

IN THE RACING APPEALS TRIBUNAL

JULIE KING

Appellant

v

GREYHOUND WELFARE AND INTEGRITY COMMISSION

Respondent

**REASONS FOR DETERMINATION OF APPLICATION PURSUANT TO CLAUSE 20(1) OF
THE RACING APPEALS TRIBUNAL REGULATION 2024**

Date of determination: 7 July 2025

ORDER

- 1. Pursuant to Cl 20(1) of the *Racing Appeals Tribunal Regulation 2024* the decision of the Respondent of 26 April 2024, affirmed on 18 June 2025, imposing an interim suspension on the Appellant pursuant to Rule 169(5)(c) of the Greyhound Racing Rules is suspended pending the outcome of the Appellant's appeal.**

INTRODUCTION

1. By a Notice dated 24 June 2025, Julie King (the Appellant) appeals against a determination of the Greyhound Welfare and Integrity Commission (the Respondent) to impose an interim suspension pursuant to r 169(5)(c) of the *Greyhound Racing Rules* (the Rules). Accompanying that Notice was an application, pursuant to cl 20(1) of the *Racing Appeals Tribunal Regulation 2024* (the Regulation), for a stay of the Respondent's determination.
2. These reasons address the application pursuant to cl 20(1), which is opposed by the Respondent.
3. I have been provided with a large amount of documentary material, all of which I have read.

THE FACTS

4. For the purposes of determining the present application, the facts may be summarised as follows.

Trevor Rice

5. In a determination published on 28 December 2024, I made orders dismissing an appeal brought by Trevor Rice (Rice) against a number of determinations of the Respondent, one of which was that he be disqualified from participating in the greyhound industry for life.¹ As a disqualified person, Rice is prohibited from (inter alia) attending any place where greyhound races are conducted.

The Appellant

6. As at April 2025, the Appellant was a registered participant in the greyhound racing industry. She and Rice were apparently in a relationship at that time.

¹ See *Trevor Rice v Greyhound Welfare and Integrity Commission*, 28 December 2024.

The events of 19 April 2025

7. On 19 April 2025, the Appellant had entered a number of greyhounds to compete in races which were to be conducted at Potts Park. That morning, she was spoken to by Stewards at the racetrack who informed her that they had taken the step of scratching her greyhounds on the basis of a belief that she had been in the company of, and handling the dogs at the racetrack with, Rice.² The Appellant repeatedly denied that allegation, and asserted that she had been with her son, Aaron King.³
8. In the course of an interview of the Appellant which was conducted on 19 April 2025,, Mr Leisemann, a Steward, said the following:⁴

*It just – the gentleman did look --- a lot older than what Aaron would look like. And we’ve seen a picture of Aaron. ... We got a picture from his licence. ... And we’ve got a picture of Trevor as well. ... **So, we believe on that, it definitely was Trevor and not Aaron.** ... We do believe --- **David Patman and myself believe what – the limited amount of time we had --- with this gentleman, it was not Aaron King, we believe it was Trevor Rice** (emphasis added).*

The Notice of Proposed Disciplinary action

9. On 22 April 2025, the Respondent issued a Notice of Proposed Disciplinary Action, in which the Appellant was advised that consideration was being given to imposing an interim suspension pursuant to r 169(5)(c) of the Rules. The Notice provided the following particulars:

- (a) *You had greyhounds engaged to complete at Potts Park on 19 April 2025.*
- (b) *When you attended Potts Park on 19 April 2025, Stewards at the meeting attempted to identify the individual who attended with you and was handling your greyhounds.*
- (c) *The Stewards identified the individual to be approximately 60 years or older;*
- (d) *When approached by Stewards, that individual identified himself as “Aaron King”.*
- (e) *The Stewards then asked you as to the name of the individual, in which you said it was “Aaron King”.*
- (f) *You were unable to present the individual handling your greyhounds to Stewards for identification.*

² Transcript 2.28 – 2.31.

