perth, Ben Ainslie boarded a rescue boat and assaulted an innocent cameraman. He showed no remorse for the victim and openly complained about his punishment to the press. His punishment was disqualification from a mere two races.
  - b. At the previous Sail Melbourne regatta, Olympic Games silver medallist Olivia Price knowingly entered the female 49er FX competition with male crew, National 29er Champion James Sly. She was allowed to sail until a protest was lodged by the other competitors complaining that a mixed crew must sail in the Men's 49er class due to the strength and stamina of the crew. The protest was upheld. Olivia and James chose not to sail in the men's class. Notwithstanding this, they were still allowed to compete in the women's class although the ISAF points were not collected. No disciplinary action was taken.
4. I have been banned from sailing since December 2014 under 69.4.
5. The matter has already been investigated, at the request of ISAF, by Yachting Australia. It was decided no further action should be taken. As clearly stated by Douglas Sloan, I have no right of appeal against any decision by the IJ. It is interesting to note that the IJ is now exercising their right of appeal to the decision of this completely unwarranted investigation that was conducted at their request.
6. A very clear assertion of human rights was made both in writing and verbally. The disciplinary action was taken in response to the assertion of human rights. The matter is currently the subject of legal action in Australia under the victimisation provisions of the Sex Discrimination Act (Cth).
7. Notwithstanding the fact that I had not provided any information to address allegations against me, ISAF lawyer David Tillet clearly stated to me that this panel "*will be taking disciplinary action against you (me)*". He clearly stated that this "*won't be a life ban but will be other disciplinary action*". This case has been pre-judged and, on the basis of this, I will not be afforded natural justice.
8. This panel was formed by ISAF in retaliation to being informed of the AHRC complaint by me. This is a violation of the victimisation provisions of the SDA and completely at odds with the Olympic Charter:

*"to cooperate with the competent public or private organisations and authorities in the endeavour to place sport at the service of humanity and thereby to promote peace"*
9. ISAF agreed to hold in abeyance any disciplinary action subject to the outcome of the legal action. ISAF have repudiated this agreement without grounds.



10. This panel purports to be as a result of non-compliance to previous directions. This could not be further from the truth. ISAF have been informed by me of all updates available to report. I was told by the AHRC that they would be in regular contact with ISAF (David Tillet). ISAF was in contact with the AHRC and could have asked them directly or, of course, could have asked me. Again ISAF have chosen to take adverse action without giving me the opportunity to put my case forward. See Directions 11 September 2015 :

*“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.”*

## Conclusion

My behaviour was a direct response to extreme unlawful victimisation from Soulis Papatonio and the SWC 2014 ISAF IJ.

The ISAF IJ conducted a Kangaroo Court for the purpose of punishing Stephanie and I for asserting our human rights. This behaviour is absolutely disgraceful and has made a mockery of the ISAF disciplinary process.

There is no cogent reason for the grossly excessive punishment metered out to me.

ISAF has no lawful right to take adverse action against me for asserting my human rights. Rule 3 does not nullify my human rights. They have also punished Stephanie for asserting her rights by disqualifying her boat and preventing her from sailing with another crew. It is interesting to note that all punishment has been against her personal sail number. This is undisputable as the reason given for the disqualification was a breach of rule 3. This panel is a direct response to my very clear assertion in writing of human rights under the Sex Discrimination Act (Cth) Australia and the Sex Discrimination Act (UK).

The Yachting Australia investigation was in response to gross misconduct which included violation of rule 3. In other words the investigation was adverse action, at least in part, in response to the assertion of legal rights under the SDA. I had every right to assert my legal rights against victimisation. It is interesting to note that these in fact are no longer legal threats, they are the subject of a complaint that has been accepted by the AHRC.

This investigation has been severely compromised:

1. David Tillet clearly stated to me that this panel *“will be taking disciplinary action against you (me)”*. This statement was made without receiving any response from me.
2. Bryan Willis has been directing this panel. Bryan Willis is currently facing very serious allegations of denying a sailor natural justice in an IJ hearing. I am also making the same allegations against an IJ under his command.
3. Documents containing the allegations against me have not been identified and served on me as per the directions 11 September 2015. The allegations levelled against me have not been made to me.

The AHRC complaint was lodged immediately after the Yachting Australia (YA) investigation was finalised. As a matter of courtesy I held in abeyance lodging the AHRC complaint until the YA investigation had finished. This latest investigation is a very clear attempt to oust the jurisdiction of the AHRC which, is completely at odds with the Olympic Charter.

On the basis of this, the disgraceful conduct of previous hearings and, the fact that by forming this panel adverse action has been taken against me without notice, I have more than adequate reason to believe this investigation has been pre-judged and that I will not be afforded natural justice. The matter is currently with the AHRC pending a decision on the potential for conciliation. The matter will proceed to the Federal Court of Australia if conciliation is not successful. I will not be participating any further in this investigation. Any further requests from this panel will be ignored.

I am again asserting my rights to all members of this panel and the Chairman of the DC under the victimisation provisions of the Sex Discrimination Act (Cth) Australia and the Sex Discrimination Act (UK). Please desist from taking adverse action against me for asserting my rights and the rights of Stephanie Coady.