IN THE RACING APPEALS TRIBUNAL

TERRENCE FRANCIS CALLEN
Appellant

v

GREYHOUND WELFARE AND INTEGRITY COMMISSION
Respondent

REASONS FOR DETERMINATION

DATE OF HEARING	**25 November 2025**
DATE OF DETERMINATION	**10 December 2025**
APPEARANCES	**Mr J Bryant for the Appellant**
	Mr B Gillies for the Respondent

ORDERS

1. **The order made on 26 September 2025 pursuant to cl 20 of the *Racing Appeals Tribunal Regulation* 2024 is vacated.**
2. **The appeal is upheld.**
3. **The penalty imposed on the Appellant is quashed.**
4. **In lieu thereof, the Appellant is suspended for a period of 31 days, to date from 3 September 2025.**
5. **The appeal deposit is to be refunded.**

INTRODUCTION

1. By a Notice of Appeal dated 5 September 2025, Terrence Frances Callen (the Appellant) has appealed against a determination of the Greyhound Welfare and Integrity Commission (the Respondent) imposing a disqualification of 3 months following a finding of guilt in respect of an offence contrary to r 165(a) of the *Greyhound Racing Rules* (the Rules). That rule is in the following terms:

> *An offence is committed if a person (including an official):*
>
> *(a) commits or omits to do any act or engages in conduct which is in any way detrimental or to prejudicial to the interest, welfare, image, control or promotion of greyhound racing.*

2. The Appellant had pleaded not guilty to that charge before the Stewards, and he maintained his plea of not guilty on the hearing of the present appeal.[1]

3. On 26 September 2025, I granted the Appellant a stay of the Respondent's determination pursuant to cl 20 of the *Racing Appeals Tribunal Regulation 2024*.

4. For the purposes of the conduct of the appeal, the parties prepared a Tribunal Book (TB) which contained documentary evidence, along with two excerpts of video footage. For reasons canvassed at the hearing of the appeal,[2] it is not necessary for me to view that footage.

THE FACTS OF THE OFFENDING

5. I draw the following summary from the submissions of the Appellant,[3] as well as from the Appellant's statement,[4] noting that no issue was raised about either in the course of the hearing of the appeal.

[1] Transcript 6.22 – 6.33.
[2] Transcript 5.24 – 6.17.
[3] Commencing at TB 17.
[4] Commencing at TB 34.

6. *Redshift Bravo* (the greyhound) was purchased by the Appellant at the age of 17 months. From the outset, it exhibited severe aggression and instability. It frequently attempted to attack other animals, and the Appellant was required to adopt strict containment measures to prevent injury being occasioned, not only to animals, but to individuals as well.

7. On 17 April 2025, the greyhound attacked another greyhound, *Armageddon* by pulling it under a kennel partition. When the Appellant intervened, the greyhound turned on him, inflicting serious injuries.[5] Medical treatment was administered to the Appellant, and the incident left him shaken.

8. Despite the Appellant's best efforts to rehabilitate the greyhound, its behaviour remained both unpredictable and violent. During a race on 24 April 2025, it showed signs of aggression towards another runner and later attempted to attack a neighbour's dog after escaping its transport cage. The Appellant and his wife became increasingly fearful of the greyhound, which was kept under strict control for safety reasons.

9. The Appellant took the greyhound to the Gardens for a trial in an attempt to settle it down, during which the greyhound unfortunately broke its hock. The Appellant sought approval to euthanise it for what he maintained were safety and welfare reasons, but the Respondent refused that request. Subsequent surgery which was carried out to repair the greyhound's fracture came at significant monetary cost to the Appellant.

10. Over the ensuing weeks, the Appellant experienced considerable stress in managing the greyhound's recovery. He continued to liaise with veterinarians, and with officers of the Respondent, about his desire to euthanise the greyhound. The Respondent continued to refuse the Appellant's requests that he be

[5] Photographs of the injuries are reproduced at TB 58 – 60.

permitted to do so. It would be fair to say that some of the Appellant's interactions with the Respondent's officers were less than cordial.

