

IN THE RACING APPEALS TRIBUNAL

JACQUELINE ANNE DAVIS

Appellant

v

**GREYHOUND WELFARE AND INTEGRITY COMMISSION
RESPONDENT**

REASONS FOR DETERMINATION

Date of hearing **17 April 2026**

Date of determination **4 May 2026**

APPEARANCES **The Appellant appeared in person**

Mr B Gillies for the Respondent

ORDERS

- 1. The order made on 5 February 2026 pursuant to cl 20 of the *Racing Appeals Tribunal Regulation 2024* (NSW) suspending the operation of the determination of the Respondent is vacated.**
- 2. The appeal is upheld.**
- 3. The determination of the Respondent is quashed.**
- 4. In lieu thereof, the Appellant is suspended for a period of 2 months.**
- 5. Upon the completion of 1 month of that suspension, the remaining period of 1 month shall be suspended for a period of 12 months.**
- 6. The Appellant will be permitted to resume as an industry participant upon the completion of 1 months' suspension.**
- 7. A fine of \$1,000.00 is imposed.**
- 8. The appeal deposit is to be refunded.**

INTRODUCTION

1. By a Notice of Appeal dated 2 February 2026, Jacqueline Anne Davis (the Appellant) has appealed against a determination of the Greyhound Welfare and Integrity Commission (the Respondent) to impose a suspension of 2 months, and a fine of \$2,000.00, for a breach of r 141(a) of the Greyhound Racing Rules (the Rules).
2. The appeal was heard on 16 April 2026, following which judgment was reserved. A Tribunal Book (TB) containing all relevant evidence was provided by the parties. The issue on the appeal is one of penalty only.
3. It is noted that pursuant to consent orders made on 5 February 2026, the operation of the penalties imposed by the Respondent was suspended pending the outcome of the present appeal.

THE FACTS OF THE OFFENDING

4. I draw the following summary of the facts from the written submissions of the Respondent.
5. The Appellant is a registered industry participant, most recently as a public trainer and whelper. On 3 August 2025, she nominated the greyhound “*Nan’s Me Barber*” (the greyhound) to compete in race 5 at a meeting at Grafton. Prior to that event, a urine sample was taken from the greyhound, which was later analysed and found to contain:
 - (a) Hydrocortisone at a mass concentration of 1682ng/mL; and
 - (b) Ketoprofen in excess of 10 ng/mL per millilitre.
6. A second analysis certified the presence of:
 - (a) Hydrocortisone at a mass concentration of 1635ng/mL; and
 - (b) Ketoprofen in excess of 10 ng/mL.

7. Hydrocortisone at a concentration above 1000ng/mL in a sample of urine taken from a greyhound is a permanently banned prohibited substance under r 139(1)(x) of the Rules. Ketoprofen in excess of a mass concentration of 5 nanograms per millilitre in a sample of plasma or 10 ng/mL in a sample of urine is a prohibited substance under r 146(6)(g) of the Rules.

THE INQUIRY BY STEWARDS

8. An inquiry was convened by Stewards on 7 December 2025¹ at which the Appellant was present. When asked how Hydrocortisone might have come to be in the greyhound's system, the Appellant made reference to her personal use of a cream to treat Dermatitis.² She suggested that the presence of Ketoprofen may have come about due to contamination of meat used to feed the greyhound.³
9. The inquiry resumed on 29 January 2026.⁴ On that occasion, evidence was given by r Steven Karamatic as to the nature of the substances which were detected in the sample.⁵ It is not necessary, for present purposes, to set out Dr Karamatic's evidence in detail. It is sufficient to note that he appeared to accept that it was possible for the presence of Hydrocortisone to have come about in the manner suggested by the Appellant, i.e. by the use of a topical cream.⁶ He also expressed the view that the presence of *Ketoprofen* in the food chain was "*very possible*".⁷
10. Dr Karamatic said that Hydrocortisone affects all body systems and is capable of changing metabolism, providing pain relief and managing inflammations.⁸ He also said that Ketoprofen was capable of (amongst other things) providing pain

¹ Commencing at TB 36.

² TB 61.9 and following.

³ TB 79.15.

⁴ Commencing at TB 69.

⁵ Commencing at TB 73.

⁶ TB 77.10.

⁷ TB 82.17.

⁸ TB 86.10 – 86.10.

relief, managing inflammations, and masking the signs of pain in an injured greyhound.⁹

THE CHARGE

11. At the conclusion of the second day of the inquiry, the Appellant was charged with an offence contrary to r 141(a)(1) in the following terms:¹⁰

That the Appellant, as a registered public trainer and breeder whelper, presented the greyhound Nan's Me Barber for the purpose of competing in race 5 at the Grafton meeting on 3 August 2025 in circumstances where the greyhound was not free of any prohibited substance.

