**IN THE RACING APPEALS TRIBUNAL**

**SUZETTE TURNER**
**Appellant**

**v**

**GREYHOUND WELFARE AND INTEGRITY COMMISSION**
**Respondent**

## REASONS FOR DETERMINATION

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| **Date of hearing** | **12 November 2025** |
| **Date of determination** | **1 December 2025** |
| **Appearances** | **Mr J Leavold for the Appellant** |
| | **Mr B Gillies for the Respondent** |

## ORDERS

1. **The appeal is dismissed.**
2. **The appeal deposit is forfeited.**

## INTRODUCTION

1. By a Notice of Appeal filed on 23 July 2025, Suzette Turner (the Appellant) has appealed against a determination of the Greyhound Welfare and Integrity Commission (the Respondent) to impose a disqualification of 12 months commencing on 11 July 2025 for a breach of r 141(1)(a) of the *Greyhound Racing Rules* (the Rules).

2. The appeal was heard on 12 November 2025, following which my decision was reserved. I was provided with a Tribunal Book (TB) for the purposes of the appeal extending to several hundred pages.

## THE RELEVANT PROVISION OF THE RULES

3. Rule 141(1)(a) provides as follows:

> ***Greyhound to be free of prohibited substances***
>
> *The owner, trainer or other person in charge of a greyhound:*
>
> *(a) nominated to compete in an event*
> *(b) ...*
> *(c) ...*
>
> *must present the greyhound free of any prohibited substance.*

## THE FACTS OF THE OFFENDING

4. On 21 February 2025, the Appellant presented *"Mr Informant"* (the greyhound) to compete in race 8 at Richmond. 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).[1]

5. On 11 June 2025, the Respondent advised the Appellant of a proposed charge in the following terms:[2]

[1] TB 204.
[2] TB 227.

1. *That [the Appellant] as a Registered Public Trainer presented the greyhound Mr Informant 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 GW 1516 and GW 1516 Sulphoxide.*

3. *GW 1516 and GW 1516 Sulphoxide is a permanently banned prohibited substance under r 139(1)(k) of the Rules.*

6. A disciplinary hearing commenced on 17 June 2025 at which Dr Adam Cawley, the Scientific Manager at Racing Analytical Services Limited, gave evidence about the nature of the substance which had been detected in the urine sample. Dr Cawley said that although the substance had not been specifically studied, it was a metabolite which was *"capable of improving performance".*[3] Dr Cawley also said that the prevalence of the substance was very low,[4] to the point where the present case represented the first finding of it in canine urine. Specifically, he expressed the view that it was not a substance which was prevalent in the environment, and said that the level which was returned in the sample could be the result of administration some time ago before sampling, or possibly the result of the greyhound being exposed to someone using the product (which Dr Cawley believed was sourced "*on the black market"*).[5]

7. Dr Tony Kuipers, the Chief Veterinary Officer of the Respondent, also gave evidence. He said that the substance had *"no legitimate use"* in the greyhound racing industry, or in veterinary medicine generally.[6] Dr Kuipers' opinion, based on relevant research, was that the substance was to be regarded as a performance enhancing one[7] which fell into Category 1A.[8] Dr Kuipers could not express a view as to the dose of the substance which would be required to improve a greyhound's

[3] TB 259.10 – 259.22.
[4] TB 262.10.
[5] TB 262.12 – TB 262.20.
[6] TB 263.6 – 263.8.
[7] TB 263.10 – 263.14.
[8] TB 263.30.

performance, but described the substance as a *"metabolic switch"* which altered a greyhound's metabolism, and thus increased its endurance capabilities.[9]

8. At the conclusion of the first day of the hearing, the Appellant entered a plea of guilty to the charge,[10] following which the hearing was adjourned until 10 July 2025. It is not necessary to canvass what occurred on that occasion. Ultimately, the Appellant was disqualified by Stewards for a period of 12 months commencing on 11 July 2025.[11]

**THE APPELLANT'S SUBJECTIVE CASE**

9. The Appellant provided an Affidavit of 11 August 2025[12] (the first Affidavit) upon which she relied for the purposes of the present appeal, and on which she was not cross-examined. In the first Affidavit, the Appellant stated (amongst other things) that she:

    (i) has been involved in the industry for more than 30 years;[13]
    (ii) derives approximately 70% of her income from greyhound racing;[14]
    (iii) has never administered any prohibited substance to any greyhound under her care;[15]
    (iv) has a disciplinary history consisting of relatively minor breaches of the rules, which does not include any matter similar to the current offending;[16]
    (v) offered to have all of her greyhounds tested for the presence of the substance, at her own cost;[17]

[9] TB 264.21 – 264.39; 266.9 – 266.11.
[10] TB 269.43.
[11] TB 230; TB 302.19 – 302.20.
[12] Commencing at TB 12.
[13] At [4].
[14] At [12].
[15] At [16]; [24].
[16] At [20].
[17] At [20].