11. On the morning of 19 August 2025, after having had little sleep the night before, the Appellant contacted a Newcastle solicitor for advice about his position and, I infer, about the position taken by the Respondent as to its refusal to approve euthanising the greyhound. It should be emphasised that the Solicitor who was contacted for advice was not Mr Bryant who appeared for the Appellant in this appeal, nor was it anyone associated with Mr Bryant's firm.[6] The effect of the advice which was given to the Appellant was that the greyhound should be killed in order to protect the public, and that such action should be taken regardless of the position adopted by the Respondent.

12. The Appellant then posted the following on Facebook:[7]

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

13. The Appellant described himself as being *"extremely tired, exhausted and upset"* when he posted the message, and said that his wife contacted him shortly afterwards to remove it.[8] A member of the public contacted the Respondent and drew attention to the post, the publication of which constitutes the offence of which the Appellant was found guilty.

THE ISSUE OF LIABILITY

Submissions of the Appellant

14. As previously noted, the Appellant maintained his plea of not guilty at the hearing of the appeal. His position may be summarised in the following propositions:

    1. The offence requires proof that the conduct in question:

[6] See statements at TB 72 and 73.
[7] TB 96.
[8] Statement at [49] – [50]; TB 37.

(a) came to, or was otherwise within, the knowledge of the public;

(b) had a tendency to prejudice the sport of greyhound racing as a whole (a determination to be made by the application of an objective test); and

(c) was blameworthy.

15. The Appellant conceded that the first of those elements was established.[9] it is therefore unnecessary to consider that issue any further.

16. As to the second element, whilst it was accepted that the terms of the post might be regarded as offensive, it was submitted that this alone did not prejudice the sport.[10] It was submitted that there was a need to view the message in the context of the Appellant having had to undergo a long period of managing a dangerous greyhound,[11] and that a reasonable observer, aware of those surrounding circumstances, would likely interpret the post as an isolated and distressed outburst.[12] For all of these reasons, it was submitted that the second element was not made out because there was an absence of a reasonable tendency for the post to prejudice the sport of greyhound racing as a whole.[13]

17. Finally, it was submitted that the Respondent had failed to establish that the Appellant's conduct was blameworthy or, in other words, culpable or deserving of sanction.[14] It was submitted that not all inappropriate behaviour was necessarily fell into that category, and that it was necessary to consider the entirety of the surrounding circumstances.[15]

18. In advancing these submissions, the Appellant relied on a number of authorities which I have considered in detail below.

---

[9] Written submissions at TB 21 ([27]).
[10] TB 22 – 23 ([31](a) – (b)).
[11] TB 23 ([31])(b)).
[12] TB 23 (31)(b))
[13] Transcript 9.15.
[14] TB 24 at [34].
[15] TB 25 – 26 at [37] – [44]; Transcript 9.44 – 10.22.

Submissions of the Respondent

19. The written submissions of the Respondent advanced the following propositions:

    1. The post clearly came to the attention of at least one member of the public[16] who was prompted to contact the Respondent and express their concern for the welfare of the greyhound.[17]

    2. The privileges given to participants by virtue of their registration are such that there is an expectation that they will behave in a manner which is not detrimental to the interests of the greyhound racing industry.[18]

    3. The Appellant failed to meet that expectation.[19]

    4. The reference in the post to shooting the greyhound would cause any person who read it to believe that conduct of that kind was *"typical of the conduct of participants"* in the industry.[20]

    5. The Appellant's repeated emphasis on the behaviour of the greyhound was largely extraneous to the issues in the present appeal, which centred upon the *Appellant's* behaviour in posting the message.[21]

