

30 March 2023

DECISION

GREYHOUND RACING VICTORIA

and

CASSENDR A JAYAKODY

and

ALLAN BUCKLAND

- Date of hearing:** 8 March 2023
- Panel:** Judge John Bowman (Chairperson) and Judge Kathryn Kings.
- Appearances:** Ms Amara Hughes, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.
Ms Cassandra Jayakody appeared as a witness.
Mr Allan Buckland appeared as a witness.
Mr Tharindu Vidanage appeared as a witness.
- Charges:** Greyhounds Australasia Rule ("GAR") 86(o) states:
A person (including an official) shall be guilty of an offence if the person –
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.
- GAR 86(q) states:
A person (including an official) shall be guilty of an offence if the person –
Commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

Particulars of charges: Cassendra Jayakody

Charge 1: GAR 86(o)

1. You were, at all relevant times, an owner/trainer registered with Greyhound Racing Victoria (GRV) (Member No. 324620) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 28 December 2021, you and your husband, Thirandu Vidanage (not a GRV participant), attended the registered address of registered person, Allan Buckland (Member No. 305331) after trialling a greyhound at the Geelong Greyhound Racing Club.
3. You attended the property to return some greyhounds to their kennels.
4. You subsequently engaged in a verbal altercation with Buckland, which escalated into a physical altercation.
5. You escalated the level of force in that you used a weapon, namely a PVC plastic pipe, and struck Buckland five (5) to ten (10) times in the side of his neck, his arms, his back and his body.
6. Buckland subsequently sought medical attention for lacerations to his head, torso and limbs, pain in his back and swelling to his right knee.
7. By engaging in a physical altercation with Buckland and escalating the level of force by using a weapon, you have done a thing, which in the opinion of the Stewards, constitutes misconduct.
8. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(o) (as then in force) to engage in the conduct described in particulars 4 and 5.

9. By reason of Greyhounds Australasia Rule 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:
- a. affect the previous operation of the Old Rules (including Rule 86(o));
 - b. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 86(o)); or
 - c. affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of Rule 86(o)).

Charge 2: GAR 86(q)

1. You were, at all relevant times, an owner/trainer registered with Greyhound Racing Victoria (GRV) (Member No. 324620) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 28 December 2021, you and your husband, Thirandu Vidanage (not a GRV participant), attended the registered address of registered person, Allan Buckland (Member No. 305331) after trialling a greyhound at the Geelong Greyhound Racing Club.
3. You attended the property to return some greyhounds to their kennels.
4. You subsequently engaged in a verbal altercation with Buckland, which escalated into a physical altercation, which resulted in;
 - a. You using a weapon, namely a PVC plastic pipe, to strike Buckland five (5) to ten (10) times in the side of his neck, his arms, his back and his body;
 - b. Victoria Police attending the property and commencing an investigation;

- c. Buckland requiring an ambulance transfer to Geelong Hospital for medical treatment;
 - d. The incident being heard via telephone by GRV registered persons Geoffrey Green and Margaret Read.
5. You have thereby engaged in detrimental or prejudicial conduct to the interest, image, control and promotion of greyhound racing.
 6. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(q) (as then in force) to engage in the conduct described in particular 4.
 7. By reason of Greyhounds Australasia Rule 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:
 - a. affect the previous operation of the Old Rules (including Rule 86(q));
 - b. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 86(q)); or
 - c. affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of Rule 86(q)).

Allan Buckland

Charge 1: GAR 86(o)

1. You were, at all relevant times, a public trainer/breeder registered with Greyhound Racing Victoria (GRV) (Member No. 305331) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 28 December 2021, registered person Cassandra Jayakody (Member No. 324620) and her husband, Thirandu Vidanage

(not a GRV participant), attended your registered address after trialling a greyhound at the Geelong Greyhound Racing Club.

3. Jayakody and Vidanage attended the property to return some greyhounds to their kennels.
4. You subsequently engaged in a verbal altercation with Jayakody, which escalated into a physical altercation.
5. By engaging in a physical altercation with Jayakody, you have done a thing, which in the opinion of the Stewards, constitutes misconduct.
6. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(o) (as then in force) to engage in the conduct described in particular 4.
7. By reason of Greyhounds Australasia Rule 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:
 - a. affect the previous operation of the Old Rules (including Rule 86(o));
 - b. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 86(o)); or
 - c. affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of Rule 86(o)).

Charge 2: GAR 86(q)

1. You were, at all relevant times, a public trainer/breeder registered with Greyhound Racing Victoria (GRV) (Member No. 305331) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 28 December 2021, registered person Cassandra Jayakody (Member No. 324620) and her husband, Thirandu Vidanage

(not a GRV participant), attended your registered address after trialling a greyhound at the Geelong Greyhound Racing Club.