³ Transcript 2.33 – 2.41; 6.1; 6.29.

⁴ Transcript 5.21 – 8.7.

- (g) *Whilst the investigation is ongoing, the Commission alleges that the individual is Mr Trevor Rice.*
- (h) *Later on 19 April 2025 you contacted Acting Chief Steward Degan and advised that the individual handling your greyhounds was not Aaron King. Instead, you advised Acting Chief Steward Degan that the individual handling your greyhounds is someone you are having an affair with. You refused to correctly identify this individual to Chief Steward Degan.*
- (i) ***The Commission is further satisfied that you have provided false and misleading statements to the Commission during the Stewards inquiry*** (emphasis added).

The imposition of the interim suspension

10. The Notice of Proposed Disciplinary action gave the Appellant the opportunity to respond in writing. She did so through her Solicitor on 21 April 2025.

11. On 24 April 2025, the Respondent wrote to the Appellant advising her that it had determined to impose an interim suspension pursuant to r 169(5)(c) of the Rules. In setting out its decision, the Respondent said (inter alia) the following:

It is now very clear that you did provide false and misleading information to Stewards in an inquiry at the Potts Park race meeting on 19 April 2025 as you stated that the person handling your greyhounds was 'Aaron King' yet you know provide as part of your response to this notice information that purports the person handling your greyhounds at Potts Park on 19 April 2025 was 'Aaron Baker'. In considering the seriousness of the matter, we are of the opinion that an interim suspension is warranted on this false and misleading allegation

We have determined on the evidence that there is insufficient information to displace our allegation that the person handling your greyhounds at Potts Park on 19 April was Mr Trevor Rice (emphasis added in each case).

12. I pause at this point to note that that having regard to a combination of what was said by Mr Leisemann in the interview of the Appellant, the contents of the Notice of Disciplinary action, and the contents of the correspondence of 24 April, the following conclusions are open:

- (i) Mr Leisemann and Mr Patman had access to photographs of Rice and the Appellant's son Aaron on 19 April 2025;

- (ii) with the benefit of that access, and on the basis of direct observations which were made at Potts Park on 19 April, they formed a view that the person accompanying the Appellant was Rice, and not her son Aaron;
- (iii) a view was formed, which was reflected in both the Notice of Proposed Disciplinary action and the correspondence advising of the interim suspension dated 24 April 2025, that the Appellant had provided false and/or misleading information regarding who she was with at Potts Park on 19 April 2025.

13. Accepting all of that to be the case, it is open to conclude that there was evidence in the Respondent's possession, perhaps as early as 19 April 2025, but certainly by 24 April 2025, which the Respondent believed was capable of supporting a conclusion that the Appellant had breached one or more provisions of the Rules by providing information which was false and/or misleading. It follows that on the Respondent's own evidence, it has been open to bring a charge against the Appellant since at least 24 April 2025, and perhaps even before that. In making those observations I obviously express no view whatsoever about any allegation which might have been, or which might be in the future, made by the Respondent against the Appellant. However, for the reasons discussed below in terms of the operation of r 169(5)(c), the fact that the Respondent has indicated that it seeks a further three weeks in order to finalise its investigations, in circumstances where it has apparently been open to bring a charge against the Appellant for more than two months, is of some importance in determining whether there is a serious question to be tried, and thus whether a stay should be granted.

The internal review

14. The Appellant made application for an internal review of the Respondent's decision to impose the interim suspension. That internal review was conducted by Mr Cooper on behalf of the Respondent on 18 June 2025.