(vi) has since installed CCTV cameras at her property, and put locks on the gates;[18]

(vii) has implemented a policy under which only certain nominated persons can have contact with greyhounds under her care and control;[19]

(viii) is the primary carer of two grandchildren along with her elderly mother, all of whom are dependent upon her financially;[20]

(ix) has ongoing financial commitments, and limited means and assets to meet them;[21]

(x) is not able to associate with friends as a consequence of her disqualification;[22]

(xi) is heavily involved in volunteer work outside of the greyhound racing industry.[23]

10. The Appellant's first affidavit specifically addressed the position of one of her grandchildren at some length.[24] For reasons of privacy as well as sensitivity, I will not set out those parts of the affidavit in detail. It is sufficient for present purposes to state that the Appellant's disqualification has had a significant effect on that particular grandchild.

11. Annexure "A" to the first affidavit was a document prepared for the disciplinary hearing in which submissions were advanced as to the circumstances in which the substance may have come to be in the greyhound's system. Those submissions were somewhat speculative, a fact expressly acknowledged by the Appellant in her affidavit.[25] I have proceeded on the basis that they are no longer relied upon.

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[18] At [27]; [28].
[19] At [29].
[20] At [30].
[21] At [31] – [33].
[22] At [34] – [38].
[23] At [39] – [43].
[24] Commencing at [45].
[25] At [26].

12. The Appellant relied upon a further affidavit dated 2 September 2025 (the second affidavit) which, in effect, updated her personal circumstances, and emphasised the financial imposition that had resulted from the disqualification.[26] The second affidavit also confirmed the ongoing effects of the disqualification on the Appellant's granddaughter,[27] upon which I will not expand for the reasons previously expressed.

13. The Appellant relied upon a testimonial[28] from the President of the Richmond Race Club, Melinda Finn, who described the present charge as "*truly out of character",* and the Appellant as a person who *"has always demonstrated integrity".* Another testimonial from John and Christina Ellul[29] (for whom the Appellant has trained greyhounds) described her as a person of *"long standing character [and] professional integrity".* Other testimonials from Sarah Easey,[30] Mitchell Pryce,[31] Jason Keller,[32] Troy Vella,[33] Harry Sarkis,[34] Anthony Pagano,[35] Christopher Spiteri,[36] Patricia Chaker,[37] Bradley Barnes,[38] Brad Richardson,[39] Rob Tyler,[40] Joy Morton[41] and Hayley Gilbert[42] expressly generally similar views.

[26] At [4].
[27] AT [5].
[28] TB 73.
[29] TB 74 – 75.
[30] TB 76.
[31] TB 77.
[32] TB 78
[33] TB 79.
[34] TB 80.
[35] TB 81.
[36] TB 82.
[37] TB 83.
[38] TB 84.
[39] TB 85.
[40] TB 86.
[41] TB 87.
[42] TB 88.

**SUBMISSIONS OF THE PARTIES**

**Submissions of the Appellant**

14. The written submissions filed on behalf of the Appellant advanced the following propositions:[43]

    (i) the appropriate penalty was either a fine, or a lesser period of disqualification than that which had been imposed at first instance;

    (ii) the matters justifying such an outcome included:

    (a) the objective seriousness of the offending "*in light of the penalty guidelines"*;

    (b) the Appellant's culpability, insight and rehabilitation;

    (c) the outcomes of so-called "*comparative cases"*;

    (d) the financial hardship imposed on the Appellant; and

    (e) what were said to be "*exceptional and extenuating circumstances"*.

