

**IN THE RACING APPEALS TRIBUNAL**

**JULIE KING**

**Appellant**

**v**

**GREYHOUND WELFARE AND INTEGRITY COMMISSION**

**REASONS FOR DETERMINATION**

**Date of hearing                      3 August 2026**

**Date of determination          22 September 2026**

**APPEARANCES**

**Ms C Chua for the Appellant**

**Ms N Alroe instructed by Mr B Gillies for the Respondent**

**ORDERS**

- 1. The appeal against the finding of guilt in respect of charge 2 is dismissed.**
- 2. The appeal against the penalty imposed in respect of charge 2 is dismissed.**
- 3. The penalty imposed in respect of charge 2 is confirmed.**
- 4. The appeals against the penalties imposed in respect of charges 3 and 4 are upheld.**
- 5. The penalties imposed in respect of charges 3 and 4 are quashed.**
- 6. The following penalties are imposed in respect of charges 3 and 4:**
  - (a) Charge 3 – a disqualification of 18 months.**
  - (b) Charge 4 – a disqualification of 18 months.**
- 7. The disqualifications imposed in respect of charges 3 and 4 will be served concurrently, but cumulatively upon the disqualification imposed in respect of charge 1.**
- 8. The total period of disqualification will be one of 36 months, commencing on 1 May 2026 and expiring on 30 April 2029.**
- 9. The appeal deposit is forfeited.**

## **INTRODUCTION**

1. By a Notice of Appeal dated 8 May 2026, Julie King (the Appellant) has appealed against a determination of the Greyhound Welfare and Integrity Commission (the Respondent) finding her guilty of, and imposing penalties for, a series of breaches of the Greyhound Racing Rules (the Rules).
2. A previous application made by the Appellant for an order pursuant to cl 10 of the *Racing Appeals Tribunal Regulation 2024* (NSW) was refused.

## **THE CHARGES AND PENALTIES**

3. A total of 4 charges were originally laid against the Appellant. Ultimately 3 charges were established at first instance, those charges being in the following terms:<sup>1</sup>

### ***Charge 2 – r 156(h)***

*[The Appellant], a registered participant, failed to comply with a lawful order of a person authorised by a controlling body with official duties in relation to greyhound racing, in circumstances where:*

1. *On Wednesday 23 April 2025 Commission Inspectors attended [the Appellant's] registered kennel address at [xxx].*
2. *At the inspection, Inspector Austin gave a lawful order to provide or surrender her mobile phone.*
3. *[The Appellant] failed to provide or surrender her mobile phone to the Commission Inspector.*

### ***Charge 3 – r 164(a)***

*[The Appellant], a registered participant, made a false statement during an inquiry, in circumstances where:*

1. *On 19 April 2025 [the Appellant] attended the Potts Park Greyhound Club for the purpose of racing greyhounds.*
2. *During a Stewards inquiry, when questioned by stewards as to the identity of the person handling her greyhounds, stated it was a person called "Aaron King"*
3. *[The Appellant] knew that this was a false or misleading statement.*
4. *On 17 June 2025, during an interview with Commission Principal Investigator, Ms King stated it was not "Aaron King" but another person by the name of "Aaron Baker".*

### ***Charge 4 – r 164(a)***

*[The Appellant], a registered participant, made a false statement during an inquiry in circumstances where:*

1. *On 19 April 2025 [the Appellant] attended the Potts Park Greyhound Club for the purpose of racing greyhounds.*

---

<sup>1</sup> TB 116 and following.

2. *Whilst at, or in the vicinity of the race meeting a person handled her greyhounds.*
  3. *Whilst at the race meeting [the Appellant] participated in a Stewards inquiry and made a statement about the person who was handling [her] greyhounds. That statement was that a person named Aaron King was the person handling her greyhounds.*
  4. *At approximately 4.30 pm on the same day, during a phone call to Commission Steward Mr Dean Degan, [the Appellant] stated it was not “Aaron King” but a married man she was having an affair with.*
  5. *The statement that the person handling [her] greyhounds was someone [she was] having an affair with was a false or misleading statement.*
4. At first instance, the Appellant pleaded not guilty to all three charges. She was found guilty of each and the following penalties were imposed:
- Charge 2 – a disqualification of 20 months.
- Charge 3 – a disqualification of 20 months.
- Charge 4 – a disqualification of 20 months.
5. It was ordered that the penalties in respect of charges 3 and 4 be served concurrently, but cumulative upon the penalty imposed in respect of charge 2. This resulted in the imposition of a total period of disqualification of 40 months commencing on 1 May 2026 and expiring on 1 September 2029.
6. On appeal the Appellant maintained her plea of not guilty to charge 2, but entered pleas of guilty to charges 3 and 4.<sup>2</sup> There remains an issue as to penalty in respect of charges 3 and 4 (and in respect of charge 2 if I conclude that it is made out).

## **AN OVERVIEW OF THE CASE AGAINST THE APPELLANT**

### **The events of 19 April 2025**

7. There is no issue that the Appellant was present at the Potts Park Greyhound meeting on 19 April 2025 for the purpose of racing greyhounds. A decision was taken to scratch those greyhounds she had entered to compete. That decision was made on the grounds that a disqualified person, Trevor Rice, was believed to have handled one or more of the Appellant’s greyhounds.<sup>3</sup>

---

<sup>2</sup> Appellant’s submissions at [3], TB 4; [16], TB 14.

<sup>3</sup> TB 19.

8. The Appellant was interviewed at the time by Stewards. When the allegation concerning Mr Rice was put to the Appellant, she denied that he was the person in question, and told Stewards that it was her son, Aaron King who had handled the greyhounds.<sup>4</sup> When further questioned, the Appellant maintained that she had told the truth.<sup>5</sup> When it was again put to her that the person was, in fact, Mr Rice, the Appellant denied that this was the case.<sup>6</sup> When that was again challenged, the Appellant said:<sup>7</sup>

*Prove it. Prove it. ... I'm telling you the truth. I told the other people like I did last time. I'm sick of GWIC calling me a liar. .... Youse believe in make believe stories, that's what you want to do. You make-believe these stories.*

9. When it was suggested that the Appellant's son might speak with Stewards (inferentially to verify what the Appellant had told them) she replied:<sup>8</sup>

*Aaron will not come and see you. .... He will not come and see you. ... He will not come. .... He's a man, I don't tell him what to do. ... You can believe whatever you like. But prove it.*

#### **The Appellant's conversation with Mr Degan on 19 April 2025**

10. Following that interview, the Appellant contacted Mr Degan, the Acting Chief Steward. Mr Degan's statement records that at about 4.30 pm on 19 April he was telephoned by the Appellant who advised him that "*the handler at Potts Park was not Aaron King but a married man she was having an affair with, whose details she did not want to name, due to implications with his family*".<sup>9</sup>

#### **The events of 23 April 2025**

11. On 23 April 2025, officers of the Respondent, including Inspector Austin, attended the Appellant's kennel address. Following an inspection of the premises, a

---

<sup>4</sup> TB 19.