15. Mr Cooper concluded that the original determination should be confirmed. In doing so, he said (inter alia) the following:⁵

[23] *The stewards who were officiating at Potts Park that day had been alerted [sic] the fact that Ms King may be travelling with Mr Rice and upon seeing her arrive at the track noted that she was accompanied by a male dressed in a blue hoodie and wearing sunglasses.*

[24] *I note that the stewards approached this person and when questioned, the male person said his name of Aaron King before walking away from the stewards out of the grounds of the Potts Park greyhound track. Whilst speaking to this person, the stewards were close enough to him that despite him wearing a hoodie and sunglasses, they were able to form the view that he was a man aged in his 50s or older.*

[25] *Immediately after speaking with this person, both stewards then accessed the Commission's e Trac portal and viewed the identification photographs in the system for Mr Trevor Rice who is 60 years of age and Mr Aaron King who is 36 years of age. **Following this both stewards identified Mr Rice as the person they spoke to** (emphasis added).*

16. The final sentence in [25] of Mr Cooper's determination tends to support the matters to which I referred in [12] and [13] above as to the availability of a charge.

SUBMISSIONS OF THE PARTIES

Submissions of the Appellant

17. The Appellant's Solicitor provided lengthy submissions in a letter to the Secretary of 24 June 2025. Those submissions may be distilled into the following propositions:

- (i) the Appellant has not been informed of "*the charges that are laid against her*";⁶
- (ii) the Appellant denies the allegations;⁷

⁵ At [23]- [24].

⁶ At 1.4.

⁷ At 1.5.

- (iii) the Respondent has not laid any charge(s) against the Appellant (a submission which would appear to contradict that in (i) above) and has suspended her registration without “*identifying a charge*”⁸;
- (iv) the Appellant has been, and continues to be, substantially prejudiced by the Respondent’s determination, in circumstances where she relies on the income derived from her participation in the industry;⁹
- (v) the evidentiary basis for the suspension is inadequate, in circumstances where the allegations are disputed and are not supported by any objective or contemporaneous evidence that it was, in fact, Rice who was present¹⁰ (a submission which, on one view, may tend to overlook the identification evidence of the Stewards);
- (vi) the Appellant had been treated unfairly¹¹ and will adduce further evidence in support of her appeal.¹²

18. Whilst I have determined that a stay should be granted, I should make it clear that my reasons for doing so do not incorporate a blanket acceptance of the submissions advanced on behalf of the Appellant which are summarised above. For the reasons set out in more detail below,¹³ at least some of those submissions tend to reflect a misunderstanding of the nature, purpose and operation of r 169(5)(c). Specifically, and contrary to the submissions put on the Appellant’s behalf, the exercise of the discretion to impose an interim suspension under r 169(5)(c) does not, of itself, *require* a charge to be laid.

⁸ At 1.6(a).

⁹ At 1.6(b).

¹⁰ At 1.6(c).

¹¹ At 1.6(d).

¹² At 1.8.

¹³ Commencing at [21].

Submissions of the Respondent

19. The written submissions of the Respondent can be distilled into the following propositions:

- (i) contrary to what has been put on the Appellant's behalf, the exercise of the power under r 169(5)(c) does not *require* the Respondent to:
 - (a) bring a charge;
 - (b) identify any rule(s) which are said to have been breached; or
 - (c) articulate the case against the Appellant;¹⁴
- (ii) the Appellant has, in any event, been appraised of the case against her;¹⁵
- (iii) issues of public confidence in the industry assume significance;¹⁶
- (iv) the Appellant has provided inconsistent accounts of who was with her at the material time;¹⁷
- (v) industry participants have a positive obligation to be honest when engaging with the Respondent, and that obligation had been breached by the Appellant;¹⁸
- (vi) there was no unfair prejudice to the Appellant, in circumstances where it was likely that the investigation into the matter would be completed within the next 3 weeks;¹⁹
- (vii) the grant of a stay would impact adversely on the public's confidence in the greyhound racing industry.²⁰

¹⁴ Submissions at [13] – [14].

¹⁵ At [16] – [17].

¹⁶ At [15].

¹⁷ At [18] – [22].

¹⁸ At [24] – [26].

¹⁹ At [28].

²⁰ At [29].

