

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	31 May 2023
Decision-makers:	Chief Commissioner Brenton (Alby) Taylor and Commissioner Chris Wheeler
Name of relevant person	Miss April Mackay
Date:	Various dates across 2021 and 2022
Rule no.:	Rule 86(c), Rule 86(o), Rule 163(a), Rule 156(f)
Charges:	<p>Charge One (Rule 86(c)) On 4 March 2022 Miss Mackay gave or offered to give money or other benefit to a registered participant, the trainer of 'Battling Mavis', for the purpose of facilitating the scratching of the greyhound from race 7 at The Gardens on 5 March 2022, in an attempt to obtain an advantage for greyhounds 'Cool Bourbski' and 'Fantastic Raven', drawn in the same race.</p> <p>Charge Two (Rule 86(o)) On 22 April 2022 Miss Mackay gave or offered to give money or other benefit to a registered participant, for the purpose of facilitating the scratching of 'Little Bit Dry' from race 2 at The Gardens on 22 April 2022, in an attempt to obtain an advantage for the greyhound 'Zipping Starsky' drawn in the same race.</p> <p>Charge Three (Rule 163(a)) On 22 June 2022 Miss Mackay gave or offered to give money or other benefit to a registered participant, the trainer of 'Redeem Our Cash', for the purpose of facilitating the scratching of the greyhound from race 7 at Wentworth Park on 22 June 2022, in an attempt to obtain an advantage for the greyhound 'Impress Shades' drawn in the same race.</p> <p>Charges Four (Rule 86(o)) and Five (Rule 156(f)) On various dates between 21 December 2021 and 6 July 2022 Miss Mackay engaged and arranged for a registered participant to place 18 bets on her behalf despite being aware that it was illegal for her, as a person under the age of 18 to engage in gambling.</p> <p>Charges Six (Rule 86(o)) and Seven (Rule 156(f)) On 20 February 2022 and 24 June 2022 Miss Mackay engaged</p>

and arranged for a registered participant to place three bets on her behalf, despite being aware it was illegal for her, as a person under the age of 18 to engage in gambling.

Charges Eight (Rule 86(o)) and Nine (Rule 156(f))

On various dates between 7 January 2022 and 7 July 2022 Miss Mackay engaged and arranged for a registered participant to place 23 bets on her behalf, despite being aware it was illegal for her, as a person under the age of 18 to engage in gambling.

Charge Ten (Rule 86(o)) and Eleven (Rule 156(f))

On various dates between 22 January 2022 and 22 June 2022 Miss Mackay engaged and arranged for a registered participant, a licensed bookmaker, to place four bets on her behalf, despite being aware it was illegal for her, as a person under the age of 18 to engage in gambling.

Charge Twelve (Rule 86(o))

On various dates between 22 January 2022 and 30 April 2022, Miss Mackay engaged and arranged for a registered participant, a bookmaker clerk, to place three bets on her behalf, despite being aware it was illegal for her, as a person under the age of 18 to engage in gambling.

Charges Thirteen (Rule 86(o)) and Fourteen (Rule 156(f))

On various dates between 19 February 2021 and 7 July 2022, Miss Mackay engaged and arranged for a registered participant to place seven bets on her behalf, despite being aware it was illegal for her, as a person under the age of 18 to engage in gambling.

Plea: Guilty to all charges

Disciplinary action taken: To disqualify Miss Mackay for a period of 27 months, with 5 months suspended on the condition that Miss Mackay complete a gambling counselling course approved by the Commission.

The four-month period served by Miss Mackay on interim suspension from 23 January 2023 to be taken into account as time served.

The period of disqualification to commence from **12:01am on 1 June 2023** and will end at **11:59pm 30 November 2024**.¹

¹ This end date is subject to Miss Mackay providing evidence to the Commission of her completion of an approved gambling course.