<sup>5</sup> TB 22.

<sup>6</sup> TB 23.

<sup>7</sup> TB 23.

<sup>8</sup> TB 23 – 24.

<sup>9</sup> TB 76 at [12].

demand was made of the Appellant to produce her phone. It is necessary to set out some extracts of her exchange with Inspector Austin about that issue:<sup>10</sup>

Q175 So, can – can you get your phone?

A177 Yeah.

Q176 All right.

A178 Why?

Q177 *Because I – I need to talk to you about just the other day, that's all. They've asked me to talk to you about it. So, I just need to - - -*

A179 *What – what do I need my phone for?*

Q178 *Well, I want you to show me like, the records that you've had from the other day. That's all.*

A180 *What records?*

Q179 *Just – just text messages, phone calls. That kind of thing.*

A181 *I didn't have any.*

Q180 *Okay. But, I need you to get that, Julie.*

A182 *You need my phone?*

Q181 *Yeah.*

A183 *Isn't that going – **don't you need a warrant to have my phone?***

Q182 *No. Under the act, we don't. But, I'll explain that to you. Like - - -*

A184 *I don't know what you want with texts.*

Q183 *Is that all of them? .... All right. So, just come – if you come over here, I'll just explain it to you. They've asked me just to give you some paperwork. I'm just going to read this to you, Julie. Like I say, It's [0:29:05]. The allegation is that you've been assisted by Trevor Rice, a disqualified participant. The Greyhound Welfare Integrity Commission has received allegations you are being assisted by Mr. Trevor Rice, a disqualified participant, per [0:29:18] handling of the greyhounds. We now direct you to surrender your mobile phone, provide the log – login password. As per racing rule - - -*

A185 *No.*

Q184 *- - - 16-4 of the New South Wales racing rules, a controlling [0:29:27] officer, that's me in this situation, may take possession of the mobile phone. In accordance - - -*

A186 **No. You can't have my phone. I'm not giving you my phone, and I don't really care what they say. I'm sick of being accused by GWIC, when they've done - - -**

Q185 *Okay.*

---

<sup>10</sup> Commencing at Q and A 175. It is noted that the questions are not sequentially. The extract wet out is reproduced as it appears in the transcript.

A187 - - - everything that they've done to me, and they know they've done. Well, I've - I've - I've done - - -

Q186 Can - can you - - -

A188 I charged one of your stewards down there for assault.

Q187 I know. I know. I - - -

A189 And, this is why they're going heavy.

Q188 No. No. Right.

A190 No. I'm sick of Dean Degan. I'm sick of the lot of you.

Q189 No. But, I'm trying to explain this to you.

A191 **I'm not going to give my phone to anybody - - -**

Q190 Right.

A192 - - - **because it's my phone. You get a warrant, and I don't really give a damn.**

Q191 Okay.

A193 **Get a warrant.**

Q192 I don't actually need one, but - - -

A194 **Well, I want you to get a warrant.**

Q193 In accordance with the power of seizure recorded under - - -

A195 **'Cause I'm sick of GWIC guys.**

Q194 - - - section 16-4. All right. You must give me your mobile phone.

A196 No.

Q195 And - okay.

A197 It's not going.

Q196 And - and - - -

A198 My - **it's my phone.**

Q197 Okay.

A199 I don't - I have nothing else.

Q198 Can I just explain this to you, okay?

A200 I don't really care.

Q199 Okay. So, failure to comply with this may result in further disciplinary action taken against you.

A201 Well, that's all right. I'm - I'm expecting to get disqualified anyway, because they make up all these lies about me. So, good on them.

Q200 Okay. Look - - -

A202 So, no. **My phone is my phone, and I want a warrant if you want my phone. I'm not under arrest. I'm not - - -**

Q201 No.

A203 - - - the one that's done all [0:30:31]. I'm sick of people complaining about me.

Q202 And – and, I understand that. And I - - -

A204 And, I'm sick of it. And, I've been - - -

Q203 I'm–I'm not---

A205 - - - tortured the last two odd years, because everybody just keeps – and, you wonder why I'm mentally going insane.

Q204 Okay. But, you know, like - - -

A206 For God's sake. No one believes anybody.

Q205 Right. And – and, I – like I say, I understand what you're saying, Julie.

A207 No.

Q206 No. I do.

A208 You don't.

Q207 But, what this'll do is, if you fail to hand it over - - -

A209 Yeah.

Q208 Okay? You – you're going to probably face an immediate - - -

A210 I'm already stood down. I can't race my dogs.

Q209 All right. I'm – look. I'm - - -

A211 I'm [0:31:04].

Q210 I---

A212 They scratched all my dogs. All they can do is disqualify me. And then, I will go to the papers, and I will go - - -

Q211 Yeah.

A213 - - - and seek legal bigtime. And – and, they will. Because that – that bloody steward down there is in very big trouble.

Q212 Okay. I don't – like, I don't know what happened down there. I've been - - -

A214 They told me that they - - -

Q213 But, I've been - - -

A215 - - - proof – they want – they don't need proof. You know what GWIC's like. You just saw, and they believe. You can't – it's probabilities. It's never the truth. You do not believe anybody.

Q214 Okay. So - - -

A216 But they're – I'm not accusing you two.

Q215 I – I – no. right.

A217 It's GWIC.

Q216 And, I understand why you're upset, obviously, with this. But, like I say, we weren't there. But, we were asked to come out here today, 'cause it's – we're in this area, as you know. Okay? As – as officials from GWIC. What I'm saying to you is, I'm not – I'm not questioning anything – anything that happened down there. But, the – basically, the director of – of operations and – and compliance - - -  
A218 And, who's that?

Q217 It's Chris Psillis and – and Zane Stewart. And, it's also came from Matt Tutt to - - -  
A219 Yeah.

Q218 - - - to - - -  
A220 Matthew Tutt, who wants – every – know everything. Yes.

Q219 Right. So, he – he's acting CEO at the moment, and they're – that – this direction has come from them. Okay? And, like I'm – I'm not going to - - -  
A221 **You take my phone; I got no phone. No.**

Q220 Right.  
A222 **I need my phone. I live on my phone.**

Q221 I'm just---  
A223 Any phone - - -

Q222 I'm just letting you know I've read that to you.  
A224 Yep. **If they want to discipline me, get a warrant for my phone.**

Q223 Okay.  
A225 **'Cause I'm not giving - - -**

Q224 Well--well---  
A226 I'm not giving my – handing in my phone. I have done nothing wrong.

Q225 I know. All right. I – and - - -  
A227 This is what I got accused of last time.

Q226 Yeah.  
A228 I got accused of the same thing. I was truthful to Dean Degan the day he come out here.

Q227 Yeah.  
A229 And, what did I get? That.

Q228 Yeah.  
A230 I got a kick in the guts for five months, because of – I told the truth.

...

A247 **But, you're not getting my phone - - -**

Q246 Right.

A248 - - - to take away. If you don't need a - - -

Q247 All right.

A249 - - - a warrant to take my phone, Aaron.