3. Jayakody and Vidanage attended the property to return some greyhounds to their kennels.
4. You subsequently engaged in a verbal altercation with Jayakody, which escalated into a physical altercation, which resulted in:
 - a. Victoria Police attending the property and commencing an investigation;
 - b. You requiring an ambulance transfer to Geelong Hospital for medical treatment;
 - c. The incident being heard via telephone by GRV registered persons Geoffrey Green and Margaret Read.
5. You have thereby engaged in detrimental or prejudicial conduct to the interest, image, control and promotion of greyhound racing.
6. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(q) (as then in force) to engage in the conduct described in particular 4.
7. By reason of Greyhounds Australasia Rule 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:
 - a. affect the previous operation of the Old Rules (including Rule 86(q));
 - b. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 86(q)); or
 - c. affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of Rule 86(q)).

Pleas: **Cassandra Jayakody:** Not Guilty

Allan Buckland: Not Guilty

DECISION

Mr Allan Buckland and Ms Cassandra Jayakody are each pleading not guilty to two charges. Those charges are pursuant to Greyhounds Australasia Rule (“GAR”) 86(o) and 86(q). Each was self-represented. Ms Amara Hughes of Counsel appeared on behalf of Greyhound Racing Victoria (“GRV”).

In each instance, the two charges arise out of the same set of facts. The charges virtually overlap entirely. They arise out of an incident which occurred at the kennels and then property of Mr Buckland at Winchelsea. Mr Buckland lived there. Ms Jayakody had separate temporary premises there. Both had dogs kennelled there. Both are licensed persons.

On 28 December 2021, there was an altercation between them on the property. The essence of the dispute involved greyhounds. The details of it need not concern us. The dispute reached a physical level. Mr Buckland suffered physical injuries of sufficient gravity to warrant overnight hospitalisation, he having been struck several times with a heavy object. Ms Jayakody emerged comparatively unscathed.

The police were also involved. They interviewed both persons, but did not lay any charges. Mr Buckland had been on a mobile telephone to two other licensed people when the hostilities commenced and, whilst the phone was damaged, it continued to operate throughout the incident.

In our opinion, there is sufficient connection with the greyhound industry to satisfy the requirements of the relevant Rules. The dispute was about greyhounds and occurred at registered premises. The effect and knowledge of it extended to other registered persons on the mobile phone, to the police who arrived and to the relevant staff at the hospital. We are also comfortably satisfied that each person charged engaged in behaviour of a type that constitutes misconduct.

In short, we find that each charge has been made out against each individual charged.

We shall now hear the parties on the question of penalty.

PENALTY

Mr Allan Buckland and Ms Cassandra Jayakody have each been found guilty of two offences pursuant to the Rules, and specifically GAR 86(o) and GAR 86(q). Each was self-represented and pleaded not guilty. Neither is entitled to any benefit arising from a guilty plea.

GRV is seeking penalties of disqualification in respect of each person charged. We say now that we are not of that view. This was a single unpleasant incident on private property. It is true that these were premises on which their dogs were kennelled and it is equally true that matters to do with greyhounds were at least part of the basis of the dispute. It is also true that Mr Buckland suffered unpleasant injuries.

There was some capacity for public attention, as Mr Buckland was on his mobile phone to two other registered persons. Mr Buckland was in hospital overnight and the police were notified. We would add that apparently the police opted to take no action. Some potential short term neglect of greyhounds did arise and warranted immediate action to be taken by the Stewards. However, there is no suggestion that any long term detriment was suffered by any greyhound.

The Stewards have forwarded to us some decisions that may assist. However, we would point out the following. In the case of Mr Harrison Goss, what was involved was a dispute between two trainers culminating in a violent assault, all of this taking place at a greyhound racing track. On appeal, Mr Goss received a penalty of six months suspension, with five months in turn suspended. We note that he had only been a trainer for a matter of months.

The Queensland case of Mr Wayne Crick involved a violent assault at a meeting in Ipswich and in full view of the public. Mr Crick received a six month suspension, with three months wholly suspended for 24 months.

The case of Mr Darren Russell also occurred in Queensland. It seems to have been what could be described as the other side of the violent assault involving Mr Crick and he received the same penalty.

Finally, there is the case of Mr Troy Scott, who was involved in a violent assault at the Bendigo track on 21 June 2019. On appeal, his original penalty was varied by the Racing Appeals and Disciplinary Board. The penalty of a partially suspended suspension was varied to one of an entirely suspended penalty.

Ms Hughes has submitted that there should be a disqualification in the present case because of the impact on or neglect of the dogs kennelled at the premises. We disagree. It is not submitted that there were any long term impacts on any dog and both persons charged have

continued to train and kennel dogs apparently without complaint. Further, there is no suggestion of any prior offences by either.

In our view, given the location of where this all occurred and the general circumstances prevailing, and bearing in mind the penalties in like cases as set out above, the penalties should be as follows: -

Mr Buckland is suspended for a period of three months, but that penalty is in turn wholly suspended for a period of 12 months.

Ms Jayakody is also suspended for three months, but that penalty is in turn wholly suspended for a period of 24 months.

Relevant offending during the period referred to in each instance will activate the suspension.

In each instance, the penalty is identical for each charge.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal