

# Racing Appeals & Disciplinary Board

## Media Release

26 August 2015

# Racing Appeals & Disciplinary Board

Date of Hearing: Wednesday, 26 August 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. Lawrence Cunningham.  
Suburb: Pakenham.  
Track: Tooradin Trial Track.  
Breaches of rules Local Racing Rule 18.5 and Greyhounds Australasia Rule 86(af)

### Offences Charged:

- (1) In breach of GAR 86 (af), Lawrence Cunningham did, on 23 December 2014, at the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin, Victoria, use an animal (namely, a live rabbit) for a purpose connected with greyhound racing in a manner which was improper, in that he used that live animal on a leash to excite one greyhound (namely, a black greyhound with a white spot on its chest handled by [ ] registered trainer), on a Greyhound Trial Track (namely, the Tooradin Trial Track).
- (2) In breach of GAR 86 (af), Lawrence Cunningham did, on 23 December 2014, at Tooradin use an animal (namely, a live rabbit) for a purpose connected with greyhound racing in a manner which was improper, namely, he used that live animal as a lure for a black coloured greyhound handled by [ ], registered trainer, the live rabbit having been attached by Lawrence Cunningham to the lure arm, on a Greyhound Trial Track, namely, the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin.
- (3) In breach of GAR 86 (af), Lawrence Cunningham did, on 23 December 2014, at Tooradin use an animal (namely, a live rabbit) for a purpose connected with greyhound racing in a manner which was improper, namely, as a lure for a brindle coloured greyhound handled by [ ] registered trainer, on a Greyhound Trial Track, namely, the Tooradin trial track located at 175 Harewood-Mains Road, Tooradin.

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- (4) In breach of GAR 86 (af), Lawrence Cunningham 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 coloured greyhound handled by [ ], registered trainer, on a Greyhound Trial Track, namely, the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin.
- (5) In breach of GAR 86 (af), Lawrence Cunningham 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 charge 4) handled by [ ] registered trainer, on a Greyhound Trial Track, namely the Tooradin Trial Track.
- (6) In breach of GAR 86 (af), Lawrence Cunningham 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 by him to a lure) for a purpose connected with greyhound racing in a manner which was improper, namely, as a lure for the trialing of a greyhound which was white and brindle coloured, handled by [ ] registered trainer, on a Greyhound Trial Track, namely the Tooradin Trial Track.
- (7) In breach of GAR 86 (af), Lawrence Cunningham, 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 which was attached by him to the lure arm) as a lure for a black greyhound which was handled by [ ] registered trainer, on a Greyhound Trial Track (namely, the Tooradin Trial Track).
- (8) In breach of GAR 86 (af), Lawrence Cunningham did, on or about 23 December 2014, at Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin, Victoria, use an animal (namely, a live rabbit which was tied to the lure arm) for a purpose connected with greyhound racing in a manner which was improper, in that he used that live animal as a lure for the trialing of one greyhound (namely, a blue greyhound) handled by [ ], registered trainer, on a Greyhound Trial Track (namely, the Tooradin Trial Track).
- (9) In breach of GAR 86 (af), Lawrence Cunningham did, on 23 December 2014, at Tooradin use an animal (namely, a live rabbit which was tied to the lure arm) for a purpose connected with greyhound racing in a manner which was improper, namely, as a lure for the trialing of a fawn greyhound handled by [ ], registered trainer, on a Greyhound Trial Track, namely, the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin.
- (10) In breach of GAR 86 (af), Lawrence Cunningham did, on 23 December 2014, at Tooradin use an animal (namely, a live rabbit which was tied to the lure arm by him) for a purpose connected with greyhound racing in a manner which was improper, namely, as a lure for the trialing of a black greyhound handled by [ ],

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registered trainer, on a Greyhound Trial Track, namely, the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin.

