

**IN THE RACING APPEALS TRIBUNAL**

**TERRENCE FRANCIS CALLEN**

**Appellant**

**v**

**GREYHOUND WELFARE INTEGRITY COMMISSION**

**Respondent**

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

**INTRODUCTION**

1. On 19 August 2025, Terrence Francis Callen (the Appellant) was charged with an offence contrary to r 165(a) of the *Greyhound Racing Rules* in the following terms:

*That the Appellant did a thing which, in the opinion of the Controlling Body, constitutes an offence, by engaging in conduct detrimental to the interests and image of greyhound racing.*

2. The Appellant pleaded not guilty to that offence and a hearing took place on 25 August 2025 and 3 September 2025.
3. On 3 September 2025 the Appellant was found guilty and was disqualified for a period of 3 months commencing on 3 September 2025.
4. By a Notice of Appeal filed on 5 September 2025, the Appellant appealed against that determination and sought a stay pursuant to cl 20 of the *Racing Appeals Tribunal Regulation 2024*. This determination addresses the application for a stay which is opposed by the Respondent.

## **THE CASE AGAINST THE APPELLANT**

5. The conduct of the Appellant which is said to have been detrimental to the interests and image of greyhound racing centres upon a post made on “Facebook”. The entirety of the context in which the post was made is not apparent on the evidence with which I have been provided. However, the submissions of the Appellant in support of the present application make reference<sup>1</sup> to the fact that the Appellant had been dealing with a dangerous dog which presented as a risk to others, and had contacted the Respondent for assistance. Apparently dissatisfied with the response he received, he sought legal advice. He was advised (not, I am satisfied, by his present Solicitor or the principal of the firm for which that Solicitor works) to euthanise the greyhound. He then posted the following:

*Got a call back from solicitor his exact recommendation shoot the dog to protect the public and tell Gwic to shove greyhound racing up their bum.*

## **THE RELEVANT PRINCIPLES TO BE APPLIED ON THE PRESENT APPLICATION**

6. It is accepted by the parties that in order to succeed on the present application, the Appellant must establish that:
1. there is a serious question to be tried;
  2. the balance of convenience favours the making of the order sought.<sup>2</sup>

## **SUBMISSIONS OF THE PARTIES**

### **Submissions of the Appellant**

7. The Appellant submitted that there were two serious questions to be tried.
8. The first, was whether I could ultimately be satisfied that his actions fell within the ambit of the term *conduct detrimental to the interests and image of greyhound*

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<sup>1</sup> Submissions at [6].

<sup>2</sup> *Marshall v Greyhound Welfare and Integrity Commission* 21 December 2023.

*racing*.<sup>3</sup> In support of that submission, three particular propositions were advanced, namely that:<sup>4</sup>

- (i) the post was a spontaneous repetition of legal advice which had been given to the Appellant;
- (ii) the language used lacked any discriminatory or abusive character; and
- (iii) a reasonable reader would interpret the post as frustration directed at regulation, not as a condemnation of the greyhound racing industry itself.

9. Accepting that to be the case, it was submitted that at the hearing of any appeal I would not be comfortably satisfied that the Appellant's conduct fell within r 165(a), and thus would not be satisfied that the offence had been committed.

10. The second centred upon the penalty which had been imposed. In this regard it was submitted, in effect, that the penalty was manifestly excessive, particularly in light of penalties imposed in the past for similar offending.<sup>5</sup>

11. As to the balance of convenience, it was submitted that the Appellant would suffer "*irreversible prejudice*" if a stay were not granted<sup>6</sup> in terms of the loss of income.<sup>7</sup> It was further submitted that, quite apart from financial issues, there was a likelihood that the Appellant would serve the entirety, or at least the majority, of his penalty prior to the hearing of his appeal.<sup>8</sup>

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<sup>3</sup> Submissions at [10].

<sup>4</sup> Submissions at [14].

<sup>5</sup> Submissions at [17] – [21].

<sup>6</sup> Submissions at [21].

<sup>7</sup> Submissions at [24].

<sup>8</sup> Submissions at [22].

## **Submissions of the Respondent**

12. The Respondent's position was that there was no serious question to be tried. It was submitted<sup>9</sup> that the Appellant's conduct clearly fell within the rule, in circumstances where the post was:

- (i) publicly available; and
- (ii) written as a consequence of the Appellant's frustration with information posted by the Commission in relation to the greyhound.

13. It was submitted that the publication of any opinion which is detrimental to the image and integrity of greyhound racing is inappropriate, and amounts to an offence against the rule.<sup>10</sup>

14. As to penalty, it was submitted that the 3 month disqualification imposed was appropriate in light of the objective seriousness of the offending, and the starting penalty of 9 months' disqualification for which provision is made in the relevant penalty guidelines.<sup>11</sup>

15. As to the balance of convenience, it was submitted that financial prejudice was not, of itself, a basis on which to conclude that the balance of convenience favoured a stay,<sup>12</sup> and that in any event, such prejudice was outweighed by the fact the integrity and image of the sport would "*suffer immensely*" if a stay were granted.<sup>13</sup> How this was said to be the case was not expanded upon.

## **CONSIDERATION**

### **Is there a serious question to be tried?**

16. My preliminary view, obviously formed without the benefit of argument, is that even if the matters relied upon by the Appellant in [8] above were accepted, the

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<sup>9</sup> Submissions at [16] – [18].

<sup>10</sup> Submissions at [19].

<sup>11</sup> Submissions at [21].

<sup>12</sup> Submissions at [25].

<sup>13</sup> Submissions at [27].

Appellant's conduct might still be capable of constituting conduct which was detrimental to the interests and image of greyhound racing. The fact (if it be the fact) that the post:

- (i) was spontaneous;
- (ii) lacked any discriminatory or abusive character;
- (iii) did not "condemn" the industry itself

may not, of itself, support a conclusion that no offence was committed. Put another way, the fact that the post had the elements in (i) to (iii) may not inevitably lead to the conclusion that it was not detrimental to the image of greyhound racing.

17. That said, the matters relied upon by the Appellant in [8] above may well go to the issue of penalty. It is that issue which, in my view, gives rise to a serious question to be tried. If the matters in [8] were accepted, and even though they might not provide a defence to the charge, they may provide some basis for a conclusion that the Appellant's culpability is low. If that conclusion were reached, there may be room for argument that the penalty is excessive. It is on these bases that I am satisfied that there is a serious question to be tried.

#### **Where does the balance of convenience lie?**

18. Leaving all other issues aside, the practicalities are that the Appellant will have served a substantial period of his current penalty before his appeal is heard. The balance of convenience lies in favour of the granting of a stay on that basis alone.

#### **ORDERS**

19. For all of these reasons, I propose to make the order sought. I will also make orders facilitating the filing of any further evidence, noting that the Senior Legal Officer of the Respondent (who is the only Solicitor in the Respondent's legal team at present) is on leave until 13 October 2025.

20. I make the following orders:

1. Pursuant to Clause 20 of the *Racing Appeals Tribunal Regulation 2024* (NSW), the operation of the order made by the Respondent on 3 September 2025, imposing a disqualification on the Appellant for a period of 3 months for a breach of r 165(a) of the *Greyhound Racing Rules*, is suspended pending the determination of the Appellant's appeal.
2. The Appellant is to file all further evidence and submissions in support of the appeal by 2 October 2025.
3. The Respondent is to file all further evidence and submissions by 13 October 2025.
4. The parties are to provide available dates for hearing on 14 October 2025.

**THE HONOURABLE G J BELLEW SC**

**26 September 2025**