IN THE RACING APPEALS TRIBUNAL

SUZETTE TURNER
Appellant

v

GREYHOUND WELFARE AND INTEGRITY COMMISSION
Respondent

REASONS FOR DETERMINATION OF APPLICATION PURSUANT TO CLAUSE 20(1) OF THE RACING APPEALS TRIBUNAL REGULATION 2025

INTRODUCTION

1. Suzette Turner (the Appellant) is a registered trainer with the Greyhound Welfare and Integrity Commission (the Respondent).

2. On 21 February 2025, the Appellant attended a race meeting at Richmond where she presented *"Mr Informant"* (the greyhound) to compete in race 8. The greyhound placed first. A urine sample taken from the greyhound after the race revealed the presence of a permanently banned substance prescribed under r 139(1)(k) of the *Greyhound Racing Rules* (the Rules).

3. On 11 June 2025, the Appellant was charged with an offence contrary to r 141(1)(a) of the Rules in the following terms:

    1. *That [the Appellant] as a registered Public Trainer presented [the greyhound] for the purpose of competing in race 8 at the Richmond meeting on 21 February 2025 in circumstances where the greyhound was not free of any prohibited substance.*

2. *The prohibited substance detected in the sample of urine taken from the greyhound following the event was GW1516 and GW1516 Sulphoxide.*

3. *GW1516 and GW1516 Sulphoxide is a permanently banned prohibited substance under r 139(1)(k) of the Rules.*

4. The Appellant entered a plea of guilty to that charge and was disqualified by Stewards for a period of 12 months commencing on 11 July 2025. That determination was confirmed by an internal review on 23 July 2025.

5. On 23 July 2025, the Appellant filed a Notice of Appeal against the determination, along with an application for a stay pursuant to cl 20(1) of the *Racing Appeals Tribunal Regulation 2024* (NSW). That application was opposed by the Respondent.

6. By an order made on 19 August 2025, I refused that application and indicated that the reasons for doing so would be published shortly. Those reasons now follow.

THE FACTS OF THE OFFENDING

7. The facts of the offending are, for present purposes, sufficiently set out above.

THE EVIDENCE

8. The Appellant relied on the following evidence in support of the application:

(i) her affidavit of 11 August 2025;

(ii) a Brief of Evidence containing (amongst other things) documentation pertaining to the charge;

(iii) a series of testimonials, text messages and associated documents;

(iv) transcripts of the proceedings before Stewards on 17 June 2025 and 10 July 2025;

(v) written submissions.

9. Written submissions were also received from the Respondent, along with a copy of the internal review decision.

10. I have read all of the material provided by the parties.

THE PRINCIPLES APPLICABLE TO THE PRESENT APPLICATION

11. It is common ground that in order to succeed on the present application, the Appellant must establish that:

    1. there is a serious question to be tried; and
    2. the balance of convenience favours the making of the order sought.[1]

SUBMISSIONS OF THE PARTIES

Submissions of the Appellant

12. By reference to the evidence set out above, the submissions of the Appellant revolved principally around the proposition that there was a realistic prospect that on the hearing of the appeal, a penalty less severe than a period of disqualification would be imposed. In developing that proposition, the Appellant relied upon the decision of the Tribunal in *Raymond Lee v Greyhound Welfare and Integrity Commission*[2]. It was submitted that in that case the Tribunal *"appeared to accept"* that there were, broadly speaking, three categories of offending of this kind, and that the fact that the present case fell into the second category supported a conclusion that a penalty less than a disqualification was open.[3]

13. It was further submitted that:

    (i) the penalty guidelines which were applied by the Stewards took no account of the nature of the offence or the culpability of an offender

[1] *Marshall v Greyhound Welfare and Integrity Commission,* 21 December 2023.
[2] 24 December 2024.
[3] At [7].

and had, as a consequence, operated unfairly against the Appellant;[4]

(ii) the imposition of a period of disqualification may not be justified in all presentation cases, and that such a sanction was most appropriate where the Tribunal was positively satisfied that a participant had (unlike the Appellant) engaged in some form of misconduct;[5]

(iii) whilst the Appellant accepted responsibility for the offending, she did not administer the substance and had taken steps to ensure that it would not occur again;[6]

(iv) the Appellant's subjective circumstances, including the hardship suffered by her granddaughter as a consequence of her disqualification, heightened the punitive effect of any disqualification which was imposed;[7]

(v) the conclusion that the circumstances warranted something less than a disqualification was fortified by the Appellant's history within the industry, her prior good character, her plea of guilty and her remorse;[8]

(vi) it was unlikely that specific deterrence would have any role to play in the assessment of penalty;[9] and

(vii) the decision in *Lee* generally supported the proposition that something less than a disqualification was, at a minimum, open.[10]

14. As to the balance of convenience, it was submitted that any risk to the integrity of the industry was outweighed by the actual prejudice which would be visited on the Appellant absent a stay being granted. In this regard, emphasis was placed on the

[4] At [8].
[5] At [9].
[6] At [14].
[7] At [10].
[8] At [11] – [13].
[9] At [15] – [16].
[10] At [18].