DECISION:

1. On 2 August 2022 the Commission received several communications between industry participants that raised concern as to the propriety of several greyhound races conducted in New South Wales.
2. Based on this information, an investigation was commenced into the relevant races, which included a full betting analysis of each of the races.
3. On 23 January 2023 based on the evidence before it at the time, the Commission suspended the registrations of Miss April Mackay on an interim basis pursuant to Rule 169(5)(c).
4. On 14 March 2023 the Commission charged Miss Mackay with fourteen breaches of the Greyhound Racing Rules. On 6 April 2023 the Commission amended the particulars of Charges 1 – 3 and notified Miss Mackay and her legal representative of these amendments in writing.
5. The Commission alleged that Miss Mackay had breached the following Greyhound Racing Rules:

Greyhound Racing Rules in effect until 30 April 2022

Rule 86

A person (including an official) shall be guilty of an offence if the person-

...

(c) corruptly, fraudulently or improperly accepts, or offers to accept, offers or gives any money, share in a bet or other benefit to any person, including but not limited to a person having duties in relation to the breeding and/or the registration of greyhounds or any person having charge of, or access to, a greyhound, in connection with greyhound racing;

...

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct;

Greyhound Racing Rules in effect from 1 May 2022

Rule 156

An offence is committed if a person (including an official):

...

(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of the Controlling Body or the Stewards:

(i) is corrupt, fraudulent, or dishonest;

(ii) constitutes misconduct or is negligent or improper;

Rule 163

An offence is committed if a person (including an official):

(a) In connection with greyhound racing:

(i) corruptly

(ii) fraudulently; or

(iii) improperly,

accepts, or offers to accept, offers, or gives, any money, share in a bet or other benefit to any person, including but not limited to a person having duties in relation to the breeding and/or registration of greyhounds or any person having charge of, or access to, a greyhound;

6. The fourteen charges issued against Miss Mackay are summarised on the first two pages of this decision.
7. On 31 May 2023 Miss Mackay attended a hearing alongside her legal representative and entered a plea of guilty to each charge. Miss Mackay's legal representative made submissions in respect of the circumstances surrounding the offending conduct, and what the appropriate penalty should be.
8. When considering the appropriate penalty, the decision makers found that an appropriate starting point for penalty relating to all offences would be that of a 48-month disqualification.
9. Decision makers considered Miss Mackay's early guilty plea, which afforded her a 25% discount to the starting point of a 48-month disqualification. Decision makers afforded Miss Mackay a further 9-month discount due to her age at the time of offending and the specific set of circumstances surrounding the offences, combined with the fact the Miss Mackay freely provided admissions during her interview with the Commission's Investigators. This resulted in a disqualification period of 27 months.
10. In considering the specific circumstances of this matter, the decision makers determined to suspend 5 months of the 27-month disqualification period on the condition that Miss Mackay complete a gambling addiction counselling course approved by the Commission.
11. The period of 4 months served by Miss Mackay was taken into consideration as 'time served'. Accordingly, the period of disqualification commenced from **midnight 1 June 2023** and will **expire at 11:59 30 November 2024**.
12. If Miss Mackay chooses not to undertake a gambling addiction counselling course, the disqualification period will expire at 11:59pm 30 April 2025.
13. In taking this disciplinary action, the decision makers considered all evidence and submissions before them, including:
 - The Commission's objectives pursuant to the *Greyhound Racing Act 2017*, being to:
 - Safeguard the integrity of greyhound racing and betting; and
 - Maintain public confidence in the greyhound racing industry
 - The objective seriousness of the conduct;
 - Submissions made on Miss Mackay's behalf, which included:
 - That Miss Mackay was in a personal relationship with a non greyhound racing industry participant at the time of the offending conduct;

- That this person had asked Miss Mackay to arrange the scratching of the greyhounds the subject of Charges 1, 2 and 3;
- That this person had asked Miss Mackay to make representations to a registered person, in order to arrange the above;
- That the trainer of the greyhounds referred to in Charges 1 & 3, had no knowledge of the above circumstances nor did he receive any benefit as a result of the above;
- The length of time Miss Mackay has been registered, being a relatively short period of just under 3 years at the time her interim suspension became effective.

14. The Commission emphasises that it does not allege any wrongdoing on the part of the trainer or owner of the greyhound 'Little Bit Dry' the subject of Charge Two.

.....End.....