

IN THE RACING APPEALS TRIBUNAL

GEOFFREY JAMES CURTALE

Appellant

v

GREYHOUND WELFARE AND INTEGRITY COMMISSION

Respondent

REASONS FOR DECISION

DATE OF HEARING **28 September 2026**

DATE OF DETERMINATION **2 October 2026**

APPEARANCES

Mr G Walters for the Appellant

Mr B Gillies for the Respondent

ORDERS

- 1. The appeal against penalty is upheld.**
- 2. The penalty imposed at first instance is quashed.**
- 3. In lieu thereof, the Appellant is disqualified for a period of 15 months, commencing on 4 August 2026 and expiring at midnight on 3 November 2027.**
- 4. The appeal deposit is to be refunded.**

INTRODUCTION

1. By a Notice of Appeal dated 10 August 2026¹, Geoffrey James Curtale (the Appellant) has appealed against a determination of the Greyhound Welfare and Integrity Commission (the Respondent) imposing a disqualification of 27 months for a breach of r 144(1)(a) of the *Greyhound Racing Rules* (the Rules). That rule is in the following terms:

144 Administration, acquisition or possession of permanently banned prohibited substances

(1) An offence is committed if a person:

- (a) administers, attempts to administer, allows to be administered or causes to be administered a permanently banned prohibited substance to a greyhound.*

2. The Appellant pleaded guilty to the offence at first instance and adhered to that plea in the hearing before me.

THE FACTS OF THE OFFENDING

3. The facts of the offending are not in dispute. The following summary is drawn, in part, from the written submissions of the Respondent.²
4. The Appellant was first registered as a greyhound industry participant in April 1987 and is currently registered as a Public Trainer and Breeder/Whelper.
5. On 6 December 2025, the Appellant and Mr Jay Opetaia (Opetaia) arranged for the greyhound '*Light of Mine*' (the greyhound) to be transferred into the care, control and traineeship of Opetaia.
6. On 24 January 2026 the greyhound was nominated to compete in Race 6 at Wentworth Park, and placed second. A sample of the greyhound's urine and hair were collected for the purposes of analysis. On 13 March 2026, the Respondent

¹ TB 1 and following.

² TB 8 and 9

was notified that the hair sample contained Testosterone propionate (the substance) which is a permanently banned prohibited substance pursuant to Rule 139(1)(t) of the Rules.

THE APPELLANT'S ADMISSIONS

7. On the morning of 19 March 2026, Opetaiia's premises were visited by the Respondent's inspectors for the purposes of taking a further hair sample from the greyhound.³ Clearly, at that time, the Respondent knew nothing of the identity of the person who had administered the substance. At approximately 11.18 am on that day, whilst the Respondent's inspectors were present at Opetaiia's premises, Opetaiia contacted the Appellant and they commenced to exchange text messages. They continued to do so until about 2.59 pm.⁴
8. Given one of the primary issues raised on behalf of the Appellant in this appeal, the messages that are included in the evidence before me should be set out in full:⁵

<i>Opetaiia</i>	<i>She went positive to testosterone propionate in a hair sample. I'll ring you back. I'm being raided.</i>
<i>Appellant</i>	<i>Are you serious. Are you serious.</i>
<i>Opetaiia</i>	<i>Deadly serious. I'm devastated. I don't know where its come from. I've never give her anything on my mothers life.</i>
<i>Appellant</i>	<i>I can't believe it. <u>I know exactly whats happened and you can show the stewards this text as I'm not throwing anyone under the bus</u> – when I got her home from Tim Britton's I gave her two weeks spell and 2 days before I was putting her in work she started to bleed – I ask around and a few old trainers told me to give her a few shots of testosterone a few days apart and she will go straight off season – I ask about swabbing and they said your not racing so it would be fine – ffs that was back in late October or early November – I know I'm fucked it's a barred substance but I definitely didn't use it for racing enhancement – I seriously thought your were joking I can't</i>

³ See the correspondence of 30 September 2026 from the Appellant's Solicitor.