The substances detected in the sample of urine taken from the greyhound prior to the event were Hydrocortisone and Ketoprofen.

Hydrocortisone at a concentration above 1000 nanograms per millilitre in a sample of urine taken from a greyhound is a permanently banned prohibited substance under rule 139(1)(x) of the rules.

Ketoprofen in excess of a mass concentration of 5 nanograms per millilitre in a sample of plasma of 10 nanograms per millilitre in a sample of urine is a prohibited substance under Rule 146 of the rules.

12. The Appellant's immediate response to the charge was that she was not "not guilty of knowingly having anything in the dog."¹¹ The hearing proceeded on the basis that she had pleaded guilty to the offending, which of course does not require proof of intention.

THE PENALTY IMPOSED

13. Having heard submissions from the Appellant and considered the matter, the Stewards imposed a 4 month suspension.¹² However, when that suspension was announced, the Stewards received further submissions on behalf of the Appellant, the general tenor of which was that a fine was appropriate. Having considered those submissions, the Stewards then imposed a suspension of 2

⁹ TB 85.9 – 85.13.

¹⁰ TB 98 – 99.

¹¹ TB 99.29.

¹² TB 104.1.

months (as opposed to the original 4), along with a \$2,000.00 fine (a fine not having been imposed previously at all).

14. There may well be some issues surrounding how it is that the Stewards adopted the course that they did, and simply substituted a second penalty without vacating the first. Arguably what occurred was procedurally irregular. However, no issue was raised about these matters by either party and I have therefore proceeded on the basis that the penalty imposed was a suspension of 2 months and a fine of \$2,000.00.

SUBMISSIONS OF THE PARTIES

Submissions of the Appellant

15. The Appellant provided a lengthy statement¹³ at the time of lodging the Notice of Appeal. That statement sets out her position and in fairness to her it should be reproduced in full:

To whom it may concern

Whilst I acknowledge the positive findings of hydrocortisone and ketoprofen arising from the race-day swab of my greyhound, I want to ensure that you are aware that I would never intentionally use prohibited substances with my greyhounds.

During discussions with the stewards, a Gwic advisor veterinarian Dr Stephen Karamatic acknowledged that ketoprofen contamination may have occurred through the Meat I use. I buy the greyhound meat from Victoria through an agent and have done so for the last 5-6 years. I have had a numerous amounts of swabs in that time and have never had a positive swab till this swab in question. Apparently, there has been quite a few ketoprofen positives from Victorian Meat indicated by Dr Karamatic that I was unaware of till now.

I feel the hydrocortisone contamination could have come from my hands as I use Dermaid cream. I also use a lineament to rub the dogs out that are racing and I may have transferred the hydrocortisone cream whilst completing this. Dr. Steven Karamatic agreed that it could be a possibility. I did ask if it was possible that the contamination of hydrocortisone could've come at the same time as the ketoprofen he didn't think so, however when I asked Dr Ted Humphries of Rossmore Vet Centre about the contamination, he said it was quite possible that they both came from the meat.

Nan's me Barber, the dog at the centre of this inquiry was swabbed first on 27th July in a race event that she won where the swab came back negative. Her second swab on 3

¹³ TB 7 – 8.

August was a pre-race swab some 7 days later where she ran 3rd. That swab is the swab in question. Then a further 7 days later on the 10th August a pre-race swab was taken and she came forth in that race and that was a negative swab.

I am responsible for over 70 dogs, they include all my retired dogs, young pups, dog waiting go into the adoption program and my race dogs. The prizemoney my race dogs receive is our only income that covers the cost of looking after their welfare. A breakdown of my costs that occur every 6 weeks are as follows :

- *My electricity bill is \$2,700 a quarter which I pay fortnightly \$340 .*
- *A pallet of kibble costs \$1750*
- *Meat brought from Victoria costs \$4000 dollars 52 blocks x 20 kg.*
- *A pallet of chicken cost approximately \$1000 , depending how many blocks they have available at the time.*
- *Plus vitamins, calcium and vegetables.*

Not to mention the veterinarian costs, I currently have 3 dogs that I am caring for at the moment that have broken hocks. One from a race day injury and the other two from trial injuries that will cost over \$6000 dollars and that's being conservative.

There is about a \$4,000 cost for vaccination a year for all the dogs as well. Basically, costs over \$2,000 dollars a week just to look after the dogs and it is rare to ever be ahead of the costs.