THE RELEVANT PRINCIPLES

20. The principles governing the present application were set out at length in *Marshall v Greyhound Welfare and Integrity Commission*.²¹ I will not repeat them. They have been applied in reaching my determination. Put simply, I am required to determine whether:

1. there is a serious question to be tried; and, if so
2. the balance of convenience favours the order being made.

CONSIDERATION

Is there a serious question to be tried?

21. In imposing the interim suspension, the Respondent has exercised a discretionary power conferred under r 169(5)(c) of the Rules which is in the following terms:

- (5) *Pending the decision or outcome of an inquiry or other disciplinary process, a Controlling Body or the Stewards may direct that:*
...
(c) a registration, licence or other type of authority or permission be suspended.

22. The nature and operation of the rule has been discussed at length in two previous determinations of this Tribunal.

23. In *Clarke v Greyhound Welfare and Integrity Commission*²² I made the following observations:²³

First, ... r 169(5)(c) ... allows an interim suspension to be imposed pending the outcome of an “inquiry or other disciplinary process”. That phrase is not defined but in the context in which it is used, the term “inquiry” is, in my view, capable of encompassing an investigation.

Secondly, I am unable to accept the submission that imposing an interim suspension absent a charge is contrary to rules of procedural fairness. The course followed by the Respondent in the present case is precisely that which r 169(5)(c) permits. Moreover, it is clear in the present case that the Appellant was accorded

²¹ A decision of the Tribunal of 21 December 2023 at [15] – [16].

²² A decision of 30 May 2024.

²³ Commencing at [23].

procedural fairness by being permitted to make submissions to the Respondent prior to any determination being made which was adverse to her.

Thirdly, there is nothing before me which provides a proper basis for a conclusion that the Respondent's decision to invoke r 169(5)(c) constitutes an abuse of process. An abuse of process connotes an unjustifiable use of (amongst other things) a discretionary power. An allegation that an abuse of process has occurred is an obviously serious one. Commensurate with that, proof of such an abuse requires a high bar to be overcome.

However, whilst I am unable to conclude that the Respondent has engaged in an abuse of process in imposing an interim suspension, I do find the course adopted in the present case somewhat curious. One can well understand the Respondent resorting to the use of r 169(5)(c) in a case of complexity, where there existed some prima facie evidence of a breach which required further investigation. However, in the present case, the Respondent's submissions include the following:

Evidence gathered during an inspection of the Appellant's property indicates that the Appellant had breached all three conditions imposed on her property in that more greyhounds had been brought onto the property, bringing the number of greyhounds kept on the property to 32. One greyhound was also pregnant, indicating the Appellant had conducted greyhound breeding activities.

Accepting what has been advanced in the Respondent's submissions, and accepting further that the evidence upon which the Respondent relies is largely constituted by the observations made by its officers when then visited the premises (and is thus readily available), one wonders what there is left to inquire about. If the issues are as clear as the Respondent's submissions suggest, then there would not appear to be any impediment to a charge or charges being laid against the Appellant at the present time.

24. In *Fairbairn v Greyhound Welfare and Integrity Commission*²⁴ I said this:²⁵

A number of matters regarding r 169(5)(c) should be noted at this point.

The first, is that r 169 is contained within Part 10 of the Rules which addresses disciplinary processes and penalties.

The second, is that generally speaking, r 169 is directed to matters relevant to the conduct of an inquiry.

The third, is that r 169(5)(c) does not confer a discretion to impose an interim suspension independently of the conduct of an inquiry or other disciplinary process. Inherent in r 169(5)(c) is the proposition that carrying out the "inquiry or

²⁴ A decision of this Tribunal of 1 June 2024.

²⁵ Commencing at [30].

other disciplinary process” to which reference is made is **necessary** for the purposes of the Respondent being in a position to make a determination (amongst other things) as to what, if any further action should be instituted. That view is fortified by the provisions of r 169(3) which are in the following terms:

[3] A controlling body or the stewards may do any one or more of the following in relation to an inquiry or other disciplinary process:

...

