

Racing Appeals & Disciplinary Board

Media Release

3 December 2015

Racing Appeals & Disciplinary Board

Date of Hearing: Thursday, 8 October 2015.
Venue of Hearing: RADB Hearing Room, 46-50 Chetwynd St, West Melbourne.
Panel: Mr. John Wardle (Chairman) and Mr. Terry O'Connor (Deputy Chairman).
Name of Person Charged: Mr. Brett Mackie.
Suburb: Langwarrin.
Track: Tooradin Trial Track.
Breaches of rules LRR 18.5 and GAR 86(af)

Offences Charged:

- (1) Brett Mackie did, on 23 December 2014, at Tooradin at the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin, Victoria, use or cause to be used a live animal (namely, a live rabbit attached to the lure arm) as a lure for a black greyhound on a Greyhound Trial Track (namely, the Tooradin Trial Track).
- (2) Brett Mackie did, on 23 December 2014, at Tooradin use an animal (namely, a live rabbit attached to the lure arm) for a purpose connected with greyhound racing in a manner which was improper, namely, as a lure for a black greyhound on a Greyhound Trial Track, namely, the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin.
- (3) Brett Mackie did, on 23 December 2014, at Tooradin at the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin use an animal (namely, a rabbit tied to a lure) for a purpose connected with greyhound racing in a manner which was improper, namely, as a lure for the trialing of four greyhounds (not including the black greyhound the subject of charges 1 and 2), on a Greyhound Trial Track, namely the Tooradin Trial Track.

DECISION:

On 21 September 2015, the RADB handed down its decision finding Mr Mackie guilty on charges 1 and 2 and not guilty on charge 3. On 8 October 2015, the RADB heard submissions from the parties in relation to penalties. Mr Mackie gave evidence in person at

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the hearing. Mr Holdenson advised the RADB that the GRV Stewards sought penalty only in relation to charge 1.

We have taken into account the following matters in determining the penalty in this case:

1. The serious nature of the offence of live baiting under LRR 18.5.

- (a) In these cases, the RADB's sentencing discretion is generally informed by the principles of general deterrence and denunciation.
- (b) As in our previous decisions on penalties in live baiting cases, we repeat our view that the use of a live animal to excite and/or bait greyhounds is a barbaric, vile and abhorrent practice. We note with approval the remarks of Mr Justice Kaye in the Victorian Supreme Court decision in *Canty & Ors v Greyhound Racing Victoria* [2015] VSC 71 at para 8:

"The background to these matters arises out of the revelation, in recent times, of the practice of using live bait while training registered greyhounds in this state and in other states. That practice is understandably forbidden by the rules of the defendant. It is a practice which would be regarded as abhorrent by any right thinking member of our community".

And further at para. 68:

"I think it is common knowledge that as a result of the revelation of that practice, the image of that industry has taken a battering and, if I may say so, correctly so".

- (c) However our decisions also recognise that there are degrees of live baiting. That said, Mr. Mackie's conduct is part of practices which reflect badly on the greyhound racing industry and severely tarnish its image.

2. Mr Mackie's particular circumstances.

- (a) His suspension by GRV in February this year, and the publicity in various forms of the media surrounding this and his charges have had a significant impact on the financial and personal wellbeing of himself and members of his family. His health has suffered. His main source of income (as a rearer of greyhounds) is denied him and he has put his house on the market. He has lost his reputation and is embarrassed about being caught up in the matter.
- (b) Mr. Mackie is in his 40s and has been involved in the greyhound industry for 30 years as a trainer and more recently as a rearer of greyhounds. Over the past four years prior to his suspension he attended the Tooradin Trial Track two to four times a week. He conducted 833 trials there over the last 15 months in that period, generally with young pups rather than racing dogs. His practice was always to trial using whatever bait was on the lure, and this was sometimes of an artificial nature. He said he never asked for a "freshie" (a recently killed rabbit) or a live rabbit to be put on the lure. Mr. Mackie had never been charged with a breach of the GRV Rules prior to his suspension.
- (c) Mr. Mackie said that he did not inspect the lure to see if the rabbit was alive or dead. He did not expect a live rabbit because he had never seen live baiting at Tooradin. He also said that was a GRV registered trial track and therefore live baiting should have been prohibited there. However, from what the RADB has seen

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in these cases, it did occur. Registration in most forms is not a guarantee of compliance with rules. Likewise the fact that Mr. Mackie did not at any time see any trainer inspect the lure to check if the rabbit was alive or dead does not absolve him from a breach of the GRV Rules.

- (d) Mr. Mackie has, properly, treated his matter seriously. He co-operated fully with the GRV investigative process. He attended two Stewards' Inquiries. He attended before the RADB at all hearings of his matter. He was ably represented by legal counsel at all times. Although he pleaded not guilty to the charges and chose not to give further evidence at the hearing of them, his pleas were not without merit as evidenced by our finding of not guilty on charge 3.

On what we have seen so far with these live baiting cases, Mr. Mackie's circumstances may be somewhat unique. He did not leisurely stand around socialising with the other trainers beforehand or afterwards. He arrived, conducted his trials with several greyhounds, and then left the trial track. His Counsel claimed that he was in the wrong place at the wrong time. Further, that in the more obvious cases of live baiting, people knew what they were doing. However it must be said that even the gnawing of a dead rabbit by a greyhound, sometimes to a visceral state, would be abhorrent to many people. Now as a result of a change in GRV policy, even dead rabbits cannot be used on lures at trial tracks (only artificial lures can be used). Hopefully this goes a significant way towards completely stamping out a barbaric and abhorrent practice.

Nevertheless, on the evidence before us, we found to our comfortable satisfaction that Mr. Mackie committed the offence of "live baiting". In the circumstances the RADB considers that the appropriate penalty is one of disqualification. We determine that Mr. Mackie should be disqualified for a period of five years, with three years of this period suspended pending no further breaches of LRR 18.5, effective from the date that Mr. Mackie was suspended by Greyhound Racing Victoria (19 February 2015). We believe that suspending part of the disqualification period is justified in the particular circumstances of this case.

Mr. John Wardle (Chairman)
Mr. Terry O'Connor (Deputy Chairman)

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For More Information:

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