Q248 No. Under the racing laws, we don't. Look. I'm going to give you this.

A250 Under the racing rules, they do. Apparently they can just take your phone, and I have no phone, no communications to anyone for the next how long? Are you going to bring it back?

Q249 Well, I'm not---

A251 And, how long does legal keep it for?

Q250 Well, I don't know.

A252 Exactly.

Q251 I don't know.

A253 How do I know? What have I got to use, then? Hello?

Q252 I – and, I - - -

A254 You get to know all my business. No.

Q253 Well---

A255 It's not on. It's none of your business what I do.

Q254 Well, under those – under – just under the act - - -

A256 Your rules are so full of it. Your rules have just got to the state of no return. I know other people that are disqualified, and they're living with their partners, but we're never, ever going to be together, anyway.

Q255 Right. Right. And – and – and, again, like I said, if – if he wasn't there, again -  
- - A257 He wasn't there.

Q256 Okay. If he wasn't there - - -

A258 **But, you're not getting my phone. And - - -**

Q257 Right.

A259 - - - **I don't care. If they want to take disciplinary action, go for it.**

Q258 They will.

A260 But, I will be - - -

Q259 They – they will.

A261 Okay. Good.

Q260 But, what I'm saying is, if he wasn't there, and – and you – like, and you can prove that with – like I say, the – the person that was there.

A262 I can. He is coming forward.

Q261 Okay. Because, it'd be different if – if I was talking to Trevor, I'd be able to say, "It was Trevor. I was talking to Trevor," wouldn't it?

A263 Yeah.

Q262 You know what I mean? Like – or – or, you know, like Tora, any of the guys up here. But, I wasn't there, and we weren't there.

A264 I don't even know if you know Trevor, do you?

Q263 Yeah. I know Trevor. Yeah. So, I'm – like - - -

A265 We can say, "Send his photo through."

Q264 No. No. No. Not at all. But, you know what I mean? So – and, the thing is – but, I'm not trying to witch-hunt you here, but what I want – I want to see is - - -

A266 **I'm not giving my phone, because I - - -**

Q265 Okay.

A267 - - - **haven't – if I don't have a phone, I can't communicate to any out of my family.**

Q266 Right.

A268 Anyone. What am I supposed to have?

Q267 Look, I'll - - -

A269 And, **I don't see why they get the right to have my phone down there.** I'm not a criminal. They are treating me like a criminal. I am not a criminal, but in their eyes, everybody's a bloody criminal.

Q268 Right. Okay. Look, I'll – I can make a phone call. I'll make a phone call now, and say that you're refusing to hand it over.

A270 Yep. Because, as far as I'm concerned, they've got things on the gates. What else do they want? They want to go in my bedroom and sleep with me at night time, too?

Q269 No. No. Obviously, not. No. And – and, we've - - -

A271 Well, that's how I feel at the moment.

Q270 But, I – I – I've said to them, I said the – you know?

A272 I did the gate – covered it up, so you – I done everything.

Q271 Absolutely. You have.

A273 I complied by everything.

...

A292 Yeah. **But tell them I'm not giving them my phone, 'cause if I lose my phone, I have got no communication with anybody in the world.**

Q291 Okay.

A293 And, I will not give it. I haven't got – and, if they take my phone, I have got no communication with my family - - -

Q292 II---

A294 - - - anyone.

Q293 I understand.

A295 And, that's

Q294 I know. I understand. Yeah. I – I understand where you're - - -

A296 There's no text messages to anybody on Saturday.

Q295 Yeah.

A297 I didn't do any texting.

Q296 Yeah.

A298 I did nothing.

Q297 Right. Okay. So, and that – and that's - - -

A299 And, I didn't text.

Q298 So, yeah. Look - - -

A300 The only person I rang was Charlie, and asked him how long before he got to the track to bring the dog, because I was going - - -

Q299 'Cause you picked up the one from Potts Park.

A301 And, I was going home, because of – I got scratched.

Q300 Okay. And, I - - -

A302 And, that's – and, that's – I'm not bullshitting you.

Q301 No. Look. That's fine. And, like you say, and – and – again, your – you know, you're of the understanding, like you say, that you're going to explain what happened at Pott's Park. And, from what you've told me, you're able to do that.

A303 Yes.

Q302 This, now - - -

A304 I'm planning to get stat decs to say - - -

Q303 Okay. And, that's fine. And – but, this now is going to put you back to square one.

A305 What? Because I won't - - -

Q304 Yeah.

A306 **What? Am I supposed to just hand my phone over and say, "Jolly, good. I don't have a phone for the next how long?"**

Q305 Can I – can I make a phone call then, and see how long they – what they want? Like - - -

A307 Well, I'm---

Q306 But, that's what it is.

A308 [0:39:19], what am I supposed to do without a phone?

Q307 Julie, I - - -

A309 No one else knows. I don't have a home phone.

Q308 Okay.

A310 I do, but it doesn't – it doesn't – I never – no one rings me on it.

Q309 Yeah.

A311 What am I supposed to do? Not have contact with my family?

Q310 No. I - - -

A312 Anybody?

Q311 No. I understand.

A313 You ask him, and just tell him.

Q312 Well, I'll just like - - -

A314 Please. Because there's no way. This is all I've got - - -

Q313 Can you – that's - - -

A315 - - - to make communications.

Q314 Yeah. And, I – and, I understand why you're upset with it, trust me.

A316 I am. No - - -

Q315 But, I'm just---

A317 I know you've got to be the good guy. You're the bad girl. No. I'm just sick of being harassed by GWIC. I just don't want to lose my – I just want to get out of New South Wales.

Q316 Yeah.

A318 I'm over you all. Over the whole lot.

Q317 Right. And – and - - -

A319 Because Dean Degan is after my ass.

Q318 Right.

A320 You can tell by the way he carry on. I – you should have – I knew this – this poor bloody steward on Saturday, he was under – under so much stress with Dean being in his ear.

Q319 Yeah.

A321 He was shaking, he was – it's just ridiculous.

Q320 Hey, Michael.

A322 (MICHAEL) Hey, Pete.

Q321 Hey. Yeah. So, I'm just out at Julie's now. We've sort of done the greyhounds and that kind of thing. She's refusing to hand the phone over, point blank. You know? Obviously, I'm not – I'm not going to grab it off her, but - - - A323 (MICHAEL) No. No.

Q322 - - - she's – she's refusing, and I just said, look, you know, and she's going on about the thing at Pott's Park. I said, "That's fine," but, I said, look, "There'll be disciplinary action if you fail to hand it over." And, she's – and, I've – I've given here that – we printed out that – and, I read her the entire letter. Anyway, she just said, "No. I'm not doing it. You'll need a warrant." And, I just said, look, "I'm not going to fight you on it." You know? Obviously - - -

A324 (MICHAEL) [0:41:11] Pete. As long as it's on body worn.

Q323 Yeah. It is. Yep.

A325 (MICHAEL) Don't worry about it, then.

Q324 Yep.

A326 (MICHAEL) You've done enough.