I have reviewed all kennel management and handling practices since being advised of my positive swab. I regret that this occurrence has taken place and have since reviewed and strengthened my procedures to further minimise any risk of future contamination. Additionally, I have stopped using the Dermaid cream and I use gloves when making the dogs meals.

I am genuinely very sorry that this has occurred, and I have taken additional steps to avoid this happening again. I ask your honour to consider the following when reviewing my appeal :

- *Greyhound racing has been a family hobby for over 50 years, and I have always taken my responsibilities as a trainer seriously, particularly in relation to animal welfare and compliance with the Rules.*
- *This is the first positive swab recorded against me since I commenced racing greyhounds in 2006 and since that time I have maintained a clean and compliant record.*
- *Prizemoney received from my greyhounds is my families only source of income to cover the feeding and welfare of my greyhounds and family.*
- *The most recent penalties I could find relating to Ketoprofen received a fine of \$500 and 4 weeks suspended suspension. (Sanchez & Goodwin). Fine \$750 No time(Hurst)*
- *The most recent penalty for Hydrocortisone received a 4 week suspension. (O'Neill)*
- *The negative swab taken 7 days later for Nan's me Barber was negative.*
- *Character reference from Dr Jarvid.*
- *Supporting letter from Dr Ted Humphries of Rossmore Vet Centre.*
- *Supporting letter from John Newell.*

I feel that this positive swab was a complete accident, and I ask for consideration of my submission and circumstances be reviewed and hope that the penalty in this matter will be reduced to have lesser impact on my greyhounds and family.

16. The Appellant relied upon testimonials from Dr John Newell,¹⁴ Ted Humphries,¹⁵ and Dr Shaukat Javed.¹⁶ Dr Newell, who has known the Appellant for 30 years, expressed various views as to how the substances may have entered the greyhound's system, and attested to the Appellant's good history, and his personal knowledge of her training methods and (importantly) her ethics. He expressed the view that the Appellant had no "*malicious intent to cause the positive swab*". Needless to say, no such allegation is made by the Respondent. Mr Humphries made reference to the Appellant's diligence in her use of medications. Dr Javed described the Appellant as a "*patient, compassionate and caring individual*".

17. In the course of the hearing of the appeal, the Appellant reiterated the matters she had advanced in writing, and before the Stewards Inquiry.¹⁷ She confirmed that she had never come under notice for this kind of offence,¹⁸ and said that she has a large number of greyhounds on her property, of which 20 are retired and 8 are in active work.¹⁹

18. There was some confusion during the hearing as to the period of time over which the Appellant has been registered as an industry participant. I was initially informed by Mr Gillies, who appeared for the Respondent, that the Appellant has held an owner's registration since 2013 and a trainer's registration since 2021.²⁰ However, the Appellant suggested that her registration commenced prior to

¹⁴ TB 16.

¹⁵ TB 17.

¹⁶ TB 18.

¹⁷ Commencing at T 317.38.

¹⁸ Transcript 417.30.

¹⁹ Transcript 517.40 – 617.14.

²⁰ Transcript 11.20.

2009.²¹ Following the hearing, Mr Gillies helpfully provided the following additional information by email:

The Appellant was first registered with the previous controlling body as an owner trainer from 22 April 2010. She was then granted a Public Trainer registration from 20 November 2012 and as a breeder from 29 June 2015. She has held the latter two registrations continuously since this time.

19. There is no dispute that the Appellant has not come under notice for offending of this kind in the past 16 years.

Submissions of the Respondent

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

1. The penalty imposed represents a significant departure from the Penalty Guidelines²² (acknowledging that I am not bound by such Guidelines).²³
2. The offending involved, amongst other things, the presence of a permanently banned substance.²⁴
3. The penalty which was ultimately imposed struck an appropriate balance between considerations of objective seriousness, the Appellant's subjective circumstances, and the need for personal and general deterrence.²⁵
4. Whilst financial consequences of a suspension were a relevant factor to take into account, they are one of a number of such factors, in circumstances where the protection of the integrity of the industry is of paramount importance.²⁶

21. In oral submissions, Mr Gillies submitted that the circumstances surrounding the detection of both substances attracted the application of the second of the so-

²¹ Transcript 11.23.

²² At [25].

²³ At [27].

²⁴ At [26].

²⁵ At [29].