15. As to those matters, it was further submitted that:

    (i) the penalty guidelines did not differentiate between presentation offences and administration offences, such that it was inappropriate to adopt, as a starting point, the maximum penalty nominated by such guidelines;

    (ii) the offending fell into category 2 of those set out in *McDonough*;[44]

    (iii) the Appellant's response to the offending was entirely consistent with the commitment to integrity she had demonstrated over a long period of time;

    (iv) the determinations of the Tribunal in *Duncan*[45] and *Gatt*[46] provided support for the proposition that the penalty should be reduced;

[43] Commencing at TB 1.
[44] [2008] VRAT 6.
[45] 12 February 2024.
[46] 28 March 2025.

(v) the financial impact on the Appellant has been significant, to the point where her financial position is now best described as precarious;

(vi) the extra-curial punishment in the form of the effect on the Appellant's granddaughter is significant, rendering this case unique;

(vii) the Appellant is unquestionably a person of good character.

16. In oral submissions, it was conceded[47] that there was evidence that the substance was at least capable of enhancing the endurance, and thus the performance, of a greyhound, and that this was a matter of significance from the point of view of maintaining the integrity of the industry.[48] It was also conceded[49] that the financial hardship to the Appellant stemmed from the offending. Nevertheless, it was submitted that such hardship remained a factor to be taken into account, in circumstances where the Appellant was financially responsible for three other persons.[50] It was submitted[51] by reference to evidence in the Tribunal Book,[52] that as a consequence of her deteriorating financial circumstances, the Appellant had incurred rental arrears to the point where she was now in danger of eviction.

**Submissions of the Respondent**

17. The written submissions of the Respondent[53] advanced the following propositions:

(i) the offending fell into category 2 of those set out in *McDonough*;

(ii) the fact that the offending involved a category 1A substance rendered it particularly serious;

[47] T 4.39 – 5.2.
[48] T 5.10.
[49] T 5.15 – 5.29.
[50] T 5.40.
[51] T 5.37 – 5.46.
[52] TB 173 – 174.
[53] Commencing at TB 187.

(iii) the penalty imposed at first instance represented a significant departure from the guidelines in the Appellant's favour;

(iv) an appropriate starting point was a disqualification of 18 months;

(v) the penalty imposed at first instance took into account the entirety of the Appellant's subjective circumstances, such that I should not *"give any additional discount"*;

(vi) the penalty was consistent with those penalties imposed in previous cases of offending involving category 1A substances;

(vii) the Appellant's subjective circumstances *"do not warrant a reduction"* in penalty;

(viii) there remained a need to promote and protect the welfare of greyhounds, and the integrity of, and public confidence in, the greyhound racing industry;

(ix) the detection of a category 1A substance represented the most serious example of a presentation offence because, amongst other things, it posed a significant risk to the health and welfare of greyhounds, and the integrity of the industry as a whole;

(x) taking all of these matters into account, the penalty imposed was appropriate.

18. In oral submissions, it was put on behalf of the Respondent[54] that even when full weight was given to the Appellant's personal circumstances, and her subjective case generally, it remained the position that there will always be hardship stemming from any period of disqualification. It was submitted[55] that in the present case, such disqualification had come about as a consequence of a serious breach of the Rules which had the capacity to directly affect the integrity of the industry. For those reasons, as well as those advanced in writing, it was submitted that the penalty imposed remained appropriate.

[54] T 8.38 – 8.47.
[55] T 8.10 – 8.26.

**CONSIDERATION**

19. Three matters must be emphasised at the outset.

20. The first, is that in determining an appeal in which the asserted severity of penalty is the only issue, the Tribunal does not concern itself with "starting points". Rather, it engages in a process of instinctive synthesis in which all relevant matters are taken into account. That approach was explained in *Wade v Harness Racing New South Wales*[56] in the following way:

> *It was effectively submitted on behalf of the Appellant that there is a requirement for this Tribunal, when assessing penalty in a matter of this kind, to adopt a starting point. It appeared to be suggested, in particular, that such a requirement arose, at least in part, from the Respondent's penalty guidelines. It has been said on many occasions that the guidelines are just that – a guide. Whilst those guidelines may well be adopted by Stewards, I am not bound by them. An assessment of penalty which is made by this Tribunal is not a process which is akin to a mathematical calculation. On the contrary, an assessment of penalty by this Tribunal is a discretionary decision which is made in light of firstly, the circumstances of the individual case, and secondly, the purposes which are intended to be served by such a penalty as set out in Pattinson. To the extent that Mr Morris sought to argue that the adoption of a starting point was a necessary (or perhaps even mandatory) step in that process, I am unable to agree. Such an approach has the clear tendency to advocate the undertaking of an almost purely mathematical exercise in which there are increments to, or decrements from, a predetermined starting point or range. It has been observed that such an approach is apt to give rise to error, and is one which departs from principle.*[57] *Whilst those observations were made in the context of criminal proceedings, it seems to me that they necessarily have some role to play in the approach which is to be taken when this Tribunal is assessing penalties. Such approach must be one of instinctive synthesis in which all relevant matters are taken into account, the appropriate degree of weight is ascribed to each of them, and a determination is then reached. Some general support for that approach, and for the proposition that I am not bound by any guidelines, is to be found in the decision of Walton J in McCarthy v Harness Racing New South Wales.*[58]