Q325 Yeah. All right. Okay. I just – just – 'cause the thing is, she's – she was nearly coming around to the point, she said, "How long is – will I not have it for?" And, I said, "I'm not – I'm not sure on that."

A327 (MICHAEL) Yeah.

Q326 Is it – would that make a difference, or not?

A328 (MICHAEL) [0:41:33] couriered – couriered to Sydney. [0:41:37] back. So, but I mean, this is all express post [0:41:41].

Q327 Yeah.

A329 (MICHAEL) It'd be almost four days, at least.

Q328 Yeah. And, I suppose with the long weekend. She – she's – she's saying that she's not going to hand it over, but I was just trying to appease the fact that if we could get what we're after, but she won't even – she won't – no. Not getting any of the info on there. You're not getting any of my private details. So - - -

A330 (MICHAEL) All right.

Q329 Yep.

A331 (MICHAEL) Thanks, Pete.

Q330 All right. Not a problem. Thanks, Michael.

A332 (MICHAEL) Thanks, mate.

Q331 Bye.

A333 (MICHAEL) See you. Bye.

Q332 Bye. Yeah. I mean – I'm – we – like, and I've just been told like, just – just to leave it at that now, like 'cause you – it's a – it's a straight refusal. Okay?

A334 **Well, it's not a refusal, I can't do without my phone here on the farm.**

Q333 No. *It – it – Julie, they're – they're going to look at it as a refusal. That's all I'm saying.*

A335 *Well, they refuse everything, so it doesn't matter. I refuse what they said too, what they keep on saying, too.*

Q334 *I understand. You – you know?*

A336 *GWIC's gone. I know. You are Gods.*

Q335 *Okay.*

A337 *No. Sorry. Not you. I don't include you. I'm talking about the hierarchy.*

Q336 *Right.*

A338 *They're Gods.*

Q337 *So – but, do you understand, like – so, this – like - - -*

A339 *Yeah.*

Q338 *This---*

A340 *It's just another thing that they put in the paddock to - - -*

Q339 *But ,this is---*

A341 *---get me.*

Q340 *So, this is your last chance. So - - -*

A342 **No.**

Q341 *Will you hand it over?*

A343 **No. Because I can't live without a phone - - -**

Q342 *Okay.*

A344 *- - - on my property.*

Q343 *So---*

A345 *You want me to be without a phone, living here, my – my – my brother's in hospital.*

Q344 *Yeah.*

A346 *You don't believe me? I have to have my contact. He's on - - -*

Q345 *I---*

A347 *He's – diabetes, in hospital. He's been there for the last six weeks.*

Q346 *I understand why you want to hang on to it with connections, and – and obviously, everything's in your phone. Everyone lives by their phone today, and I understand that.*

A348 *I don't really live by my phone, but I don't have my contacts.*

Q347 *Right. So, the only thing would be – it would be express courier ed, and it'd be a turnaround of about four days.*

A349 Yeah. Get real. ***I'm not giving my phone. Without a phone, I've got nothing.***

Q348 Okay.

A350 No contacts. I don't even know – I couldn't even ring my brother, 'cause I don't even know his number.

12. The Respondent's written demand was in the following terms:<sup>11</sup>

*The Greyhound Welfare and Integrity Commission (GWIC) has received allegations that you are being assisted by Mr Trevor Rice a disqualified participant in the preparation and handling of your greyhounds.*

***Direction to surrender mobile phone and provide login password***

*As per racing rule 16(4)(c) of the NSW Greyhound Racing Rules:*

*A Controlling Body or officer of a Controlling Body may take possession of:*

*(c) any mobile phone, computer, electronic or storage device (including a tablet), book, document or record, including any other telephone or financial record, for the purposes of any examination or test or other enquiry to be carried out or proceedings to be undertaken, if the Controlling Body or officer of a Controlling Body believes that an offence has been, may have been, or is being, committed.*

*In accordance with the power seizure afforded to GWIC under racing rule 16(4)(c) you must give Senior Inspection Peter Austin your mobile phone and for the contents of this mobile phone to be analysed for any evidence that may assist with this investigation.*

*You are directed in accordance with Section 16(f) (sic) of the NSW Racing Rules to provide the login details and password to the mobile phone, email account and/or any other online account accessible on that device for the purpose of this investigation.*

*Failure to comply with this direction may result in further Disciplinary action being taken against you by the Greyhound Welfare and Integrity Commission.*

**The Appellant's interview on 17 June 2025**

13. The Appellant was interviewed on 17 June 2025.<sup>12</sup> On that occasion, she said<sup>13</sup> that she had travelled to the Potts Park track on 19 April 2025 with a man named

---

<sup>11</sup> TB 71.

<sup>12</sup> Transcript commencing at TB 88.

<sup>13</sup> Q and A 14 and following at TB 90 and following.

*“Baker.”* She said that when she had nominated Aaron King as the person she was with on that day she was *“not thinking straight”* but acknowledged that she *“did the wrong thing”*.<sup>14</sup> She alleged that she had been assaulted by one of the Stewards and was *“terrified”*.<sup>15</sup> She agreed that the alleged assault was not reported to anyone at the track.<sup>16</sup>

14. The Appellant was then questioned about the circumstances in which she refused to surrender her phone. It is appropriate that this exchange be set out in full:<sup>17</sup>

*Q85 All right, so I'll move to Wednesday the 23<sup>rd</sup> of April. And, this day was – we went out, well GWIC, went out to your property. Do you remember – can you talk me through what happened that day from the best of your recollection?*

*A85 Tora and Peter Osbourne came the property, and they said that they were sent here to scan all my dogs. So, we went through and scanned all the dogs. Then everything was okay. We walked out the front and then all of a sudden, [0:27:37] it was, they want your phone. I said, “What do you want my phone for?” And then, they just said that's what they want. And, I said, “Well, I'm not going to give her the phone, because that's all I rely on.” I'm out of town. I don't have very good internet. I don't – I use my phone for my business. I have to put in submissions to you people. I have clients. I have doctor's appointments. I had my brother in hospital who was very sick, and I had the police thing as well going on, and I said, “No,” and, they said – I think Peter said, “They want your phone seven days,” or something, and I don't know when it'll get back. And, I thought, hello, I can't live. I do all my banking, everything on the phone, and I don't understand why they watched my phone, he didn't explain why. Why did you want my phone?*

*Q86 Okay. So, you were given a – you were given a letter which was which stated under which part – which section under the Greyhound Racing Rule, they were demanding your phone. And, that was the same section that we went through, you know, at the start of your interview.*

*A86 Yeah.*

*Q87 164B.*

*A87 Well, honestly, I didn't even know you could take my phone. And, I guarantee, go and ask most of the participants, and most participants will not even know that rule either. Honestly. We get [0:29:15] to say what new rules, who can keep up with the rules? Your stewards can't even keep up with all the new rules.*

*Q88 Well, Section 44.2 of the Act is very clear that it is your responsibility as a participant to stay updated with all the rules.*

---

<sup>14</sup> Q and A 55 at TB 95.

<sup>15</sup> Q and A 78 at TB 98.

