

Appeal decision

Date: 11 June 2015

Code of racing: Greyhounds

Appeal panel: Mr B. Miller (chair), Mr P. James and Mr D. Kays

Appearances: Mr Stephen Sutton appeared on behalf of Mr Craig Wright
Mr James Dart—Chief Stipendiary Steward (Greyhounds) appeared on behalf of the Stewards
Norm Torpey—Manager Integrity Regulatory Unit

Decision being appealed: Warned off for life

Appeal result: Appeal allowed and penalty varied

Craig Wright was the subject of an enquiry undertaken by the Queensland All Codes Racing Industry Board in respect to his involvement in activity on a property situated at Churchable in the State of Queensland where greyhounds were the subject of engagement in the practice of live baiting. The issues surrounding the enquiry were ventilated at a meeting with the stewards' panel on 19 March 2015 during which Mr Wright confirmed that he was a trainer of greyhounds and the holder of a licence with Racing Queensland. The line of investigation centred on various video evidence that had been shown on television in the programme *Four Corners* previously and on some further video reconstructions and tapes that had been prepared by Racing Queensland during the course of their investigations. Suffice to say, that it was suggested by Racing Queensland that Mr Wright was a willing participant in the practice of live baiting and had attended at the property in Churchable for that particular purpose and was therefore in breach of the rules of greyhound racing.

After the enquiry of 19 March was concluded, the Board of Racing Queensland issued a Show Cause Notice dated 15 April 2015 calling upon Mr Wright to make oral submissions to Racing Queensland to show why action should not be taken to warn him off all racecourses and prohibit all greyhounds owned by him from competing. By letter of 24 April 2015, Messrs Hannay Lawyers acting on behalf of Mr Wright responded to that Show Cause Notice. On 28 April 2015, Racing Queensland determined that Mr Wright should be warned off for life from all Queensland greyhound racecourses and that further, any greyhounds owned by Mr Wright should be prohibited from competing in any event while such greyhounds remained in his ownership.

On 4 May 2015, a Notice of Appeal against that determination was lodged against the penalty only.

At that Appeal before this Board, the representative of Mr Wright, Mr Sutton, a friend and adviser to the Appellant, appeared with Mr Wright and submitted that at the outset Mr Wright wished to record that he accepted that he had been present on the Churchable property at a time when his greyhound trialled, that certain video evidence presented by the stewards to Mr Wright at the outset of the initial enquiry did depict his presence even though at the relevant time of the initial enquiry he had refused to acknowledge that photographic evidence was identifiable of him and further, that he was depicted in evidence on the video of being with his wife and 3 year old daughter. These admissions differed significantly from the information that Mr Wright had proffered to the stewards at the March enquiry. Mr Sutton made it plain however that at no point in time was Mr Wright ever present when live baiting was conducted and believed that video evidence that had been submitted reflecting the use of a live piglet on a lure was not within the knowledge of Mr Wright at any relevant time, he having left the course after his greyhound had trialled and the lure merely having with it a dummy carcass and not that of a live or dead animal when the greyhound owned by Mr Wright in fact did participate in any trial.

In all other respects the admissions made by Mr Wright were acknowledged by him to be in breach of the rules of greyhound racing but not to any extent that would warrant a penalty being imposed of a life ban.

During the course of this Appeal, the stewards provided a video with timeframe differentials in which it could be seen that Mr Wright was present at the property in question. The video further depicted that whilst Mr Wright was on the property and in view of the video, a live piglet was attached to the lure but not by him. Mr Wright it could be seen on the video left the area under surveillance of the camera to move to another part of the property. During the course of the video it was apparent that Mr Wright could be heard discussing the time of the trial with the operator of the lure. Mr Sutton on behalf of Mr Wright believed that that evidence was inconclusive and was not capable of justifying a conviction against Mr Wright.

It should be noted that the Appeal in question was one in respect only to the penalty imposed. There was no Appeal against the conviction that had been imposed by Racing Queensland. It is obvious to the members of this Board that Mr Wright was present on the property at the time that live baiting was being undertaken and further that the greyhound that trialled during the course of the live piglet being used as part of the lure was in fact a greyhound owned by Mr Wright. That evidence is obvious when one looks at the dog that trialled and is associated with the comments made during the course of the discussion between Mr Wright and the owner of the property and operator of the lure. This Board does not accept that Mr Wright was absent from the property at the relevant time and finds that Mr Wright was a participant in live baiting. It was unnecessary for that finding to be made as the question of this Appeal to be determined is that only of penalty but it is appropriate, in view of the allegations raised on behalf of Mr Wright, that such a finding be made.

The question of penalty is obviously of paramount importance. The Board of Racing Queensland believed that a life ban was warranted and of course Mr Wright's

representative was of the view that such a ban was not reasonable in all of the circumstances. The integrity of the sport of greyhound racing is very much the subject of public scrutiny and it is essential that the practice of live baiting be stamped out and there must be a precedent set to act as a deterrent in that respect. The sport in question does not need to be associated with persons who engage in such practices.

Of some assistance to this Board are the recent amendments to the Greyhounds Australasia Rules (GAR) made on 20 April 2015. Those amendments make it mandatory for a period of disqualification of not less than 10 years to be imposed to any person who is involved in the practice of live baiting or is convicted in any Court of an offence in respect to the use of any animal, carcass or part of an animal with greyhound training. That of course is legislation that postdates the commission of this offence and does not take the matter very much further other than to identify that post the offence being committed the minimum penalty that shall be imposed by anybody shall be a minimum 10 year disqualification. In this particular instance, the Board of Racing Queensland has identified that a period of life should be the appropriate penalty imposed. In the opinion of this Disciplinary Board, such a period of life is not likely to have any more of an effect by way of a deterrent nature on a participant than would a period of 10 years as suggested in the relevant legislation. This Board is of the opinion that a period of 10 years should be substituted for the determination of Racing Queensland and the life ban is amended such that the Appellant shall be warned off for 10 years. The penalty is varied to such an extent and the Appeal allowed to reflect that substitution.

Further right of appeal information: The Appellant and the Steward may appeal to the Queensland Civil and Administrative Tribunal (QCAT) within **14 days of the date of this decision**. Information in relation to appeals to QCAT may be obtained by telephone on (07) 3247 3302 or via the Internet at www.qcat.qld.gov.au