⁴ Commencing at TB 28. The timing is agreed between the parties – see the correspondence of 30 September 2026 from the Appellant's Solicitor.

⁵ The messages are set out in the terms in which they were sent.

*believe it showed up but I will take a lie detector test and will take full responsibility for my stupidity. I can't believe it, I found a fucking bottle up the back of cupboard and it had the smallest amount in it but I swear she had it either late October or early November HTF would it show up now? Your going to be filthy on me and rightly so but ffs I had no idea it could be an issue when I gave her to you to train it was weeks before I gave her to you when she came in season and how unlucky to even find it as I threw all that shit out years ago when it became an offence to use it. **Plz show the stewards I'm the guilty one – I could have said nothing or I could have screamed and said she must have come home from Tim Britton's place but I'm not that kind of person I've fucked up and I will take absolute responsibility for my stupidity** fuck I'm sorry jay I seriously can't believe I've done this to you*

Opetaiia:

Appellant:

Don't stress mate I'll ring you after they leave

Fucking stressed I'm a bit past that mate you're an up and coming leading trainer and I've done something stupid and could tarnish you ffs I've been a trainer for over 40 years and not 1 fucking blemish against my name after so many swabs and now I've fucked my whole reputation over taking a bitch off season that wasn't even racing at the time fuck me I can't believe I'm a clean skin my whole life never been in any trouble with police or anything at all and now my name will be shit Surely if this test is precise it should tell them it's a very low reading (5 months ago) and that it was administered well before you got her to train?

9. On 1 May 2026⁶ the Appellant signed a statement which he sent to Opetaiia and which was in the following terms:⁷

I Geoffrey Curtale got the greyhound Light of mine back from Tim Britton after her last start for Tim in Queensland on 18.10.2025.

After her arriving back at my property at [xxx] I decided to give her 2 -3 weeks off in the spelling yard. On the day of 04.11.2025 I noticed a small amount of blood/fluid on her and thought she was coming on season. I asked a few old trainers, and they said to give her a few shots of testoprop to stop her from coming on season. I did ask about it swabbing and they said you are not racing her for a while so it would be fine. So on the 04.11.2025 and 06.11.2025 unbeknown to Jay Opetaiia I gave her 0.5 ml of testoprop and it did stop her from coming on season. I never told Jay about this because I never thought it would be an issue. I know 100% it's a barred substance but when I gave it to her on 04.11.2025 – 06.11.2025 I didn't even know if she would race again let alone

⁶ See the correspondence of 30 September 2026 from the Appellant's Solicitor.

⁷ TB 29.

being trained by Jay Opetaiia, as I only sent her to Jay when I went on holidays in December 2025. I could have said nothing and blamed Jay or even Tim Britton but that is not the person I am. I am not going to blame someone else for my stupidity. I know I am guilty but I swear on the bible it was definitely not for race enhancement and surely you know Jay wasn't racing her on testoprop as she got swabbed week in and week out while in Jay's care. She only got the positive reading off a hair test which is actually a history test. I fully admitted to giving her the testoprop at the first opportunity. I actually admitted to Jay while he was getting raided by the GWIC stewards. I swear on the bible and would also be prepared to take a polygraph test to prove all of the above is the absolute truth (emphasis added).

10. That statement was provided to the Respondent by Opetaiia on 19 May 2026 in connection with his own disciplinary proceedings.⁸ It is apparent that copies of the text messages were also provided.

THE APPELLANT'S INTERVIEW

11. The Appellant was interviewed by Senior Investigator Huisman on 2 June 2026.⁹ The Appellant's account on that occasion¹⁰ was entirely consistent with his statement and the text messages (copies of both of which were, by that time, in the possession of the Respondent).¹¹ Unsurprisingly in those circumstances, Mr Huisman had little in the way of questions for the Appellant.¹² The Appellant was informed of the likelihood of disciplinary action being taken.¹³ He reiterated that he did not administer the substance for what he described as "racing enhancement".¹⁴ That said, he did not seek to minimise his responsibility for what occurred.¹⁵

⁸ See correspondence from the Respondent of 30 September 2026.