<sup>16</sup> Q and A 83 at TB 98.

<sup>17</sup> Commencing at Q and A 85 at TB 98.

A88 Well, it's pretty hard when they don't do it. But that phone, this phone, is not really my phone. It has other information on it. It has – well, it's not my phone, it's not in my name. So, I couldn't really give the phone away either.

Q89 So, could you have provided them with your phone – is that the other phone number you provided me with today?

A89 No. Because I have that phone, I only got just recently. The other day, I got a new phone. Because I haven't been answering my phone either. So, I don't have phones because I can't – and, I really can't afford anything at the moment anyway.

Q90 Okay. So, you agree that you were given the paperwork and advised you were directed to hand in your phone?

A90 I gave them [0:30:19]. A non-participant person owns a phone, so I didn't give the phone. But as well, when I did show them a picture of that day, I said, "You can take a picture of the day of my front phone," and they took that. But I said I'm not handing my phone. I can't live on a property out there with my son with no phone. I can't. I had people – I have clients, I had you to do submissions with, I haven't got a computer. I have [0:30:19]. Yeah. So, I can't give away my phone. I'm sure if everybody – I'm sure you couldn't live without a phone for five or seven days.

Q91 So, it sounds like we're in agreement that you're aware that you refused that direction from a GWIC officer?

A91 Yes. I did. And, he told me that I would be breached for it. I said yes but I can't understand why. To give away someone else's phone that I didn't own? And, it wasn't my phone. Plus, all the information on this phone is not my information. So, if I give this phone away, I don't know what you guys are going to do with my phone – that phone. I don't know. Am I supposed to tell this person, "I had to give your phone away because they wanted it."

Q92 Well, it's the phone that you've got listed against your name on the system, so I don't know if that's the one you're ringing. Well, it is the one that you're ringing me off right now. It's the same number.

A92 It's a borrowed phone, yeah.

## **The disciplinary hearing**

15. A disciplinary hearing took place on 20 April 2026.<sup>18</sup> Charges 2, 3 and 4 were read to the Appellant and pleas of not guilty were entered to each.<sup>19</sup> Much of what was canvassed at that hearing is extraneous to the issues I am now required to determine. A great deal of it went to charge 1 which was ultimately dismissed.

16. To the extent relevant for present purposes, the Appellant asserted that it was the Stewards who first suggested that the person with whom she was at the Potts Park

---

<sup>18</sup> Commencing at TB 133.

<sup>19</sup> TB 143 – 146.

track was Aaron King, and that she “*went along*” with it. The Appellant went so far as to deny ever mentioning Aaron King’s name herself when first questioned.<sup>20</sup> She also appeared to accused Mr Degan of “setting things up”<sup>21</sup> at least to the extent of an allegation being made that she had been in the company of Trevor Rice. The Appellant repeated an earlier allegation that she had been assaulted by Mr Leisemann, another Steward.<sup>22</sup> Her exchange with Mr Degan<sup>23</sup> included the following:<sup>24</sup>

*MR DEGAN: ..... There was the one thing you said to – a couple of things you said to me. I spoke to you initially. You said it was Aaron King that was there, and then you rang me later in the day and said, no, it wasn’t, it was a married man that you were having an affair with.*

*MS KING: **That’s not true, Dean.***

*MR DEGAN: Okay. Well, again, that’s in my statement and that’s what you said to me and that’s – you know, that’s my evidence.*

*MS KING: Yeah. Well, **I never said that at all when I said – I would never – that’s trying to defame me and say that -----***

*MR DEGAN: And that’s something I put into my statement.*

*MS KING: **That’s not true, Dean. I didn’t say that. .... I definitely did not say to you that I had – was having an affair with a man, a married man, and I definitely didn’t say it was Aaron King at the track, either*** (my emphasis in each case).

17. I note in passing that the Appellant’s denials in the bolded parts of the extract set out above would appear to be at odds with the fact that she has now pleaded guilty to charges 3 and 4.

## **CHARGE 2**

18. It is appropriate that I turn firstly to consider charge 2, that being the only charge to which a plea of not guilty is now entered.

---

<sup>20</sup> TB 156.

<sup>21</sup> TB 157.

<sup>22</sup> TB 158.

<sup>23</sup> Commencing at TB 163.

<sup>24</sup> Commencing at TB 166.

## Submissions of the Appellant

19. The written submissions of the Appellant advanced the following principal propositions in relation to Charge 2.

1. Rule 16(5) is the relevant offence provision in respect of any alleged refusal by the Appellant to surrender her phone in response to the direction issued under r 16(4), not the general offence provision contained in r 156(h) pursuant to which charge was brought.<sup>25</sup>
2. When the correct offence provision is considered, it is clear that the Appellant committed no offence because she complied with the terms of sub-r (5) and provided, within a reasonable time, access to the information or records which were being requested.<sup>26</sup>
3. Accepting that the Appellant complied with r 16(5) in answer to the direction under r 16(4), she is not guilty of charge 2. That is because r 16(5) provides that an offence is only committed if access to the information is not provided within a reasonable time. In the present case, access was provided and r 16(5) does not require that access needs to be in a particular form.<sup>27</sup>
4. It follows that notwithstanding the Appellant's "*resistance*" to surrendering her phone, she provided the necessary access within a reasonable time to the information or records that she was advised by Inspector Austin were being sought.<sup>28</sup>

20. These submissions were affirmed during the course of the hearing.<sup>29</sup>

## Submissions of the Respondent

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

---

<sup>25</sup> At [10].

<sup>26</sup> At [11].

<sup>27</sup> At [12].

<sup>28</sup> At [13].

<sup>29</sup> Commencing at Transcript 3.15.

1. Rule 16 confers powers of entry, search, inspection and the taking of possession. The separation of those powers supports the conclusion that they are distinct.<sup>30</sup>
2. Rule 16(4)(c) specifically allows the taking of possession of certain types of property including mobile phones.<sup>31</sup>
3. Rule 16(5) merely prohibits the failure to provide, within a reasonable time, access to information or records, or to provide passwords or access codes. That rule does not prohibit a failure to give possession of property (such as a mobile phone), as distinct from a failure to provide access to the information or records stored within a mobile phone or a computer, in circumstances where those provisions do not interact.<sup>32</sup>
4. Possession is a defined term within the Rules. Rule 16(5) does not expressly use the term, or the concept, of possession. The elision of the word from r 16(5) should be regarded as deliberate, and this is a further indication that the offence for which provision is made in r 16(5) does not interact with the power in r 16(4).<sup>33</sup>
5. Rule 16(3)(f) provides that certain persons must ‘*supply information and render assistance including providing passwords and/or access codes*’, such that the offence in r 16(5) of failing to provide access, including by failing to provide passwords or access codes, clearly interacts with the duty to provide access in r 16(3)(f).<sup>34</sup>
6. Rule 156(h) is a general offence provision and is cast broadly. There is no reason to ignore the natural and ordinary meaning of this provision, or to otherwise delimit its operation.<sup>35</sup>
7. On 23 April 2026, Inspector Austin ordered that the Appellant surrender her mobile phone. That order was lawfully made under r 16(4)(c). The Appellant

---

<sup>30</sup> At [9].

