

Appeal decision

Decision Date: 11 October 2016

Hearing Date: 4 October 2016

Code of racing: Greyhound

Appeal panel: Brock Miller and Paul James

Appearances: Mr A D Scott of counsel instructed by Hannay Lawyers appeared on behalf of Deborah Arnold
Mr D D Purcell instructed by Clayton Utz appeared on behalf of Qld Racing Integrity Commission

Decision being appealed: Warning off for life

Appeal result: Penalty varied to warning off for eight years


The appellant Deborah Arnold was a licensed greyhound trainer and breeder who was the subject of an interview sought by Racing Qld as part of an enquiry conducted by stewards investigating various allegations in which the television program *Four Corners* had identified issues of people involved in live baiting. In the interview on 17 February 2015 there was conjecture about the number of times in which Ms Arnold had been identified in the television program. Suffice to say for the purposes of this Appeal and decision the Racing Disciplinary Board accepts that the only evidence available was depicting Ms Arnold on one occasion. Throughout the interview Ms Arnold identified that she was not a user of live baiting preferring her dogs to trial with the use of a sheepskin and a squeaker. As a result of the content of the information garnered at the interview Racing Qld issued a Show Cause Notice on 19 February 2015 which Notice specifically identified the following:

1. Ms Arnold admitted participation in live baiting in an interview with Racing Qld on 17 February;
2. Ms Arnold admitted she had witnessed live baiting by others at a property at 9 Wotan Road, Churchable;

3. It was alleged that Ms Arnold used live baiting of animals for a purpose connected with greyhound racing that was improper;
4. It was further alleged Ms Arnold used live baiting of animals for the purpose of affecting the performance or behaviour of a greyhound;
5. It is alleged that Ms Arnold participated at an unlicensed training establishment at 9 Wotan Road, Churchable.

On 26 February 2015 Hannay Lawyers on behalf of Ms Arnold provided a written response to the Show Cause Notice. The response confirmed that Ms Arnold had engaged in live baiting on one occasion and that she should not be warned off all Qld Greyhound Racecourses due to her good character. The Board of Qld All Codes Racing Industry Board trading as Racing Qld determined on 2 March 2015 that Ms Arnold be warned off all greyhound racecourses in Queensland for life. As a result of that determination Ms Arnold lodged an appeal to the Racing Disciplinary Board. The appeal was only in respect to the penalty imposed and not in respect to the conviction which, by virtue of the admissions, must stand.

Mr A D Scott on behalf of Ms Arnold acknowledged that his client had suffered considerably more harm than others engaged in the industry who had been live and regular participants in live baiting. His view was that Ms Arnold admitted to being present at the course and not reporting the activity but was not a participant in actual live baiting other than on the one occasion. His belief was that it would be appropriate for this Board to consider any penalty to be stayed for a period of time thus allowing Ms Arnold to at least attend racecourses. It was conceded that there was no likelihood of her re-entering the training regime or even being licensed by the relevant authority. Whilst that submission is certainly something that this Board must take into account it is necessary for this Board to also review Ms Arnold's position in the greyhound racing industry and the question of whether the conduct was something that merited or warranted a lifetime ban. Mr Scott raised numerous other determinations relative to people engaged in the industry who had been subject to various terms of penalty. In Queensland the appeals that have been before this Board have invariably resulted in a lowering of the lifetime ban to a period of ten years unless there be further actions undertaken on behalf of individual appellants that warranted a further reduction. It is not necessary to embark on a protracted discussion of the merits of those individual cases but suffice to say there were some meaningful attempts by those appellants



to atone which this Board accepted as being an appropriate exercise of the discretion of this Board to reduce the penalty below ten years.

Mr Scott identified that if this Board was not satisfied with imposing a suspended penalty, then at least the sanction should be reduced from life. Ms Arnold was the President of the United Queensland Greyhounds Association and had a high profile involvement in the greyhound racing industry. It is the opinion of this Board that she ought to be held accountable to a higher standard than the norm.

It was suggested that Ms Arnold had provided assistance to Racing Queensland by naming persons who had been present at the course. The suggestion obviously being that that was a reason why this Board should be more lenient with the imposition of any penalty. The respondent accepts that names of various persons were given, however, at this point in time it would not appear to have been of much impact in ensuring that further prosecutions were capable of being successful.

There is no doubt that Ms Arnold has suffered significantly in a loss of reputation in the industry and has also incurred significant financial losses as a result of her electing to leave the area because of *fearing for her life* as she put it. She has lost friends that were co-participants in the industry and will suffer greatly into the future. Her position seems to be that she was not one who wanted to inform on friends and co-associates but she was adamant that her participation in live baiting was a one-off and whilst she attended the racecourse in question, she did not utilise those services for her own animals.

This Board initially was of the view that she should be afforded a discount primarily for her initial cooperation and her early plea and at least being willing to place herself in jeopardy by naming various people however any discount that is to be given would have to be tempered by the fact that she was present often on the course, lived close by and was a significant public figure of the leading Greyhound Association acting as its President. For that reason, we are prepared to consider that a ten year warning off period will be appropriate but because of the assistance that she did offer, we have determined that a reduction of two years be granted such that the penalty imposed is warning off for eight years.

Further right of appeal information: The Appellant and the Steward may appeal to the Queensland Civil and Administrative Tribunal (QCAT) within **28 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