⁹ Commencing at TB 37.

¹⁰ Commencing at Q and A 13 at TB 38.

¹¹ See Q and A 26 – 28 at TB 39 – 40.

¹² See Q and A 26 at TB 39.

¹³ See Q and A 34 at TB 40.

¹⁴ See for example Q and A 34; 38 at TB 40 – 41.

¹⁵ See for example Q and A 38 at TB 41.

THE DISCIPLINARY HEARING

12. On 24 June 2026 the Respondent wrote to the Appellant¹⁶ advising that a view had been formed that there were reasonable grounds to bring a charge against him particularised in the following terms:

1. *At all material times [he was] a registered Public Trainer, Breeder and Whelper.*
2. *At all material times [he was] the owner and trainer of the greyhound “Light of Mine”.*
3. *On 19 May 2026 material was provided to [the Respondent] by Jay Opetaia in his disciplinary hearing.*
4. *The material contained a letter signed by [the Appellant] where [he made] admission [sic] to administering the substance Testoprop to the greyhound on 4 November 2025 and 6 November 2025.*
5. *Testoprop (Testosterone propionate) is a permanently banned prohibited substance under r 139(1)(t) of the Rules. It is an offence to administer a prohibited substance to a greyhound under Rule 144(1)(a) of the Rules.*

13. A disciplinary hearing was convened on 4 August 2026¹⁷ at which time a plea of guilty was entered to the charge set out above.¹⁸ In the course of giving evidence, the Appellant said¹⁹ that he had removed himself from the greyhound racing industry in early March 2026, as a consequence of which he had not, since that time, attended any race meeting or utilised any of his registrations.²⁰ He expressed his unequivocal remorse, and accepted total responsibility, for what had occurred,²¹ and provided a letter of 1 August 2026²² attesting (amongst other things) to his support of the greyhound racing industry in Cowra over approximately 20 years. Mr Van Gestel, who convened the hearing, expressly acknowledged the Appellant’s admissions, his co-operation, and his blemish-free disciplinary history.

¹⁶ TB 23 – 24.

¹⁷ Commencing at TB 50.

¹⁸ TB 53.29.

¹⁹ TB 56.28 – 56.39.

²⁰ TB 57.16 – 57.23.

²¹ TB 61.1 – 61.36.

²² TB 14.

14. Following the hearing, the Respondent imposed a disqualification of 27 months commencing on 4 August 2026 and expiring at midnight on 3 November 2028.²³

THE APPELLANT'S SUBJECTIVE CASE

15. There is no dispute that the Appellant has been a registered industry participant since April 1987²⁴ and that he has no history of prior offending of any kind.

16. Brooke Smith²⁵ described the Appellant as a *“hardworking and genuine individual who consistently demonstrates a willingness to support those around him”*. In a testimonial added to the Tribunal Book at the hearing, Paul Smith (a former Mayor of Cowra) expressed the view that *“Cowra would be a lesser town without [the Appellant].”* Whilst Ms Smith’s testimonial did not acknowledge the use to which it was to be put, this is not a case in which the Appellant’s prior good character is seriously in dispute.

SUBMISSIONS OF THE PARTIES

Submissions of the Appellant

17. The written submissions of the Appellant²⁶ may be distilled into the following propositions:

1. A discount of 25% should be applied to reflect the Appellant’s plea of guilty.
2. A further discount should be applied to reflect the Appellant’s voluntary disclosure of his guilt.
3. A further discount was justified to reflect the Appellant’s blemish-free history as an industry participant, and his overwhelming contributions to the industry and the community.
4. The penalty imposed at first instance was excessive having regard to published penalty guidelines.

²³ TB 48.

²⁴ Respondent’s written submissions at [2], TB 8.

²⁵ TB 15.