<sup>31</sup> At [10].

<sup>32</sup> At [10].

<sup>33</sup> At [11].

<sup>34</sup> At [12].

<sup>35</sup> At [13].

did not comply with it. The finding of guilt in respect of Charge 2 should therefore be maintained.

22. In oral submissions at the hearing of the appeal, counsel for the Respondent identified<sup>36</sup> two issues for consideration, namely whether the appropriate offence provision was r 16(5) and whether, in any event, the Respondent lacked the power to take possession of a mobile phone. It was submitted<sup>37</sup> that when r 16(4) was read in its entirety, there could be no serious question that the Respondent had such power, and that acceptance of the Appellant's position would impermissibly render r 156 entirely otiose.<sup>38</sup>

### **THE RELEVANT PROVISIONS OF THE RULES**

23. There are a number of provisions of the Rules which bear upon the issues I am required to determine. To begin with, charge 2 was brought pursuant to r 156(h) which is in the following terms:

#### **156 General Offences**

*An offence is committed if a person (including an official):*

...

- (h) *disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorised by a Controlling Body with official duties in relation to greyhound racing.*

24. In light of the issues raised by the Appellant in respect of charge 2 r 16(4) and (5) are also relevant and provide as follows:<sup>39</sup>

#### ***Division 4 – Powers of entry, search, inspection and taking of possession***

#### **16 Powers of entry, search, inspection and taking of possession**

....

- (4) *A Controlling Body or officer of a Controlling Body may take possession of:*

---

<sup>36</sup> Transcript 11.20 – 11.30.

<sup>37</sup> Transcript 11.34

<sup>38</sup> Transcript 13.25.

<sup>39</sup> The emphasis on the word “possession” in each case appears in the original.

(a) any greyhound found on any premises referred to in subrule (2) and detain the greyhound for a reasonable period of time that they think fit and as allowed under a relevant Act;

(b) any item or substance found by it on premises and retain it for a period of time they think fit; and

(c) any mobile phone, computer, electronic or storage device (including a tablet), book, document or record, including any other telephone or financial record, for the purposes of any examination or test or other enquiry to be carried out or proceedings to be undertaken, if the Controlling Body or officer of a Controlling Body believes that an offence has been, may have been, or is being, committed.

- (5) An offence is committed if a person does not, within a reasonable time of a request by a Controlling Body or officer of a Controlling Body, provide access to information or records, or provide passwords or access codes required to access information held by that person.

25. The term “possession” is defined in r 9 as meaning:

- (a) An article, substance or thing [that] is in the custody or control of a person;
- (b) the person has and exercises access to the article, substance or thing;
- (c) the article, substance or thing is found at any time on premises used in any manner in relation to greyhound racing and the person occupies or has the care, control and management of those premises or owns, trains or is in charge of a greyhound or greyhounds at those premises

*provided that paragraph (c) does not apply if the person proves that he or she did not know of the existence or the identity of the article, substance or thing.*

**Possess** has a similar meaning.<sup>40</sup>

26. Finally, it is noted that charges 3 and 4 were brought pursuant to r 164(a) which is in the following terms:

**164 Offences in relation to investigations and inquiries**

*An offence is committed if a person (including an official):*

- (a) *Makes a false or misleading statement in relation to or during an investigation, inspection, examination, test or inquiry (or at any other disciplinary process, hearing or appeal proceeding) or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound.*

---

<sup>40</sup> The emphasis, in each case, appears in the original rule.

## **CONSIDERATION – CHARGE 2**

27. The essence of the Appellant’s position, as I understood it, was that in circumstances where the direction given to the Appellant to produce her phone was given under r 16(4)(c), the relevant offence provision is r 16(5). On the Appellant’s case, the requirements of r 16(5) were complied with and no offence is made out.

28. In my view, the Appellant’s position should be rejected for the following reasons.

29. Firstly, there is nothing in the terms of r 16(5) which would suggest that it is “tethered” to r 16(4), such that it should be regarded as “the offence provision” for the purposes of r 16(4).

30. Secondly, r 16(5) addresses conduct constituted by a general failure to provide access to information or records. It says nothing about a failure to give possession of a phone. In fact, it says nothing about possession at all. That interpretation of r 16(5) is supported by the definition of the term “*possession*” in the Rules, which makes reference to “*an article, substance or thing .... in the custody or control of a person*”.

31. Thirdly, r 165(h) requires (in the context of the present case) proof of three elements, namely that:

- (a) an order was made by a person authorised by a Controlling Body with official duties in relation to greyhound racing;
- (b) that order was lawful; and
- (c) the Appellant disobeyed or failed to comply with that order.

32. The evidence in the present case establishes each of those elements.

33. Fourthly, and in any event, the Appellant’s position that r 16(5) constitutes “the relevant offence provision” is in my view misplaced. The choice of what charge

was to be laid was a matter for the Respondent. That is because it is for a prosecuting authority (and, by analogy, a regulatory authority such as the Respondent) to decide, as a matter of discretion, what offence is to be prosecuted in the event that more than one alternative may be available.<sup>41</sup> For the reasons given, the evidence establishes an offence contrary to r 156(h) and it was open to the Respondent, as a matter of discretion, to bring that charge. Acceptance of the reasoning which underlies the Appellant's case would oust those principles, and would result in r 156(h) having no work to do in a case of this kind, even though the evidence established its various elements. Such an outcome would be perverse.

34. For all of these reasons, charge 2 is made out.

## **THE QUESTION OF PENALTY**

### **The evidence in the Appellant's case**

35. The Appellant's disciplinary history forms part of the evidence before me.<sup>42</sup> Whilst there are entries within that history, there is no prior record of offending of the present kind.

36. The Appellant relied upon a series of testimonials which were provided shortly prior to the hearing. She is variously described in those testimonials as a *"caring, kind and astute trainer"*,<sup>43</sup> *"approachable, reliable and experienced with greyhounds"*,<sup>44</sup> *"honest ..... regarding the welfare and management of [greyhounds]"*,<sup>45</sup> *"an honest person who doesn't do anything wrong by her dogs"*,<sup>46</sup> and an *"honest, forthright and trustworthy person"* who conducts herself *"with integrity"* and who has *"always been open and transparent"*.<sup>47</sup>

---

<sup>41</sup> See *Magaming v The Queen* [2013] HCA 40; (2013) 252 CLR 382 at [20] and [25] per French CJ; Hayne, Crennan, Kiefel and Bell JJ; see also at first instance *Magaming v R* (2013) NSWCCA 23 at [130] per McClellan CJ at CL.

<sup>42</sup> TB 189 – 190.

<sup>43</sup> Trevor Hageman.

<sup>44</sup> Jasmin Kollinger.

<sup>45</sup> Paul Turtle.

<sup>46</sup> Bob Jeanes.

<sup>47</sup> Matthew Keenan.

