

## Appeal decision

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**Decision Date:** 22 September 2015

**Hearing Date:** 17 July 2015

**Code of racing:** Greyhound

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**Appeal panel:** Brock Miller, Chairman;  
Daryl Kays

**Appearances:** Mr Josh Fenton, counsel for the appellant Julie Edmondson  
Mr D R Kent QC, counsel for the respondent Racing  
Queensland

**Decision being appealed:** The decision to warn Julie Edmondson off for life from Qld  
Greyhound Racecourses and that all greyhounds owned by  
the Appellant are prohibited from competing in Queensland.

**Appeal result:** Penalty varied. Warned off for a period of five years.

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The above named was warned off for life by the Board of Racing Queensland. She has appealed against the penalty only. The particulars of the charges alleged against her were that she witnessed live baiting, failed to report that live baiting to Racing Queensland or other law enforcement authorities and in an interview with Racing Queensland at Deagon on 17 March 2015 made certain statements regarding her conduct and the conduct of others in respect to live baiting. Presumably that conduct was the bare denials that she had any knowledge of live baiting or had participated in live baiting. It was suggested that in the interview she gave false and misleading evidence and also provided to Racing Queensland a Statutory Declaration dated 28 February asserting that she had not participated in live baiting activities which was again false and which was therefore dishonest. There is no doubt that she is guilty of the charges. She is an owner and a trainer and makes a living out of breeding greyhound pups and she does some training albeit of a nominal nature. At the hearing of the Appeal she provided a Statutory Declaration deposing to all of the assistance that she had given to the Queensland Police Force

on no less than three perhaps more occasions such that evidence has been collated by that Police Force to formulate criminal charges against certain persons and she has given sworn undertakings to give evidence at the trial of those persons when necessary. She has also been summoned to appear before the Ipswich Magistrates Court to answer a charge of live baiting herself.

The submissions provided on behalf of the appellant by counsel Mr Josh Fenton succinctly set out all of the issues that have befallen her since the live baiting scandal arose and it comes down to what penalty this Board should impose. Counsel for the appellant had sought to have her allow her breeding programme to be continued and maintained with her licence to train being disqualified. It is not possible for a person who has been disqualified or suspended from greyhound racing to be engaged in any form either of racing or breeding or other activity associated with the sport during the period of such penalty. This Board is not therefore able to accept the submission of counsel for the appellant in that regard.

Counsel did suggest that it was essential that as the appellant had provided significant assistance in police investigations of a criminal nature she be given a discount on penalty. The respondent of course counsels that no reduction should be given from the lifetime ban imposed upon her however at that time the respondent was not aware of any assistance that had been given to the police in their investigation as this only became apparent subsequent to her being warned off. The issue that this Board must consider is what discount should be allowed to accommodate the appellant for that assistance and in that respect this Board has referred to the submissions of Mr Fenton of counsel for the appellant in his written submissions. It is noted that he suggested a Court recognises that substantial or heavy discounts on sentence must be given to people who help the police in their investigation of criminal activity and of subsequent conviction. In R v Thompson it was noted that:

*In a number of reported cases it appears that the allowance has been substantial and it has resulted in a reduction in the sentence of 50% or even more but each case of necessity rests on its own facts.*

Justice Pincus in R.v. Webber stated:

*It is positively necessary to make it clear that cooperation, in the sense of incriminating other persons, will be likely to produce a significant discount in sentencing quite apart from the discount obtained by persons who plead guilty.*

And Justice Muir in R.v. Kak stated:

*It is clearly in the public interest that offenders should be encouraged to supply information to authorities which will assist them to bring other offenders to justice and to give evidence against those other offenders in relation to whom they give information. The appropriate award for providing assistance should be granted whatever the offender's motive may have been in giving it be it genuine remorse, contrition or simply self-interest. What is to be encouraged is full and frank cooperation on the part of the offender whatever the motive.*

The appellant has undoubtedly been of great assistance to the police and her cooperation will lead to the elimination of many offenders from the Greyhound Racing Industry, the majority of which were active participants in the live baiting of greyhounds and the provision of live animals for such purpose. It is suggested that her participation in live baiting was limited to be aware of it and lying about it rather than being a direct participant.

It is accepted that the practice of live baiting must be completely stamped out from the industry however the idea of someone being visited with a warning off for life for merely being an observer of the activity or of failing to give truthful evidence of what has previously been seen by her is not, in the opinion of this Board, an offence warranting a life penalty. This Board has consistently identified that a period of ten years is tantamount to exactly that a life penalty because there will be a necessity for an application to be made to the relevant Authority at the expiration of the ten years and it will then be for that authority to identify whether the person is a fit and proper person. In this particular case Mrs Edmondson has proven that she has remorse for her activity as her actions in assisting the police in their investigations have resulted in her already having lost her property and her greyhounds, all of which were of significant breeding stock, and further of being ostracised by persons whom she regarded as friends during her association in the industry. That is something that she must live with for the remainder of her days but it is incumbent that this Board give recognition to her attempts to assist the authority.

In all of the circumstances this Board would normally have imposed a penalty of something in the order of eight to ten years warning off but proposes that a discount of 50% be allocated and substitutes a period of five years warning off as the penalty that is appropriate for her activities.

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B J Miller

Chairman

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