- (b) determine that no charge should be laid;
- (c) lay a charge;
- (d) dismiss a charge.

In other words, the discretion to impose an interim suspension is inextricably linked to the necessity for the conduct of some inquiry or process. It is the necessity of that inquiry or process which triggers the discretion to impose an interim suspension.

25. I then went on to say this by reference to the facts in *Fairbairn*:²⁶

I do not accept the submission advanced on behalf of the Appellant that r169(5)(c) can only be resorted to in “serious cases”. Given that the circumstances of cases can differ markedly, there is nothing whatsoever in the terms of the rule itself, or the Rules generally, which would support that proposition. Moreover, r169(5)(c) recognises that, although there might be a degree of unfairness to a participant in being suspended without any charge, there may be cases in which investigations are complex, and in which an interim suspension is appropriate to protect the integrity of the greyhound racing industry pending the finalisation of such investigation. Needless to say, in any such case the Respondent is under an obligation to conduct any investigation or inquiry efficiently and expeditiously in order to resolve the question of what, if any, further action is to be taken.

*I unreservedly acknowledge that decisions taken, and powers exercised, in the course of investigations are, in the first instance, matters for the Respondent. However, they become matters for the Tribunal on applications of this nature where the exercise of such powers, and the making of such decisions, are called into question. For the reasons that follow, there is, in my view, a serious question to be tried as to whether, in the circumstances of **this** case, there has been a proper exercise of the discretionary power under r 169(5)(c) to impose an interim suspension.*

The Rules do not prescribe the criteria which inform the exercise of the discretion contained in r 169(5)(c). An obvious (but certainly not the only) instance in which the exercise of the power under r 169(5)(c) might be appropriate would be in circumstances of there being prima facie evidence of a presentation offence, but where the Respondent is required to await the results of scientific analysis before being able to bring a charge. Another might be where a criminal charge has been laid against a participant, and the Respondent understandably wishes for that

²⁶ Commencing at [35].

charge to be determined by a Court of competent jurisdiction before determining what further action might be taken. The exercise of the discretion to impose an interim suspension in cases of that kind might well be warranted.

However, the present case is quite different. On the information which is available to me, and bearing in mind my interpretation of r 169(5)(c) as set out above, the incident involving the Appellant which is said to warrant further investigation, and which is thus said to justify the imposition of an interim suspension:

- (i) is depicted on CCTV footage available to the Respondent;*
- (ii) was observed by no less than three witnesses; and*
- (iii) is the subject of documented accounts by those witnesses which are also apparently in the possession of the Respondent.*

It was put on behalf of the Respondent that the Appellant “has clearly engaged in a serious physical altercation”. If that is the Respondent’s position, then there is a strong argument that there is presently sufficient evidence in the Respondent’s possession to bring a charge against the Appellant. There is an equally strong argument that in those circumstances, there is little or no warrant for the exercise of the discretion to impose an interim suspension, for the simple reason that there is no identified basis on which any further substantive investigation or inquiry is necessary.

*I accept the Respondent’s submission that the time taken to carry out an investigation depends on the nature and circumstances of the case. That is self-evident. However, the Respondent’s submissions are silent on why it is, in the circumstances of **this** case, that a further investigation is required before a determination can be made as to whether any action is to be taken, or any charge is to be laid. On the Respondent’s own case, it has in its possession objective and independent evidence which, it says, establishes the Appellant’s involvement in what it has described as “a serious physical altercation”. Needless to say, I make no determination on this application as to whether that is, in fact, the case. But if that **is** the Respondent’s position, an obvious question arises: What is it that remains to be investigated so as to justify the imposition of an interim suspension? Other than advancing the proposition (which I accept) that the time taken to investigate a case will depend upon its circumstances, the Respondent’s submissions do not provide an answer to that question, in circumstances where the issue was squarely raised by the Appellant. This does not appear, on its face, to be a matter of any real complexity.*

26. The facts in both *Clarke* and *Fairbairn* obviously differed from those in the present case. However, the principles set out in those decisions remain applicable. Many of the observations made in the passages set out above apply, with similar force, to the circumstances of the present case, notwithstanding the different factual scenarios being considered.