²⁶ TB 5 and following.

5. The offending did not adversely affect the betting public and was unrelated to any animal welfare issue.
18. When these submissions were expanded upon by Mr Walters at the hearing, two particular matters of significance emerged.
19. The first, was Mr Walters' submission that, but for the Appellant's admissions, the offending would never have been detected,²⁷ there being no other available evidence of the Appellant's conduct.
20. The second, which is related to the first, was Mr Walters' submission (which had been raised in writing but which was expanded upon orally) that the Appellant was entitled, as a consequence of his admissions, to a discount over and above the 25% reduction to reflect his plea of guilty.²⁸ In that regard, Mr Walters relied on the decision of the NSW Court of Criminal Appeal in *R v Ellis*²⁹. It should be noted that this issue was the subject of comprehensive submissions by Mr Walters at the disciplinary hearing.³⁰ Despite that, the issue was not addressed - one way or the other – in the determination of penalty at first instance.³¹
21. Mr Walters accepted that, even if his submissions as to the level of discount were accepted, the proper application of parity principles would necessarily result in any penalty imposed on the Appellant being greater than that imposed upon Opetaiia (which was a disqualification of 9 months).³² At the same time, he urged me to give full weight to the Appellant's exemplary disciplinary history which, he submitted, meant that specific deterrence was of little if any relevance in assessing penalty.³³ He pointed out that this was not a case of a participant who

²⁷ Transcript 3.8 – 3.16.

²⁸ Transcript 3.4.

²⁹ (1986) 6 NSWLR 603 (Ellis).

³⁰ TB 64.10 and following.

³¹ See TB 47 – 48.

³² Transcript 5.30.

³³ Transcript 5.47 – 6.22.

had a short registration history, but a case of a person with an almost 40 year history who had offended for the first time.³⁴

22. Finally, Mr Walters made a number of submissions regarding the fact that the starting point which was adopted when determining the penalty at first instance was substantially above what was nominated in the relevant penalty guideline.³⁵ Three observations should be made about that.

23. The first, is that I am not bound by the guideline in any event.

24. The second, is that assessment of penalty is not a mathematical exercise.³⁶

25. The third, is that it has been observed in proceedings before this Tribunal that the adoption of a fixed starting point, to which increments and decrements are then applied according to various aggravating and mitigating factors, is contrary to the notion of instinctive synthesis. It is that latter approach which the Tribunal has recognised as being the appropriate one to take in matters of this kind.³⁷

Submissions of the Respondent

26. The written submissions of the Respondent³⁸ may be distilled into the following propositions:

1. No *Ellis* discount should be applied in this case because:
 - (a) such a discount reflects an added element of leniency where an offender voluntarily discloses involvement in an otherwise unknown wrongdoing that would probably not have been discovered but for the disclosure;
 - (b) the Appellant's admissions to Opetiaia did not amount to assistance of the kind contemplated in *Ellis* because by the time that they were made, the

³⁴ Transcript 8.13 – 8.15.

³⁵ Transcript 8.1 – 8.4.

³⁶ *Wade v Harness Racing New South Wales* (4 March 2025) at [18].

³⁷ *Wade* at [22].

³⁸ Commencing at TB 9.

Respondent had analytical evidence in its possession establishing the presence of the substance in the sample;

(c) the admissions therefore did not alert the Respondent to otherwise unknown offending, but identified the person responsible for the offending that was already revealed by the evidence;

(d) the Appellant did not actually provide any information directly to the Respondent, but volunteered it to Opetaia who passed it to the Respondent in the context of relying on it for the purposes of his own disciplinary proceedings;

(e) an unintended disclosure to a third party, unaccompanied by an intention to assist the authorities, does not engage the principles set out in *Ellis*;

(f) properly categorised, the Appellant's admissions amount, at most, to unwitting assistance of the kind discussed in *R v Calderoni*³⁹ and go only to remorse and acceptance of responsibility.

