

30<sup>th</sup> December 2020

## **NOTICE OF INTEGRITY HEARINGS PANEL RESULT – Mr Ken McAuley**

**PANEL: Mr Timothy McGrath (Chair), Ms Tanya Johnston and Mr Graham Loch.**

**STEWARDS REPRESENTATION: Mr Derek Kordick, Risk & Compliance Manager and Mr Des Jonas, Chief Steward.**



On 9<sup>th</sup> December 2020 charges against Mr McAuley were finalised before the Integrity Hearings Panel (IHP) in relation to matters arising from:

- The attendance of GRSA officials at Mr McAuley's Lewiston property on 29<sup>th</sup> January 2013 for the purposes of an inspection.

Following consideration of various sources of information, Stewards considered it appropriate to subsequently charge Mr McAuley with the following charges (the "2013 charges"):

1. Breaching Greyhounds Australasia Rule 106(1)(c) on 29<sup>th</sup> January 2013 in that GRSA officials observed Mr McAuley had "double-penned" a number of greyhounds in kennels determined suitable to a single greyhound only, and accordingly, the kennels are not "adequate in size", and;
2. Breaching Greyhounds Australasia Rule 86(g) on 29<sup>th</sup> January 2013 in that Mr McAuley's behaviour towards GRSA officials was wilfully obstructive, insulting & abusive. Further, Mr McAuley interfered with the duties of GRSA officials and assaulted one of the officials. The specific behaviour forming the basis of this charge are that, during the attendance of GRSA officials, Mr McAuley:
  - i. Displayed agitation at the attendance of the officials, indicating that they were trespassing, and requesting that they leave the property, and;
  - ii. Approached one of the officials who was attempting to take photographs as part of his official duties, striking his left hand that was holding the camera (the "assault"), which then caused the camera to fall to the ground causing it irreparable damage, and;
  - iii. Subjected one of the officials to abuse.



Mr McAuley was given a number of opportunities to attend inquiries dating back as far as 18<sup>th</sup> February 2013. Mr McAuley did not attend on that first occasion, nor did he attend on 25<sup>th</sup> February 2013, 18<sup>th</sup> March 2013 or 15<sup>th</sup> April 2013. The then Integrity and Standards Manager, subsequently notified Mr McAuley by letter dated 15<sup>th</sup> April 2013 that he was forthwith warned off until such time as he attends an inquiry into the charges.

In 2018, following Mr McAuley being sighted, at or near the premises of a registered GRSA participant, Mr McAuley provided correspondence to GRSA in which he sought an opportunity to finalise the 2013 charges.

GRSA ultimately afforded Mr McAuley the opportunity to finalise the 2013 charges at an inquiry that was listed for 23<sup>rd</sup> October 2020. Extraordinarily, immediately prior to the day of the inquiry, Mr McAuley sought to have his matter heard before the IHP by telephone, this was despite him having entered a plea of guilty to only Charge 1 on the Notice of Charges, with an intimation to GRSA officials that Charge 2 would also be resolved by way of a guilty plea. Upon commencement of the inquiry, by phone, it became apparent that there were clear factual disputes relating to the charges. The matter was adjourned so that Mr McAuley could provide further information in support of his submissions that contradicted the basis of the charges. The matter was subsequently listed for inquiry on 9<sup>th</sup> December 2020.

During the adjournment period, Mr McAuley elected to proceed to enter pleas of guilty to both the 2013 charges. Further, he sought permission to appear via telephone at the inquiry, that request was declined.

Having recorded pleas of guilty to both of the 2013 charges, the IHP heard submissions from Messrs Kordick and Jonas on behalf of the Stewards.

Commenting briefly on each of the 2013 charges:

1. Breaching Greyhounds Australasia Rule 106(1)(c) - "Double-penning" – it is well known within the industry that the welfare of greyhounds will be a central consideration at all times. The manner in which greyhounds are cared for, and in particular in this case, housed, has been, and always will be, a matter to be taken seriously.



2. Breaching Greyhounds Australasia Rule 86(g) – it is clear that officials conducting lawful duties in support of the greyhound industry are entitled to undertake their activities without fear of being subject to the type of behaviours’ exhibited by Mr McAuley on the day of the 2013 inspection. In particular, officials should be confident that they can conduct their lawful activities free of being touched in any way by any participant aggrieved at their presence. Further, should they be subject to such behaviour, officials should be confident that such behaviour will attract appropriate and deserved condemnation.

In all the circumstances, and noting that Mr McAuley has been warned off since 15<sup>th</sup> April 2013, the IHP have resolved to finalise these matters as follows:

- Charge 1 – a fine of \$1,000 reduced to \$800 (given the minor practical benefit to GRSA in not proceeding to a full hearing).
- Charge 2 – a fine of \$1,000 reduced to \$800 (for reason noted above) + disqualification for 4 months reduced to 3 months (for reason noted above) commencing at 12.01 am Thursday 10<sup>th</sup> December 2020.
- All fines will be suspended for a period of 2 years commencing if and when Mr McAuley obtains registration (licencing) with the Controlling Body, and on the condition that he does not commit further offences during the operational period of the suspension.

Both parties were advised of their right of appeal.

**Timothy McGrath**  
**GRSA INTEGRITY HEARINGS PANEL CHAIR**