21. The second, is that, as indicated in the extract from *Wade* above, I am not bound by guidelines. The guidelines are not proscriptive in any event, even upon those who are bound by them.

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[56] 4 March 2025.
[57] *Wong v The Queen* [2001] HCA 64 at [74]; *Markarian v The Queen* [2005] HCA 25 at [30] – [34].
[58] [2024] NSWSC 865 at [216]

22. The third, is that references to the Tribunal not ascribing any additional discount over and above that which was imposed by Stewards, or not applying any reduction in penalty, are somewhat inapposite. Such references have a tendency to overlook that an appeal to this Tribunal operates as a hearing *de novo* in which I look at the matter entirely afresh.

23. Those matters having been noted, I turn to the assessment of penalty, that being the sole issue in the present case.

24. There is no issue between the parties that the offending falls into the second category articulated in *McDonough*. In other words, it is a case in which the Appellant has provided no explanation for the presence of the prohibited substance. I am left in a position of not being able to determine how the substance came to be in the greyhound's system.

25. Whilst any presentation offence is, by its nature, serious, what is of particular significance in the present case is the fact that the substance falls into category 1A. That is a circumstance which places it at a high level of objective seriousness.

26. Moreover, the expert evidence which was given at the disciplinary hearing supports the conclusion that the substance is performance enhancing. That necessarily has the capacity to create what might be described as an uneven playing field, and to have an adverse effect on the safety and well-being of any greyhound who is found to have it within its system. The performance-enhancing nature of the substance also has the capacity to adversely affect the integrity of, and public confidence in, the greyhound racing industry as a whole.

27. It must logically follow from all of these factors that the objective seriousness of the offending is high. As a consequence, general deterrence is an important consideration in determining the appropriate penalty.

28. The Appellant has advanced a strong subjective case. In a long career within the industry, she has never come under notice for a matter of this kind, and she has presented a strong body of evidence attesting to her prior good character. Her conduct since the events giving rise to the offending is consistent with someone who is genuinely remorseful for what has occurred. In all of these circumstances, personal deterrence has no role to play in determining penalty.

29. I accept that the Appellant has been adversely financially impacted by the penalty imposed. Whilst that is a matter to be taken into account, it is, as was properly conceded on the Appellant's behalf, an inevitable consequence of the offending. For that reason, the weight to be attached to it is limited. That is so, even when third parties are affected by it.

30. I am conscious of the matters relied upon by the Appellant regarding the effect of the disqualification upon her granddaughter. Again, that is certainly a factor to be taken into account and I have done so. However, as has been observed by the Tribunal on many occasions, a subjective case, regardless of how strong it might be, cannot result in the imposition of a penalty which does not properly reflect the objective seriousness of the offending.

31. This is, to my knowledge, the first occasion on which the Tribunal has had to consider the detection of this particular prohibited substance, although it has had occasion to hear and determine other appeals involving category 1A substances. I have carefully reviewed the facts and circumstances of all of those cases, and their outcomes. As has been constantly stated in this context, no two cases are ever factually the same, and what is sought to be achieved is the consistent application of principle, not numerical equivalence of penalty.

32. In my view, the appropriate penalty is a disqualification of 12 months. Such a penalty appropriately reflects the objective seriousness of the offending and the need for general deterrence, and at the same time gives full weight to the Appellant's subjective case. Moreover, in terms of the consistency which is

sought to be achieved in the determination of penalty, such a disqualification sits more than comfortably with the outcomes in all of the previous cases to which reference was made in submissions.

**ORDERS**

33. I make the following orders:

1. The appeal is dismissed.
2. The appeal deposit is forfeited.

**THE HONOURABLE G J BELLEW SC**

**1 December 2025**