20. In oral submissions, it was put on behalf of the Respondent that the simple fact that a member of the public reacted to the post by drawing it to the Respondent's attention established, without anything more, the requirement identified at [14](1)(b) above.[22] It was further submitted that it whilst it was necessary to view the post as a whole, the reference to killing the greyhound was of obvious

[16] TB 30 at [27].
[17] TB 32 at [38].
[18] TB 31 at [31].
[19] TB 31 at [31].
[20] TB 31 – 32 at [36].
[21] TB 32 at [40].
[22] Transcript 12.34 – 12.37.

significance,[23] as was the fact that the post was made by a registered industry participant.[24]

21. As to the element of blameworthiness, it was submitted that it was immaterial whether the view expressed in the post was that of the Appellant himself, or that of the Solicitor from whom he sought advice. The more important fact, it was submitted, was that the Appellant made the post public in the manner in which he did.[25] It was emphasised that the Appellant had a choice in that regard, and exercised his right of choice in favour of publicising the suggested killing of an animal.[26]

22. In the course of the Respondent's submissions, my attention was drawn to the fact that action had previously been taken by it against an industry participant for unlawfully euthanising greyhounds.[27] It was submitted, in effect, that this was a factor which would objectively cause any person who read the Appellant's post to consider that such conduct was typical of the industry.[28] I simply note that it is no part of the allegation against the Appellant that he was ever *engaged in* the unlawful euthanising of a greyhound, or that he intended to become so engaged. On the contrary, the tenor of the Appellant's statement, which I accept, is that he had no such intention at any time, including when he posted the message. It follows that I do not regard the action taken by the Respondent against that other industry participant to be relevant for present purposes.

CONSIDERATION

23. On the basis of the case put by the Appellant, there are two issues for determination in considering the question of whether the offence is made out, namely:

[23] Transcript 12.45 – 13.4.
[24] Transcript 13.10.
[25] Transcript 13.29 – 14.14.
[26] Transcript 13.15 – 13.18.
[27] Commencing at TB 74.
[28] Written submissions at [33] – [36]; TB 31 – 32.

1. Did the Appellant's conduct in posting the message have a tendency to prejudice the sport of greyhound racing as a whole?

2. If so, was that conduct blameworthy?

24. The Appellant's case on those issues was based principally upon a decision of Young CJ in Eq (as his Honour then was) in *Waterhouse v Racing Appeals Tribunal*.[29]

25. In *Waterhouse,* a participant in the thoroughbred racing industry had been charged with engaging in conduct which was prejudicial to the image of racing. In reaching its decision at first instance, the relevant Tribunal had expressed the view that in order to establish such a charge, there must be proof of the fact that the conduct had a tendency to prejudice the sport as a whole, as opposed to the individual involved.[30] It was submitted on behalf of the Appellant in the present case that the *"legislative framework articulated by Young CJ in Eq"* in *Waterhouse* had effectively endorsed that view.[31]

26. I agree that in reaching his determination, his Honour appears to have generally accepted that proposition.[32] That position was followed by this Tribunal (differently constituted) in a number of subsequent determinations, including *Pollet v Racing New South Wales,*[33] *Loy v Racing New South Wales,*[34] and *Re Talbot and Sayer*.[35] I accept that the test is as his Honour articulated it.

27. I am satisfied that such test has been met in the present case. Any reference to the killing of a greyhound, particularly in circumstances where it emanates from a registered industry participant, has a clear tendency to prejudice the sport of

[29] [2002] NSWSC 1143.
[30] See the judgement at [58].
[31] Submissions at [18].
[32] At [62] – [63].
[33] 16 March 2021.
[34] 12 March 2022.
[35] 20 May 2019.

greyhound racing as a whole. Any member of the public to whose attention such a post was drawn would, without knowing anything more, be entitled to question why a person who made such a reference was a registered participant at all. Such matters go somewhat beyond a poor reflection upon an individual.

