

## Appeal decision

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**Date:** 24 June 2015

**Code of racing:** Greyhound Racing

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**Appeal panel:** Mr B Miller (Chair), Mr P James and Mr D Kays

**Appearances:** Mr Greg Paull on his own behalf  
Mr Jamie Dart – Chief Stipendiary Steward (Greyhounds) appeared on behalf of the Stewards  
Mr N. Torpey – Manager, Integrity Regulatory Unit

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

**Appeal result:** Appeal allowed and penalty varied

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The Appellant is a licensed greyhound Owner/Trainer who was the subject of an inquiry instigated by the Queensland All Codes Racing Industry Board (Racing Queensland) opened to investigate circumstances surrounding Mr Paull's involvement in live-baiting practices in the greyhound industry. As a result of early investigations, Mr Paull was interviewed by stewards on 16 March 2015 and then subsequently on 19 March 2015 after which he was called upon to show cause as to why Racing Queensland should not take action to warn him off all racecourses within its control and prohibit all greyhounds owned by him from competing in any event. In response to that request, his solicitors Hannay Lawyers provided written submissions dated 22 April 2015 in which they considered that, in light of their submissions, it would be appropriate for the penalty that he had already served by way of suspension from the commencement of the inquiry would be adequate time having regard to all issues. The relevant Board did not accept those submissions and after reviewing all of the issues, delivered a Statement of Reasons to support the determination of that Board that Mr Paull be warned off for life from all greyhound racecourses and that any greyhound owned by him would be prohibited from competing in any event within Queensland. The Statement of Reasons identified all of the matters that had been considered. Against that determination, this Appeal has been lodged.

At the outset, Mr Paull had no hesitation in identifying that the Appeal was against both conviction and penalty imposed and stated that he was here to contest the actual charges and the penalties. Mr Paull identified in his submissions that upon being first contacted by stewards on 16 March he was extremely concerned having been aware of rumours that existed surrounding the greyhound industry and the live baiting and training issues. He had sought counsel from solicitors and a barrister and had attended an initial conference with Racing Queensland stewards having been advised by his legal team to claim privilege against self-incrimination and to not answer questions that would tend to incriminate him.

Accordingly, he claimed privilege although he did, he alleges, answer to a lot of questions posed to him by the stewards.

So far as the day of the Appeal is concerned, Mr Paull admitted that he attended the property with the specific intent of trialling one or more greyhounds but that at no point in time did he ever have any concept or idea that the establishment at which he attended was unregistered. He said that he believed it was a proper training track having been advertised as such in the greyhound industry newsletters and papers. On the day in question (20 August 2014) his intention was to trial a couple of dogs but he had no intention of being involved in any live baiting issues. He said he trialled the dogs and then left the track. He made numerous comments that he was a person who engaged in banter and joked often with people and was talkative intending to be funny and friendly. He commented that the video tape that was shown to this Board reflected the banter and the innuendo but that all of that was merely talk. For instance, he said that for someone to suggest that he had telephoned the owner of the track not less than 22 times was nonsense and was banter. He said that he did not know when the trials took place and did ring on a couple of occasions but that the rest of the comments on the tape were simply meant to be of a friendly nature. He accepts that during the course of the taped proceedings and the video he did mention something about a "possum on the arm". He told this Board that it was his belief that the possum was dead and that he was informed by people present at the track that the possum was dead. It should be noted that he went to great lengths to submit to this Board evidence that was intended to persuade the members of this Board that the animal in question was dead and that any movement detected by the members of this Board of that animal were simply movement of the arm of the lure. This Board has no doubt that at the relevant time of depiction of the possum on the lure, the possum was very much alive and was moving not simply by reference to any movement of the arm of the lure. The evidence intended to be presented to support the suggestion, by veterinary surgeons retained by Mr Paull, to suggest that the animal upon the lure was dead or that no-one could identify that it was alive without proper and close inspection, is rejected.

Mr Paull opined to this Board that Racing Queensland could not allege that there was any live baiting being conducted on the property at the time when he was present.

Mr Paull did acknowledge the shame that he felt for being tainted with the suspicion of being a participant in live baiting such that it had caused his family and himself significant heartache and he was even more concerned that he had followed his legal advice in failing to answer questions posed to him previously by stewards in the inquiry. He excused his actions as being those of a person who accepted legal advice and did as he was told. In our view, this Board does not accept that he was entitled to act in such a non-responsive manner regardless of what advice he received. He was a licensee and obliged to answer questions properly posed to him by stewards in the course of their investigations. There is no doubt from the evidence that has been supplied to the stewards and by way of video tape to this Board that Mr Paull was present at the time live baiting was being conducted on the premises in question and as a result thereof he is guilty of the charges and this Board so finds the Appeal in respect to conviction is dismissed.

The issue of penalty is another matter. Mr Paull has been warned off from the greyhound industry for life which is a penalty that is not to be lightly imposed. In respect to that penalty, he provided information to this Board that he is a breeder of birds and is well regarded and known throughout Australia for his passion for birds and greyhounds. He acknowledged that the recent issues have been soul destroying for him and his family. He said that he had

served in the Military for 21 years and that current relations between he and his partner are very strained. He acknowledged that he receives a pension from the Military Service and receives income from the sale of birds that he has bred and greyhound puppies that he has also bred. He confirms that he has very little available income but conceded that his partner is a pharmacist who does earn an income but that such income is not sufficient to support their family and the property and the breeding industry of the birds and greyhounds. He is concerned that if the penalty is maintained then he will suffer a complete breakdown in the relationship with his partner as he will more likely than not be compelled to vacate the premises and have nothing more to do with birds on those premises or with the greyhounds. His partner is apparently a breeder of greyhounds and involved in the industry as well. In support of his submissions on penalty, he submitted written references from well-respected members of the greyhound industry, all of which deposed to his character and honesty. Unfortunately, his actions do not support the basis upon which the references were provided but that may be simply because of the ignorance that prevailed in the industry at the time.

The penalty imposed is, in our opinion, too severe. Notwithstanding the remonstrations of the stewards that a life warning off is appropriate in all of the circumstances, this Board does not agree. The fact of the matter is that this man's future livelihood and wellbeing or involvement in the industry is more likely than not totally at an end. He should however be given the opportunity over a significant period of time to demonstrate that he may, in the future, be someone who is prepared to accept that nefarious practices of live baiting or non-compliance with the rules of greyhound racing must not be countenanced. It is the decision of this Board that a period of ten years is an adequate deterrent in all of the circumstances and that penalty is substituted for the life ban imposed by Racing Queensland.

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](http://www.qcat.qld.gov.au)