Appellant's affidavit, and the effect upon her granddaughter of the disqualification.[11]

Submissions of the Respondent

15. The Respondent took issue with the proposition that it would be open to impose something less than a disqualification, and submitted that there was no serious question to be tried. The Respondent pointed, in particular, to the need to maintain the integrity of the industry, and the objective seriousness of the offence, as factors tending against the proposition that it would be open to impose something other than a disqualification.[12] Any other sanction, it was submitted, would have the capacity to erode public confidence in the industry as a whole.[13] The Respondent further submitted that even if a conclusion were reached that the disqualification period should be reduced, it was likely that the period would likely remain a significant one.[14]

16. As to the balance of convenience, it was submitted that none of the matters relied upon tipped that balance in favour of the Appellant. In particular, it was submitted that issues of financial hardship did not support a conclusion that the balance of convenience favoured a stay.[15]

CONSIDERATION

17. It is important to emphasise that on an application such as this I do not engage in what might be described as a *"preliminary trial"* of the issues. The Appellant does not, in order to succeed on the present application, have to prove her underlying case. I am required to make a determination of whether I am satisfied on the information available that the Appellant has a good, arguable case that it would be open to impose something less than a disqualification. Accordingly, nothing

[11] At [19] – [24].
[12] At [18] – [20].
[13] At [15].
[14] At [39]
[15] At [27] – [28].

that follows should be taken as any indication that I have formed any view about, much less pre-judged, what penalty might be appropriate.

18. For the reasons that follow, I am not satisfied that there is a serious question to be tried.

19. First, the Tribunal's acceptance in *Lee* that offending of this kind falls into three categories of culpability was not simply "*apparent*". Such a categorisation is well established[16] and is one which is consistently adopted. On the information which is available at the present time, the circumstances of the present offending would appear to fall squarely within the second category of offending which was formulated in *McDonough,* in circumstances where the Tribunal in that case noted that there may be little difference between offences which fall into category 1 (being the most culpable) and those which fall into category 2.

20. Secondly, other aspects of the Appellant's reliance on the decision in *Lee* carry with them a number of difficulties. To begin with, I have observed on numerous occasions that there is an inherent danger in seeking to compare outcomes of cases in terms of the penalty imposed. What is sought to be achieved in determining penalty is consistency of principle, not numerical equivalence.[17] There are material differences between the circumstances in *Lee* and those in the present case. In *Lee,* the offending fell into the third category identified in *McDonough,* i.e. the lowest category in terms of culpability. The present Appellant's culpability is substantially higher. Moreover, the subjective case considered in *Lee* was, at least in some respects, deserving of greater weight than that of the Appellant.

21. Thirdly, the proposition that a disqualification is most appropriate where there is evidence that a participant (unlike the Appellant) engaged in some form of

[16] See *McDonough v Harness Racing Victoria* [2008] VRAT 6.
[17] See for example *Duncan v Greyhound Welfare and Integrity Commission* 12 February 2024 at [52].

misconduct is not supported by the Tribunal's previous determinations in matters of this kind.

22. Fourthly, reference to penalty guidelines are, for present purposes, of little or no moment. That is for the simple reason that I am not bound by them. It can be assumed that when assessing penalty on the hearing of the present appeal, I will have regard to all relevant factor(s), whether or not they are contemplated by the guidelines.

23. Fifthly, presentation offences are, of themselves, objectively serious. That is all the more so when the substance in question is one which:

    (a) is permanently banned; and
    (b) has a potentially performance enhancing effect.[18]

24. Those factors necessarily require any assessment of penalty to have regard to the need for general deterrence, a factor which provides further support for the proposition that a disqualification is appropriate in the present case.

25. Sixthly, it is not to the point that the Appellant's conduct did not involve the *administration* of the substance. The Appellant has not been charged with that offence. If she had been, and if she had been found guilty, the penalty would, in all probability, have been greater.

26. Finally, I acknowledge that the Appellant relies on a number of subjective factors which she is entitled to have taken into account. At the same time, it is important to ensure that the weight given to a subjective case does not result in the imposition of a penalty which fails to meet the objects of the sentencing exercise.

[18] See internal review determination at [12].

27. It may well be open to the Appellant to argue that a lesser period of disqualification than that imposed by Stewards is appropriate. That, however, is a separate issue. A preliminary analysis of the evidence provided to me points to a conclusion that some period of disqualification should be imposed.

CONCLUSION

28. For these reasons, I am not satisfied that there is a serious question to be tried. In those circumstances I am not required to consider where the balance of convenience might lie. The application for a stay must be refused.

29. I note that a timetable has been set to bring the appeal to hearing.

THE HONOURABLE G J BELLEW SC

20 August 2025