28. It follows that the first element in dispute is made out.

29. As to second element of blameworthiness, Young CJ in Eq observed in *Waterhouse* that:

    1. blameworthiness is not the equivalent of mens rea;[36]
    2. it incorporates a notion of doing something "*wrong*".[37]

30. In my view, and largely for the reasons I have already expressed, the Appellant's conduct was blameworthy in the relevant sense. Once again, any member of the public would expect any industry participant to behave according to an acceptable standard. The subject matter of the post supports the conclusion that such standard was not met by the Appellant in the present case.

31. It follows that the second element in dispute is established.

32. Accordingly, the offence is made out.

THE ISSUE OF PENALTY

Submissions of the Appellant

33. In terms of penalty, the Appellant relied upon the following circumstances:[38]

    1. The offending was:
        (a) isolated;
        (b) not premeditated; and

[36] At [68].
[37] At [66] – [67].
[38] Transcript 9.44 – 10.2.

(c) not malicious.

2. The post was in the public domain for a short period of time (said to be in the vicinity of 15 minutes).

3. The post was made within a private social media profile to which only a relatively small number of persons (as opposed to the public at large) had direct access.

4. As a consequence of all of those matters, any harm done to the industry was negligible.

34. Particular reliance was placed by the Appellant upon a previous determination of this Tribunal (differently constituted) in *Gannon v Greyhound Racing New South Wales*[39]. That case concerned charges brought under (then) r 86 which was addressed similar conduct to that now addressed by r 165(a). The charges stemmed from three separate posts on Facebook made over a period of almost 4 weeks, the content of which were, to varying degrees, personally offensive towards, and critical of, industry officials. Concurrent penalties were imposed, the effect of which were to suspend the Appellant for 3 months and impose fines totalling $3,000.00. The Tribunal concluded that a 3 month penalty, in the form of a suspension as opposed to a disqualification, was more than adequate and determined that no fines should be imposed.[40] I have referred to that decision further below.

Submissions of the Respondent

35. The Respondent submitted that in light of the objective seriousness of the offending, no penalty other than a disqualification would be appropriate.[41] It was emphasised that maintaining public confidence in the industry is one of the core

[39] 6 May 2019.
[40] At [53].
[41] TB 32 at [42] – [44].

objectives of the *Greyhound Racing Act 2017* (NSW) and that the post engendered understandable concern in the minds of members of the public.[42] It was submitted that in all of these circumstances, the disqualification imposed on the Appellant was entirely justified and should not be disturbed.

CONSIDERATION

36. In many respects, the post in question speaks for itself. The Appellant's conduct in making it public was ill-advised, and its content was entirely inappropriate. Quite apart from referencing the killing of a greyhound, the language used towards the Respondent generally was uncalled for. For all of the reasons canvassed in dealing with the liability issue, there can be no doubt whatsoever that the post was detrimental to the interests, welfare, image, control or promotion of greyhound racing. General deterrence is a relevant consideration on penalty.

37. All of that said, there are a number of other factors which bear upon an overall assessment of the offending.

38. First, the evidence satisfies me that the Appellant's conduct was spontaneous. There is not the slightest suggestion that it was premeditated. That can be usefully contrasted with the offending in *Gannon*. The multiplicity of offences committed in that case tends completely against the notion of spontaneity, and supports a finding that the conduct was premeditated.

39. Secondly, the Appellant's conduct was isolated to the one post, a fact that can also be usefully contrasted with the offending in *Gannon* which involved repeated posting of material within which there was more than one offensive reference to industry officials.

[42] TB 32 at [48].

40. Thirdly, I am satisfied that the Appellant's conduct was, at least in part, a result of frustration[43] brought about by having to deal with a dangerous animal. I do not accept the submission advanced on behalf of the Respondent that the greyhound's behaviour is irrelevant to the issues to be taken into account. On the contrary, it provides an important aspect of the contextual background.