## Submissions of the Appellant

37. The written submissions of the Appellant advanced the following submissions on penalty:

1. The offending was, as a whole, unplanned and unsophisticated.<sup>48</sup>
2. The untruth which was the subject of charge 3 was immediately rejected by Stewards in the interview of 19 April 2025, and there is no suggestion that the lie the subject of charge 4 was ever seriously entertained.<sup>49</sup>
3. The offending in charges 3 and 4 was “*short lived*” in the sense that the Appellant admitted having given false information about the person at the track being Aaron King,<sup>50</sup> was not motivated by an attempt to cover up cheating,<sup>51</sup> and was constituted by a continuous course of conduct.<sup>52</sup>
4. The Appellant remained entitled to a discount for her pleas of guilty to charges 3 and 4 before me, notwithstanding her pleas of not guilty at first instance.<sup>53</sup>
5. Specific deterrence had no role to play on the assessment of penalty given the Appellant’s history in the greyhound racing industry.<sup>54</sup>
6. In all of the circumstances no further period of disqualification was reasonably necessary, and would be oppressive. The period of disqualification already served was sufficient.<sup>55</sup>

38. The following additional submissions were advanced in oral argument at the hearing:

1. The conduct of the Appellant was inexplicable. She had acted defensively and her conduct in telling untruths was properly described as “*silly*”.<sup>56</sup>

---

<sup>48</sup> At [17](a).

<sup>49</sup> At [17](b).

<sup>50</sup> At [17](c).

<sup>51</sup> At [17](e).

<sup>52</sup> At [17](f).

<sup>53</sup> At [17](g).

<sup>54</sup> At [17](h).

<sup>55</sup> At [19] – [20]. It is noted that in oral argument, it was accepted by the Appellant’s Solicitor that if charge 2 was found to be established, an additional period of disqualification would be warranted (at Transcript 11.10).

<sup>56</sup> Transcript 6.38 – 7.12.

2. The Appellant had learned a serious lesson and now appreciates that the Respondent requires “*simple honesty*” from its participants.<sup>57</sup>
3. The Appellant’s referees spoke about her in favourable terms, and even at its highest her conduct did not impact upon issues of welfare or integrity.<sup>58</sup>
4. It was “*silly*” for the Appellant to have entered pleas of not guilty at first instance, and it remained the case that a discount of “*25% or something very close to that*” was appropriate.<sup>59</sup>
5. On the assumption that following any period of disqualification the Appellant would return to the industry, specific deterrence did have some role to play.<sup>60</sup>

39. Importantly, it was acknowledged<sup>61</sup> that in the absence of any direct evidence from the Appellant, be it in the form of a statement or otherwise, I was left to draw such inferences as were open from the remainder of the evidence as to what may have motivated the Appellant to act as she did.

### **Submissions of the Respondent**

40. The written submissions of the Respondent advanced the following submissions on the question of penalty:

1. The Tribunal in its various forms had consistently stressed the importance of participants conducting themselves with honesty and candour when dealing with the relevant industry regulator.<sup>62</sup> The application of those observations leads to the conclusion that the seriousness of such offending will almost always demand the imposition of a period of disqualification.<sup>63</sup>
2. The Appellant had failed, by her conduct, to meet that standard and any penalty imposed must be one which will maintain public confidence in the

---

<sup>57</sup> Transcript 7.14 – 7.19.

<sup>58</sup> Transcript 7.27 – 7.47.

<sup>59</sup> Transcript 8.29 – 8.45.

<sup>60</sup> Transcript 9.40 – 9.45.

<sup>61</sup> Transcript 8.5 – 8.16.

<sup>62</sup> At [18].

<sup>63</sup> At [21].

industry, as well as in the Respondent as regulator of that industry, and which will uphold the industry's integrity.<sup>64</sup>

3. Because the effective and honest operation of the industry is dependent upon the integrity of its participants, any breach of r 156(h) and 164(a) must be regarded as serious. In the present case, that seriousness was aggravated by the fact that the Appellant was an experienced participant who ought to have known better.<sup>65</sup>
4. General deterrence is an important consideration on penalty. Participants must be deterred from giving false information to officials, and from refusing to comply with lawful directions, by the imposition of appropriate penalties.<sup>66</sup>
5. The lapse of time between the circumstances giving rise to charges 3 and 4 left it open to conclude that the offending in charge 4 was calculated.<sup>67</sup>
6. Even if it were accepted that the offending was unsophisticated, that was largely immaterial, given the potential consequences of telling an untruth.<sup>68</sup>
7. The fact that the offending was short-lived was to be balanced against the Appellant's maintaining of her innocence over a long period of time.<sup>69</sup>
8. A minimal discount, if any, should be applied to charges 3 and 4, in circumstances where there is no evidence of contrition or remorse on the part of the Appellant.<sup>70</sup>

41. At the hearing of the appeal, the submissions of counsel for the Respondent were distilled into five propositions,<sup>71</sup> the majority of which are encompassed by the above summary. Over and above those matters, counsel made the following further submissions:

1. Whilst a distinction (for the purposes of assessing objective seriousness) might be available to be drawn between an untruth which is spontaneous and

---

<sup>64</sup> At [21].

<sup>65</sup> At [22] – [23].

<sup>66</sup> At [25] – [26].

<sup>67</sup> At [27](a).

<sup>68</sup> At [27](b).

<sup>69</sup> At [27](c).

<sup>70</sup> At [27](d).

<sup>71</sup> Commencing at Transcript 14.24.

one which is planned, it remained open to conclude that the second untruth told by the Appellant was planned, and was told in an attempt to bolster the first.<sup>72</sup>

2. The level of discount advanced on the Appellant's behalf in respect of charges 3 and 4 was one which would apply to a plea of guilty entered at an early stage. A discount at that level would be entirely inappropriate given the timing of the pleas in the present case, particularly in light of the absence of any evidence of contrition.<sup>73</sup>
3. The testimonial evidence, whilst relevant, was of limited weight, in circumstances where they did not bear upon the issue of the Appellant's dealings with the Respondent in its capacity as the industry Regulator.<sup>74</sup> Her true attitude towards the Regulator was to be inferred from statements made by her which form part of the evidence, and which demonstrate a lack of respect for the Regulator and, by extension, a lack of understanding of her obligations.<sup>75</sup>

## **CONSIDERATION**

42. It is appropriate to commence a consideration of penalty by setting out some general propositions.
43. The importance of a regulatory body such as the Respondent being given powers of enforcement is so obvious that it goes without saying. Absent such powers, an industry such as the greyhound racing industry could not be effectively regulated.
44. Of equal importance, in terms of the lawful and efficient regulation of the industry, is the fundamental obligation which is imposed upon every industry participant to comply with orders and directions which are made pursuant to the exercise of those powers. A failure to do so has the clear capacity to, amongst other things,

---

<sup>72</sup> Transcript 15.24 – 15.27.

<sup>73</sup> Transcript 15.29 – 15.41.

<sup>74</sup> Transcript 15.43 – 16.14; 18.33 – 18.38.