²⁶ At [39].

called *McDonough* principles.²⁷ In terms of the substances themselves, Mr Gillies submitted that:²⁸

1. Hydrocortisone is classified as a Category 1 substance because it is a steroid. It does not sit at the higher end of the scale of seriousness but is capable of providing benefits when it is metabolised.
2. The presence of Hydrocortisone had more likely than not come from the use of a topical cream, such that its presence did not fall at the higher end of the scale, and in fact fell at the “*very lower end of objective seriousness*”.
3. To the extent that the offending involved the presence of Ketoprofen (which is a Category 3 substance) it fell at an even lower level of seriousness. The evidence may support an inference that its presence was due to contaminated meat.
4. Notwithstanding the individual assessments of the objective seriousness offending as set out above, the fact that two separate and distinct substances were detected in the same sample elevated the objective seriousness of the offending overall, leading to the conclusion that the imposition of some period of suspension was required.

CONSIDERATION

22. The Respondent’s submissions accepted, at least as a possibility, the Appellant’s explanations of how the substances came to be in the greyhound’s bloodstream. That said, such explanations necessarily involve a degree of speculation. The Respondent’s ultimate position, namely that the circumstances of the offending fall into the second category of offending described in *McDonough*²⁹, is an appropriate one to take. Speculation and possibilities aside, I simply cannot

²⁷ Transcript 717.25 – 717.28.

²⁸ Commencing at Transcript 817.20.

²⁹ A decision of the Racing Appeals Tribunal in Victoria of 24 June 2008.

determine how the prohibited substances entered the greyhound's system. Needless to say, it is no part of the Respondent's case that the Appellant acted knowingly or deliberately in committing the offence.

23. Importantly, the oral submissions made on behalf of the Respondent during the hearing generally accepted that the offending falls at a low level of objective seriousness. That, in my view, is an entirely appropriate assessment even allowing for the fact that two substances were detected in the one sample. Such assessment must obviously be reflected in the penalty which is imposed.

24. I accept that there is a need for any penalty to reflect some element of general deterrence. Matters of this nature have the clear potential to adversely affect the greyhound racing industry and it is important that a message be sent that greater care must be taken in management and husbandry practices involving greyhounds.

25. However, the evidence does not support the conclusion that personal deterrence has any real role to play in the assessment of penalty, particularly in circumstances where the Appellant:

- (a) has been a registered industry participant for more than 16 years;
- (b) has no prior history of offending of this kind;
- (c) expressed unequivocal (and in my view, absolutely genuine) remorse for what occurred; and
- (d) has taken a number of positive steps in an attempt to ensure that she does not find herself in this position again, including:
 - 1. reviewing all of her kennel management practices; and
 - 2. specifically strengthening her husbandry practices with a view to minimising any risk of future contamination, including:
 - (i) ceasing the use of topical creams; and
 - (ii) using gloves when preparing meals.

26. I have had regard to a number of previous determinations made by the Respondent in matters of this nature. Mindful of the usual caveats, it would appear that offending of this kind involving Ketoprofen has invariably met with a fully suspended suspension accompanied by a fine, generally in the vicinity of \$500.00. Offending involving Hydrocortisone has, as might be expected, been treated more severely, with periods of actual (as opposed to fully suspended) suspension generally imposed.

27. The fact that the present offending involves the presence of two substances supports a conclusion that (questions of fines aside) there must be a period of suspension actually served. At the same time, the Appellant is entitled to full weight being given to her subjective case. That case not only includes an early plea of guilty, expressions of remorse, and a largely blemish-free history. The Appellant's subjective case also incorporates evidence of remedial steps taken by the Appellant specifically directed to mitigating the possibility of any further similar offending. On the evidence before me, those steps were taken by the Appellant of her own accord, and not at the behest of anyone else. The fact that they were taken at all demonstrates that the Appellant is not simply resting on her past history of not offending, but is committed to ensuring that there is no further offending in the future. That, in my view, is a factor in respect of which the Appellant is entitled to particular benefit.

28. In my view, taking all factors into account, the appropriate penalty is a suspension of 2 months. However, half of that period should be suspended for 12 months. The appropriate fine, having regard to the matters raised by the Appellant in her statement (which are far more detailed than those which were made available to the Stewards) is \$1,000.00.

ORDERS

29. I make the following orders:

1. The order made on 5 February 2026 pursuant to cl 20 of the *Racing Appeals Tribunal Regulation 2024* (NSW) suspending the operation of the determination of the Respondent is vacated.
2. The appeal is upheld.
3. The determination of the Respondent is quashed.
4. In lieu thereof, the Appellant is suspended for a period of 2 months.
5. Upon the completion of 1 month of that suspension, the remaining period of 1 month shall be suspended for a period of 12 months.
6. The Appellant will be permitted to resume as an industry participant upon the completion of 1 months' suspension.
7. A fine of \$1,000.00 is imposed.
8. The appeal deposit is to be refunded.

THE HONOURABLE G J BELLEW SC

4 May 2026.