2. Administration of a permanently banned substance is, by its very nature, serious. That seriousness of the offending is elevated in this case because administration took place on two separate occasions, and because the act of administration necessarily exposed the greyhound in question to unnecessary risk.
3. Whilst the need for any penalty to reflect specific deterrence is reduced on account of the Appellant's blemish-free disciplinary history, it is not wholly irrelevant.
4. General deterrence remains a paramount consideration.
5. Offending of this kind has a direct, and deleterious, impact upon the integrity of, and public confidence in, the greyhound racing industry, and the Appellant's subjective case cannot outweigh the objective seriousness of such offending.
6. The penalty imposed at first instance remained appropriate.

³⁹ [2000] NSWCCA 511.

27. In oral submissions, it was emphasised⁴⁰ that this was not a case in which the Appellant had made contact with the Respondent admitting responsibility, but was a case in which the Respondent had become aware of the Appellant's offending through the proceedings brought against Opetaiia and had then undertaken "*an independent investigative process*".⁴¹ At the same time, it was expressly conceded that had it not been for the Appellant's admissions "*the Respondent would not have known*" [of the Appellant's offending].⁴²

28. Finally, it was emphasised that it involved two separate instances of administration⁴³ and that it resulted in Opetaiia being inculpated in the offending. These, it was submitted, were further aggravating factors⁴⁴ in circumstances where administration offences fall into the highest category of culpability.⁴⁵

CONSIDERATION

The Ellis discount

29. It is appropriate to address at the outset the issue of the application or otherwise of the so-called *Ellis* discount.

30. The relevant statement of principle was articulated by Street CJ (Hunt CJ at CL and Allen J agreeing) in *Ellis* in the following terms:⁴⁶

*When the conviction follows upon a plea of guilty, that itself is the result of a voluntary disclosure of guilt by the person concerned, a further element of leniency enters into the sentencing decision. **Where it was unlikely that guilt would be discovered and established were it not for the disclosure by the person coming forward for sentence, then a considerable element of leniency should properly be extended by the sentencing judge.***

...

⁴⁰ Transcript 10.1 – 10.12.

⁴¹ Transcript 11.5.

⁴² Transcript 10.14.

⁴³ Transcript 11.40.

⁴⁴ Transcript 12.47.

⁴⁵ Transcript 13.9.

⁴⁶ At 604.

*The leniency that follows a confession of guilt in the form of a plea of guilty is a well-recognised part of the body of principles that cover sentencing. Although less well recognised, because less frequently encountered, the **disclosure of an otherwise unknown guilt of an offence merits a significant added element of leniency, the degree of which will vary according to the degree of likelihood of that guilt being discovered by the law enforcement authorities, as well as guilt being established against the person concerned** (my emphasis in each case).*

31. Disclosure of the kind referred to by Street CJ was described by McHugh J in *Ryan v R*⁴⁷ as “a significant and not insubstantial matter to be considered on the credit side of the sentencing process”.
32. It follows that in a case where the circumstances justify the application of the *Ellis* principle, it is open to apply a discount over and above that which is allowed in respect of an early plea of guilty. The primary limitation is that a discount reflecting a plea of guilty *and* assistance of the kind described in *Ellis* should not, absent circumstances that are properly regarded as exceptional, exceed 50%.⁴⁸
33. In my view, the conclusion that the *Ellis* principle applies in the present case is plainly evident simply by adopting, in their terms, the two aspects of the statement of principle which were articulated by Street CJ. It may well be that the Respondent was aware of the *fact* of the offending by virtue of the analytical results. That is not what engages the *Ellis* principle. The principle is concerned not with disclosure of offending per se, but with disclosure of the *guilt of the person responsible for that offending*. That is clear from Street CJ’s express reference to the fact that it is “disclosure of an **otherwise unknown guilt of an offence** [that] merits a significant added element of leniency”. To further adopt his Honour’s terminology to the circumstances of the present case, it was unlikely that the guilt of the Appellant would have been discovered and established were it not for his admissions, and his disclosures. Clearly, the Appellant’s guilt of the

⁴⁷ (2001) 206 CLR 267 at [15].