27. Adopting the same reasoning process as that adopted in *Clarke and Fairbairn* there is, in my view, a serious question to be tried in the present case as to whether there has been a proper exercise of the discretion to impose an interim suspension. That question arises from the fact that, like the respective positions considered in *Clarke and Fairbairn*, it is arguable that there is little or no warrant to impose an interim suspension against the present Appellant because there is no identified basis on which any further substantive investigation or inquiry could be said to be necessary.
28. The submission advanced by the Respondent that r 159(5)(c) does not require a charge to be laid, or in other words that the exercise of the discretion to impose an interim suspension is not dependent upon a charge being brought, is perfectly correct. However in this case, as was the position in both *Clarke and Fairbairn*, there is nothing which would seemingly prevent a charge from being laid at the present time, and there is no identified need for any further time to complete any investigation. That is a factor of some importance bearing in mind my observations (particularly in *Fairbairn*) regarding the link between the necessity for an inquiry and the exercise of the discretion to impose an interim suspension.
29. It is plain that the Respondent has evidence in its possession which, in its view, is sufficient to identify Rice as the person who was with the Appellant at the relevant time. Indeed, paragraph (i) of the Notice of Disciplinary action which was issued on 22 April 2025 makes the positive statement that the Respondent is “*satisfied that [the Appellant has] provided false and misleading statements during the Stewards inquiry*”. If that is the Respondent’s position, and bearing in mind that such position was apparently reached more than two months ago, the same question as that which arose in both *Clarke and Fairbairn* arises again: *What is it that remains to be investigated so as to justify the exercise of the discretion to impose an interim suspension under r 159(5)(c)?* No answer has been provided to that question. A serious question as to the exercise of the discretion to impose the suspension therefore arises.

30. In reaching that position, I acknowledge the force of the submission advanced on behalf of the Respondent as to the importance of maintaining public confidence in the greyhound racing industry. However, it is also important to ensure that discretionary powers are exercised for the purposes for which they are conferred. That latter considerations arises squarely on the facts of the present case, and favours the grant of a stay.

Where does the balance of convenience lie?

31. In *Clarke* I said the following in the context of considering where the balance of convenience:²⁷

... Put simply, it would be unfair to place the Appellant in a position where she is the subject of an interim suspension for the purposes of the conduct of an inquiry which, prima facie, may have limited utility given that the evidence to be relied upon in support of any charge which might be laid has already been identified, and is seemingly available.

32. These observations led me to the conclusion that the balance of convenience favoured the grant of a stay. In that respect, the position in *Clarke* again mirrors the position in the present case. For those reasons, I reach the same conclusion.

CONCLUSION

33. For the reasons set out, I am satisfied that a stay should be granted.

34. Other than making an order pursuant to cl 20(1) of the Regulation, I do not propose to make any further orders at this point. If the Respondent does bring a charge against the Appellant, then that charge will take its course through the appropriate disciplinary processes. If that comes to pass, the appeal against the imposition of the interim suspension may become otiose, although it will have to be the subject of a determination by the Tribunal at some point, even if by consent. At this stage, I will simply leave it to the parties to approach the Appeals Secretary

²⁷ At [28].

with any application(s) once the Respondent's position as to the bringing of a charge is made clearer.

ORDER

35. I make the following order:

1. Pursuant to Cl 20(1) of the *Racing Appeals Tribunal Regulation 2024* the decision of the Respondent of 26 April 2024, affirmed on 18 June 2025, imposing an interim suspension on the Appellant pursuant to Rule 169(5)(c) of the Greyhound Racing Rules is suspended pending the outcome of the Appellant's appeal.

THE HONOURABLE G J BELLEW SC

7 July 2025