<sup>75</sup> Transcript 16.21 – 16.41.

frustrate investigations which are being carried out by the Respondent to preserve the integrity of the industry.

45. These propositions were encapsulated in observations made by me in *Racing NSW v Roberts*<sup>76</sup> where I endorsed the statements made by Mr Beasley SC (as his Honour then was) in *Troy See v Racing NSW* which were in the following terms:<sup>77</sup>

*“...licensed persons who refuse to cooperate with proper instructions and requests by the Stewards, or who hinder their investigations, can expect that absent what would have to be quite unusual or exceptional circumstances, it is almost inevitable that they will be disqualified. They can expect that it will almost be inevitable that they will be disqualified for a considerable period of time. Racing would be chaos if licensed persons refused to cooperate with proper requests and instructions of racing authorities. Penalties imposed for breaches of AR232(c)(i) and (ii) will be of a kind that protects the sport by acting as a proper deterrent to such conduct.*

46. In *Hoare v Greyhound Welfare and Integrity Commission*<sup>78</sup> I observed, against the background of Mr Beasley’s statement in *See*, the following:

*[51] It should not be difficult for industry participants to understand why that approach has been, and will continue to be, taken when determining penalties in matters of the present kind. ... [T]hose who occupy official positions in the racing industry are given powers to assist them in carrying out their functions. Compliance with the exercise of those powers, and directions which are given pursuant to them, is an essential component of the ability of the relevant regulator to lawfully and efficiently oversee and administer the operation of the industry as a whole. Any failure on the part of an industry participant to act in accordance with directions, or any conduct which frustrates or inhibits the exercise of an official’s power, has the clear capacity to undermine the Respondent’s ability to properly perform its statutory and regulatory functions. It is those matters which render offending of this kind objectively serious.*

*[52] Consistent with what was said in See and other cases, industry participants ... must clearly understand that whilst every case will always be determined according to its own facts and circumstances, offending of this general kind will, all other things being equal and absent exceptional circumstances, likely result in the imposition of a substantial period of disqualification.*

---

<sup>76</sup> 23 December 2025.

<sup>77</sup> 17 April 2023 at [14].

<sup>78</sup> 27 July 2026 at [51] – [52].

47. These statements and considerations necessarily inform the assessment of penalty in respect of all 3 charges, particularly charge 2.

48. Further, just as industry participants are expected to comply with orders lawfully made by or on behalf of the Respondent, they are also expected to conduct themselves, at all times, honestly. There is no such thing as an acceptable untruth. A failure by a participant to act honestly poses an immediate threat to the integrity of, and the public confidence in, the greyhound racing industry. For those reasons, it needs to be made clear that in any case where conduct of that kind is established, substantial penalties can be expected which will, absent exceptional circumstances, include a substantial period of disqualification.

49. With these general principles in mind, I turn to the issue of penalty present case.

50. The objective seriousness of charge 2 is in my view high. The offence was not constituted by a single act on the part of the Appellant, but by a course of conduct which incorporated a series of repeated, belligerent, combative and ill-founded refusals to comply with the order which she had been given by Mr Austin. I am unable to identify any exceptional or unusual circumstance which would remove this case from the statements of principle set out in See.

51. The objective seriousness of charges 3 and 4 is also high. As to charge 3, the Appellant knowingly and consciously lied to Stewards. She compounded that lie by repeating it on a number of occasions.<sup>79</sup>

52. As to charge 4, it is open to infer from the lapse of time leading up to her conversation with Mr Degan that the lie told by the Appellant on that occasion was, again, conscious and deliberate, and that it constituted an attempt to cover up the first.

---

<sup>79</sup> See [8] above.

53. To describe the Appellant's conduct in those respects as nothing more than "*silly*" significantly underestimates its seriousness. Further, it is difficult to understand why it is that the Appellant is said to *now* appreciate the need for honesty in her conduct as an industry participant. One would have thought that this would have been self-evident.
54. It should also be noted that the Appellant was less than co-operative in the course of the investigation. In the disciplinary hearing, she asserted that it was the Stewards who had suggested that the person with her at the track was Aaron King and that she "*went along*" with it. She also accused Stewards of being responsible for a "*set up*". Further, as previously noted, she made assertions to Mr Degan which were fundamentally at odds with her pleas of guilty to charges 3 and 4.
55. The Appellant is entitled to some discount to reflect her pleas of guilty to charges 3 and 4. However, the proposition that such a discount should fall at, or even near, the maximum of 25% must be rejected. Such proposition runs entirely contrary to the principle that the primary consideration when determining where, within the relevant range, the discount in a particular case should fall is the *timing* of the plea.<sup>80</sup> In the present case the timing was, on any view, late. In those circumstances, the appropriate discount is 10% in each case.
56. The Appellant has advanced a limited subjective case and chose (as is her right) not to advance any evidence in an attempt to explain why she acted as she did. Apart from the limited inferences which might be drawn from her late pleas of guilty to charges 3 and 4, there is no evidence of any real contrition or remorse. I have taken into account the testimonial evidence, although much of it goes to her prowess as a trainer. I have also had regard to the absence of any prior matters of this nature.

---

<sup>80</sup> See *R v Thomson and Houlton* (2000) 49 NSWLR 383; [2000] NSWCCA 309 at [160] per Spigelman CJ.

57. It is important to emphasise that one of the primary purposes of the imposition of a regulatory penalty is that of general deterrence. Any penalty imposed must be such as to send a clear message to all participants that co-operation and honesty are paramount in every aspect of their conduct within the industry, and that any failure to adhere to either requirement will inevitably meet with a significant penalty. A penalty of “*time served*” would largely, if not completely, fail to address that issue. Specific deterrence also has a role to play, particularly in the event that the Appellant returns to the industry following the completion of her period of disqualification.

58. Taking all factors into account, and in the fresh exercise of the discretion in the context of a hearing *de novo*, it is my view that the penalties imposed at first instance are entirely appropriate. The offending is objectively serious, and the Appellant has advanced little in the way of mitigation. The only adjustment from the penalties imposed at first instance should be the discount to be applied to charges 3 and 4 to reflect the late pleas of guilty.

## **ORDERS**

59. I make the following orders:

1. The appeal against the finding of guilt in respect of charge 2 is dismissed.
2. The appeal against the penalty imposed in respect of charge 2 is dismissed.
3. The penalty imposed in respect of charge 2 is confirmed.
4. The appeals against the penalties imposed in respect of charges 3 and 4 are upheld.
5. The penalties imposed in respect of charges 3 and 4 are quashed.
6. The following penalties are imposed in respect of charges 3 and 4:
  - (a) Charge 3 – a disqualification of 18 months.
  - (b) Charge 4 – a disqualification of 18 months.
7. The disqualifications imposed in respect of charges 3 and 4 will be served concurrently, but cumulatively upon the disqualification imposed in respect of charge 1.

8. The total period of disqualification will be one of 36 months, commencing on 1 May 2026 and expiring on 30 April 2029.
9. The appeal deposit is forfeited.

**THE HONOURABLE G J BELLEW AM SC**

**22 September 2026**