8 July 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**DARREN LANGLEY**

**Date of hearing:** 29 June 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson), Ms Maree Payne and Dr Andrew Gould.

**Appearances:** Mr Damien Hannan, instructed by Mr Marwan El-Asmar, appeared on behalf of the Stewards.

Mr Lynton Hogan represented Mr Darren Langley.

**Charge:** Local Racing Rule (“LR”) 42.18(b) states:

Subject to 42.19, but without derogating from LR 42.13 to LR 42.15, it is a Serious Offence for a person to:

(b) attempt to possess, or have possession of, or bring onto, any grounds, premises or within the boundaries of any property where greyhounds are trained, kept or raced, any animal, animal carcass or any part of an animal for the purpose of being, or which might reasonably be capable of being, or likely to be, used as bait, quarry or lure to entice or excite or encourage a greyhound to pursue it.

**Particulars of charge: Charge 1**

You, being a person registered with Greyhound Racing Victoria (GRV), did attempt to possess any animal for the purpose of being, or which might reasonably be capable of being, or likely to be, used as bait, quarry or lure to entice or excite or encourage a greyhound or greyhounds to pursue it or them, in that:

1. You were, at all relevant times, a trainer registered with GRV (Member No. 26996) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the registered trainer of four racing greyhounds at the kennelling address of 95 Camms Road, Cranbourne.
3. On or about 21 August 2019, you attempted to possess live rabbits, in that you posted an advertisement on the online platform Gumtree with the title ”Wanted wild rabbits alive” and the description “Looking for rabbits to buy any one catching wild rabbits”.
4. On or about 21 August 2019, you attempted to possess live rabbits for the purpose of being, or which might reasonably be capable of being, or likely to be, used as bait, quarry or lure to entice or excite or encourage a greyhound to pursue it, in that you:
5. posted an advertisement on the online platform Gumtree with the title “Wanted wild rabbits alive” and the description “Looking for rabbits to buy any one catching wild rabbits”.

**Charge 2**

You, being a person registered with Greyhound Racing Victoria (GRV), did have possession of, or bring onto any grounds, premises or within the boundaries of any property where greyhounds are trained or kept, any part of an animal which might reasonably be capable of being, or likely to be, used as bait, quarry or lure to entice or excite or encourage a greyhound to pursue it, in that:

1. You were, at all relevant times, a trainer registered with GRV (Member No. 26996) and a person bound by the GRV Rules of Racing, including the Greyhounds Australasia Rules and Local Racing Rules.
2. On 3 September 2019, GRV Investigative Stewards Lianne Salerno and Debbie Parker attended to the kennel address of registered trainer Mr Christopher Langley, namely 195 Harewood Mains Road, where greyhounds are trained or kept (the Kennel Address) and undertook an inspection (the Kennel Inspection).
3. During the Kennel Inspection at the property, the Investigative Stewards located a part of an animal, namely a lure partially made of natural animal fibres / hairs, in the toolbox on a greyhound trailer driven by you onto the Kennel Address (the Lure).
4. You did bring onto the grounds, premises or within the boundaries of the Kennel Address, the Lure, which might reasonable be capable of being, or likely to be, used as bait, quarry or lure to entice or excite or encourage a greyhound to pursue it.

**Plea:** Not guilty to all charges

**PENALTY**

1. On 7 April 2021, the Tribunal recorded a finding of guilty against Mr Darren Langley on a charge under Local Racing Rule (“LR”) 42.18(b), of attempting to possess an animal for the purpose of being, or which might reasonably be capable of being, or likely to be, used as bait, quarry or lure to entice or excite or encourage a greyhound to pursue it.
2. These reasons for decision should be read together with the reasons contained in the liability decision of 7 April 2021. In that decision, the Tribunal found the charge proven, but at [28] noted that the attempts to possess a rabbit might also have been for the purposes of eating it. Put in the vernacular, all it can be safely said about Mr Langley’s conduct was that it was not a “good look” for a registered greyhound trainer or the greyhound racing industry. The advertisement was short lived, and no transaction arose from it. However, it was conduct prescribed by the LR.
3. A finding that a registered participant has breached any provision of LR 42.18 brings into operation the requirement in LR 42.22 that a life disqualification must be imposed unless there is a finding that special circumstances exist.
4. That is the issue to which we now turn.
5. The phrase “special circumstances” must be considered in light of the intention of the Rules. The intention of the Rules is to deter participants from the use of animals or the use of any part of an animal for the purposes of greyhound training. It is appropriate when considering whether special circumstances exist in that context to look at the seriousness of the offence under the scale of offending under the Rules.
6. While still a serious offence, the relatively fleeting attempt to source a live rabbit is not on the same scale of seriousness as the actual use of live rabbits in greyhound training. There was no finding by the Tribunal that the attempt to source a live rabbit had any connection to greyhound racing other than the registration of Mr Langley as a trainer.
7. It is also pertinent in considering whether special circumstances exist to look at the personal circumstances of the offender. In this case, Mr Langley is a trainer of longstanding, with familial relationships in the industry. He has no relevant prior offences and his character is not in issue.
8. Having regard to the offending being at the lower scale, and which constitutes breaches of LR 42.18 and the personal circumstances of Mr Langley, we consider that special circumstances exist in this case to allow the Tribunal to impose a sentence lesser than life disqualification.
9. Taking into consideration general and specific deterrence, the importance of animal welfare considerations, the preservation of the good name of the industry and the seriousness of the offence, we impose a penalty of two years disqualification with effect from 12 November 2019.
10. We were invited by counsel for Mr Langley to exercise what he submitted was a residual discretion apart from Rule 42.22 to impose a different penalty to life disqualification. On the assumption that such a discretion exists, which is unnecessary to decide, we would have in any event imposed the same penalty as we have imposed.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal