

## Appeal decision

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**Date:** 6 May 2015

**Code of racing:** Greyhound

**Appellant:** Michael Chapman

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**Appeal panel:** Mr B. Miller (chair), Mr P. James and Mr G. Casey

**Appearances:** James Dart—Chief Stipendiary Steward (Greyhounds)  
Norm Torpey—Manager Integrity Regulatory Unit

**Decision being appealed:** Warned off for life

**Appeal result:** The penalty of 10 years warning off

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Michael John Chapman is a licensed trainer and stud master involved in the greyhound racing and breeding industry. He was the subject of an investigation after the television programme Four Corners reviewed an issue of live-baiting of greyhounds undertaken at a property in Churchable in the state of Queensland. That programme was broadcast on 16 February 2015 and outlines an investigation into aspects of the operation of the greyhound Racing Industry and the programme alleged and depicted numerous individuals in the greyhound industry engaged in the actual practice of live baiting. Investigations undertaken by the stewards of Racing Queensland identified that Mr Chapman was one of the persons depicted in the programme in question and as a result he was called upon and interviewed by officials of Racing Queensland on 17 February 2015. During that interview, Mr Chapman conceded the footage shown during the broadcast did highlight the Churchable property and that he was depicted in images of that programme.

On 20 February a Show Cause Notice was issued to Mr Chapman requiring him to show cause why he should not be warned off all greyhound racecourses in Queensland. Mr Chapman was subsequently provided with additional video evidence of further relevance to the investigation and given another opportunity to respond and to make further submissions in that respect. The Board of Racing Queensland made the final decision determining that Mr Chapman was the person whose presence on greyhound racecourses in Queensland was not desirable and warned him off such courses for life. Against that determination, Mr Chapman has lodged this appeal restricted only to the question of penalty.

Throughout the appeal, Mr Chapman made it obvious that his main concern was that being warned off for life would impact negatively on his family life, his social life with friends and other associates in the greyhound industry and personally on his general everyday life because he has known nothing other than the greyhound industry and is unlikely ever to be able to resume any activity in that industry should this penalty be maintained. Racing

Queensland stewards provided detailed assessments of the impact that live baiting and the “bleeding” of greyhounds has on the public perception of the greyhound industry and have demanded that this Board act appropriately in ensuring that persons who wish to participate in actions such as these should not be countenanced as being desired persons in the future. It is the aim of Racing Queensland to ensure that such persons be banished forever and to that end, the penalty imposed on Mr Chapman is to effectively identify a significant deterrent to others who might think of acting in a likewise manner.

Throughout the course of the argument on appeal, evidence was submitted of previous penalties imposed throughout the various States of Australia. Interestingly, the most significant penalty imposed was that of 7 years in Victoria which was subsequently overturned on appeal for lack of evidence. Ordinarily, the penalty seemed to be somewhere between a period of 6 months to 3½ years disqualification.

This Board has seen the video evidence and has listened to all of the evidence submitted by both parties. It is not prepared to countenance a person convicted of interfering with live animals for the purposes of sport and causing those live animals to become deceased during the course of that action to be visited with a penalty of nominal proportions. The previous penalties that had been imposed of up to 7 years were all some significant years ago and in this current climate where cruelty to animals is regarded as a significant crime against the public and against humanity, it is not for this Board to tread lightly in imposing what must be a significant penalty either by way of deterrent or otherwise. This Board accepts that a life penalty is something that is not appropriate in the circumstances as they exist here. There is no doubt that Mr Chapman will suffer significantly in respect to his association with his partner and his friends and more likely than not even after any penalty is served, it is doubtful that he will ever be afforded the luxury of a further licence. That of course is not a matter for this Board but for the officials of the Racing Industry.

In all the circumstances, the Board believes that a penalty of 10 years warning off would be more than adequate in all of the circumstances to satisfy the perception of public indignation and public morality. To that end, the appeal is upheld and the penalty of 10 years warning off is substituted for that previously imposed by the stewards of Racing Queensland.

Further right of appeal information: The appellant and the stewards 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](http://www.qcat.qld.gov.au)