- (11) In breach of GAR 86 (af), Lawrence Cunningham did, on 23 December 2014, at Tooradin use an animal (namely, a live rabbit tied by him 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 with white markings and a white-tipped tail handled by [ ], registered trainer, on a Greyhound Trial Track, namely, the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin.
- (12) In breach of GAR 86 (af), Lawrence Cunningham 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 3 greyhounds (namely, one black greyhound with a white chest and two black greyhounds, but not including the greyhound the subject of charge 11) handled by [ ], registered trainer, on a Greyhound Trial Track, namely the Tooradin Trial Track.
- (13) In breach of GAR 86 (af), Lawrence Cunningham did, on 15 January 2015, at Tooradin at the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin use an animal (namely, a live rabbit) for a purpose connected with greyhound racing in a manner which was improper, namely, to excite, and then as a lure for, the trialing of a white and fawn greyhound which was handled by him, on a Greyhound Trial Track, namely the Tooradin Trial Track.
- (14) In breach of GAR 86 (af), Lawrence Cunningham did, on 15 January 2015, 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 nine (9) greyhounds (not including the white and fawn greyhound the subject of charge 13), on a Greyhound Trial Track, namely the Tooradin Trial Track.
- (15) In breach of LRR 18.5 Lawrence Cunningham did, on 15 January 2015, at Tooradin used or caused to be used a live animal (namely, a live rabbit) for the exciting of a white and black coloured greyhound (greyhound 1) and a black coloured greyhound (greyhound 2), in that he handled both greyhounds while [ ] had the said live rabbit on a leash, on a Greyhound Trial Track, namely, the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin.
- (16) In breach of GAR 86 (af), Lawrence Cunningham did, on 15 January 2015, at Tooradin at the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin use an animal (namely, a live rabbit) for a purpose connected with greyhound racing in a manner which was improper, namely, for the exciting of, a white and black coloured greyhound (greyhound 1) and a black coloured greyhound (greyhound 2), in that he handled both greyhounds while [ ] had the said live rabbit on a leash, on a Greyhound Trial Track, namely the Tooradin Trial Track.

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- (17) In breach of LRR 18.5, Lawrence Cunningham did, on 15 January 2015, at Tooradin use or cause to be used a live animal (namely, a live piglet or a live rabbit), which was on a leash held by [ ], for the exciting of a black greyhound, on a Greyhound Trial Track, namely, the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin.
- (18) In breach of GAR 86 (af), Lawrence Cunningham did, on 15 January 2015, at Tooradin at the Tooradin Trial Track located at 175 Harewood-Mains Road, Tooradin use an animal (namely, a live piglet or a live rabbit), which was on a leash held by [ ], for a purpose connected with greyhound racing in a manner which was improper, namely, for the exciting of a black greyhound, on a Greyhound Trial Track, namely the Tooradin Trial Track.

### **REPORT:**

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules a breach of LRR 18.5 and GAR 86(af) each constitutes a Serious Offence. As a result, on Wednesday, 26 August 2015 this matter was heard before the Racing Appeals and Disciplinary Board in the first instance under Greyhound Local Racing Rule 47.3 and Sections 83C(b) and 83M(1) of the Racing Act.

Mr. Lawrence Cunningham did not attend the hearing, in person or by representative.

Mr. Paul Holdenson QC, instructed by Corrs Chambers Westgarth represented the Stewards Panel. Mr. Glenn Fish (GRV Chief Steward) appeared as a witness.

Stewards withdrew charge 12 and that charge was struck out by the RADB.

The RADB did not rule on the conduct of other persons mentioned in some of the charges against Mr. Laurence Cunningham. Those persons were not identified by name at the Hearing and their names have not been included in the Statement of Charges above.

After hearing all the evidence tendered including viewing video footage, the RADB found Mr. Lawrence Cunningham guilty on all charges. Minor amendments to the particulars were made with respect to Charges 17 and 18 and accepted by the RADB. The Stewards sought penalty on all charges except charges 16 and 18.

The RADB determined that the only appropriate penalty was that Mr. Cunningham be disqualified for life.

The RADB agreed with the submissions made by Mr. Holdenson QC in relation to penalty. The RADB repeated and endorsed comments made in previous 'live baiting' cases before them. The use of a live animal to excite and bait greyhounds is a barbaric, vile and abhorrent practice. The RADB noted and endorsed the remarks of Mr. Justice Kaye in the recent Victorian Supreme Court decision of *Canty & Ors V Greyhound Racing Victoria* [2015 VSC 71] at para. 8:

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“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”.

In the view of the RADB, it is critical that a penalty of life disqualification be imposed to denounce such conduct of Mr. Lawrence Cunningham and to deter others from engaging in like or similar conduct in the future. In this case the sentencing discretion is particularly informed by the principles of general deterrence and denunciation.

For completeness RADB records that it is aware of the Animal Welfare Penalty Guidelines published by Greyhound Racing Victoria on the 1<sup>st</sup> July 2014. These contain a guideline of 10 years disqualification for so-called live baiting. This Board is not bound by these guidelines.

In the view of the RADB Mr. Lawrence Cunningham’s conduct warranted a much more severe penalty. His conduct involved active participation in multiple breaches of the Rules carried out in what appeared to be a practised and experienced manner, and included the gravest of these types of offences. He was an employee at the Tooradin Trial Track at the relevant times and clearly knew what he was doing, Mr. Cunningham did not contest the charges. The RADB was of the view that there were no mitigating factors for his conduct.

.....End.....

**For More Information:**

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