⁴⁸ See for example *AAT v R* [2011] NSWCCA 17 at [31] per McClellan CJ at CL (Buddin and Schmidt JJ agreeing) and the authorities cited therein.

present offence was otherwise unknown to the Respondent, and would have remained that way but for his admissions and disclosures.

34. The Respondent's position on the application of the *Ellis* principle revolved, to a large extent, around the following propositions:

1. The relevant wrongdoing was the fact of administration of the prohibited substance.
2. That wrongdoing was known to the Respondent as a consequence of the analysis, and was not revealed by anything that the Appellant may have said or done.
3. Those circumstances take this case out of the reach of the *Ellis* principle.
4. The Appellant's admissions do not, therefore, entitle him to an additional discount, and they are relevant only to the issues of remorse and acceptance of responsibility

35. For the reasons already stated, I am unable to accept that position but it is appropriate to further address it in the specific context of what was said in *Ellis*.

36. I accept that wrongdoing (in the form of the *fact* of the administration of a prohibited substance) was, as a consequence of the analysis of the sample, already known to the Respondent when the Appellant made the admissions that he did. However, absent those admissions, the identity of the Appellant as the person who was responsible for that administration was not (and would never have become) known. From a disciplinary point of view, knowing of offending without knowing the identity of the perpetrator of that offending is largely lacking in any practical utility. The identity of the Appellant as the person responsible for the wrongdoing constituted by the *administration* of the substance would never have been exposed had it not been for his admissions. In these circumstances, the proposition that the *Ellis* principle has no application to the present case because the Appellant's admissions related to offending that was already known

to the Respondent is somewhat artificial, as well as running contrary to the terms of the principle itself.

37. The fact that the Appellant's admissions were not made directly to the Respondent is, at least in the circumstances of this case, of little or no consequence. That is because in making admissions to Opetaiia, and in providing his statement, the Appellant obviously acted with the express intention that the Respondent would be informed of what he had said, and importantly, what he had done. So much is clear (at least in the case of the admissions) from the fact that on two separate occasions, the Appellant exhorted Opetaiia to inform the Respondent of what he had disclosed. That, for all intents and purposes, was a disclosure to the Respondent. To suggest otherwise is to draw a distinction without a difference.

38. Further in my view, Respondent's categorisation of the messages that passed between the Appellant and Opetaiia as constituting an "*unintended disclosure*" of what had taken place is entirely at odds, firstly with the general tone of the messages themselves, and secondly with the fact that the Appellant expressly told Opetaiia to inform the Respondent of what had taken place. There was nothing unintentional (or unequivocal) about either the fact of Appellant's admissions, or those to whom he intended that those admissions be conveyed.

39. For similar reasons, the decision in *Calderoni* has no application to the present case. *Calderoni* is authority for the proposition that s 23 of the *Crimes (Sentencing Procedure) Act 1999* (NSW) (which is the statutory embodiment of the common law including *Ellis*) does not extend to assistance which is properly regarded as "*unwitting*".⁴⁹ For the reasons I have already explained, the Appellant's disclosure was not unwitting, in the sense of being unplanned or unintentional. It was the opposite.

⁴⁹ Per Sully J at [7].

40. I have noted the Respondent's submission that notwithstanding the Appellant's admissions, an investigation into the Appellant's offending was carried out. Whilst I accept that to be the case, aside from the interview of the Appellant and the disciplinary hearing which followed it, it is difficult to identify any substantive investigative steps that the Respondent would have needed to (or for that matter, did) take in order to establish a case against the Appellant. It is equally difficult to identify any evidence, over and above the Appellant's admissions, which was obtained in the investigation, and utilised in support of the proceedings which have been brought. At the time of the interview by Mr Huisman, the Respondent was in possession of the Appellant's admissions and his statement. Unsurprisingly in those circumstances, Mr Huisman expressly stated that he had little in the way of questions for the Appellant at the interview. Neither the interview nor the disciplinary hearing which followed yielded anything in the way of additional material evidence. Both processes resulted in little more than the Appellant confirming the admissions he had already made.