41. Fourthly, I am satisfied that to some degree, the Appellant acted as he did in an attempt to bring attention to what he perceived to be some injustice in not being permitted to euthanise the greyhound That, of course, does not excuse his conduct. The method that he employed to garner such attention was, in light of the content of the post, entirely inappropriate. However, the background to the matter, and the Appellant's dealings with the Respondent, go some way to explaining why a person of otherwise generally good character would act in the way in which the Appellant did. I am satisfied that the Appellant's conduct, although clearly blameworthy, was not motivated by a specific intention to bring the greyhound racing industry into any form of disrepute, although I obviously accept that this was the end result.

42. Fifthly, contrary to the terms of the complaint which was made about the post by a member of the public[44] and without wanting to parse its terms, the simple fact is that the Appellant did not advocate, expressly or by implication, that the greyhound be killed. What he did was restate the tenor of the advice (or as he described it, the recommendation) given to him by the Solicitor. The fact that such advice was, on any objective view, entirely misguided, was not the fault of the Appellant. The real vice in the Appellant's conduct is that he made the advice public. But he did not, be it in the post or at any other time, say anything which even remotely suggested that he would act on such advice and kill the greyhound. It is primarily for that reason that I am unable to accept the proposition which was advanced on behalf of the Respondent that a person reading the post *"could*

[43] TB 38 at [61].
[44] TB 92.

maintain the view that the unfettered euthanasia of greyhounds is the norm in the industry".[45] Nothing said or done by the Appellant conveys that suggestion.

43. Sixthly, the Appellant's evidence,[46] which I accept, is that he would never have killed the greyhound. It is partly for that reason that the Respondent's reliance upon action taken against those who ***have*** killed greyhounds is of limited probative value.

44. Having maintained a plea of not guilty, the Appellant is not entitled to the benefit of any quantified discount. However, I have taken into account that although he defended the matter, he did not, at any stage, take issue with the fact that he engaged in the conduct which was alleged against him. His challenge was essentially a legal one which, for the reasons I have given, should be rejected.

45. The Appellant has a disciplinary history which is generally limited to minor race day breaches, and which does not incorporate any offending similar to the present.[47] The only available conclusion is that the Appellant is otherwise a generally responsible industry participant. That fortifies my view that his offending was motivated out of frustration, and should be regarded as being out of character. The general tenor of the Appellant's statement is one of genuine contrition and remorse. He is entitled to have all of those matters taken into account in his favour. Personal deterrence is not a relevant consideration on penalty.

46. As I have indicated, I have had regard to the decision in *Gannon*. Minds may differ as to whether social media posts which make reference to the killing of a greyhound are worse than those which are personally and gratuitously offensive towards (and arguably defamatory of) industry officials. Whatever view one might reach in relation to that issue, the fact is that the Appellant in *Gannon* received a

[45] Transcript 15.25.
[46] TB 38 at [60].
[47] TB 28 at [7].

suspension – as opposed to a disqualification – for multiple offending of a *generally* similar kind. When the penalty imposed on the Appellant is considered against the outcome in Gannon, a degree of inconsistency in the application of principles tends to emerge.

47. Taking all of those factors into account, I have come to the view that the appeal should be upheld.

48. In the course of the hearing I was informed that the Appellant had served a total effective penalty of 31 days[48] by way of a disqualification. In my view, a suspension of that length properly reflects all of the material factors which go to penalty.

ORDERS

49. For the reasons given I make the following orders:

1. The order made on 26 September 2025 pursuant to cl 20 of the *Racing Appeals Tribunal Regulation* 2024 is vacated.
2. The appeal is upheld.
3. The penalty imposed on the Appellant is quashed.
4. In lieu thereof, the Appellant is suspended for a period of 31 days, to date from 3 September 2025.
5. The appeal deposit is to be refunded.

THE HONOURABLE G J BELLEW SC

10 December 2025

[48] Transcript 11.16; 17.18 – 17.20;