ASSESSMENT OF THE ELLIS DISCOUNT

41. The discretionary assessment of the quantum of the discount to be applied is informed, at least in part, by the degree of likelihood of the Appellant's guilt being otherwise discovered by the Respondent. In the present case, but for the admissions, there was little likelihood of that happening at all. Moreover, the Appellant's disclosure was completed, and it is accepted by both parties that without it, the present proceedings could never have been brought.

42. In all of those circumstances, a combined discount of 50% to reflect the Appellant's plea of guilty and his disclosure of guilt is appropriate.

THE OBJECTIVE SERIOUSNESS OF THE OFFENDING

43. It is trite to observe that an offence of this kind, involving the administration of a permanently banned prohibited substance, falls at a high level of objective seriousness. There are many reasons why that is so. They include, importantly, the potential danger to the greyhound, and the threat that such offending poses to

the integrity of the greyhound racing industry. Particularly for those reasons, general deterrence is a paramount consideration.

44. I have taken into account the fact that the offending involved two separate instances of administration, although that is ameliorated to some degree by the fact that the instances were in relatively close proximity to one another. What is also relevant is that, on his own admission, the Appellant obviously administered the substance thinking that it would not be present in the greyhound's system after a period of time. In other words, to use the vernacular, he thought he could get away with it. That demonstrates a degree of consciousness of guilt on his part which raises his level of culpability.

45. For all of these reasons, the objective seriousness of the offending is substantial.

THE APPELLANT'S SUBJECTIVE CASE

46. The weight attached to a subjective case cannot be permitted to result in the imposition of a penalty which is not reflective of the objective seriousness of the offending. At the same time, the Appellant is entitled to have his subjective case taken into account. In that regard I make the following observations.

47. There is no dispute that the Appellant pleaded guilty at the first available opportunity which, of itself, entitles him to a discount of 25%. I am also satisfied that he has accepted responsibility for his offending, and is genuinely remorseful. The testimonial evidence further supports a conclusion that he is a person of prior good character, who has done much to promote the greyhound racing industry without the expectation of reward or recompense.

48. Consistent with that, the Appellant has a blemish-free history in a period of almost 40 years as an industry participant. In *Gatt v Greyhound Welfare and Integrity Commission*⁵⁰ I dealt with the case of an industry participant of 47 years who had

⁵⁰ 28 March 2024.

a similar history. The comments I made on that occasion about that issue⁵¹ are equally apt in the present case:

The fact that the Appellant has never come under notice for this kind of offending leads to only one conclusion, namely, that he is a person who is honest, who is conscious of his obligations as a trainer, who respects the rules to which he is subject, and who is cognisant of the need to protect the integrity of the greyhound racing industry. I am satisfied in these circumstances that any sanction which might be imposed, but particularly one of disqualification, will have a profound effect upon the Appellant. Being disqualified from participating in an industry which he obviously loves, to which he has made a significant contribution, and in which he has obviously earned great respect over a long period, will be a significant penalty in and of itself.

49. There is nothing to suggest that the Appellant is likely to re-offend. Indeed his history tends towards the opposite conclusion. The need for any penalty to reflect considerations of personal deterrence is, for those reasons, limited.

50. The Appellant's evidence in the disciplinary hearing was that he had effectively removed himself from the industry in the early part of March 2026. Whilst the penalty obviously cannot be backdated to that time, I do regard that as a further indicator of the Appellant's remorse and have taken it into account on that basis.

51. Finally, and although I was not specifically addressed in relation to it, there are parity considerations which are relevant in determining penalty. The principle of equal justice requires, so far as is permitted, that like cases be treated alike. Equal justice according to law also requires, where the law permits, the differential treatment of persons according to differences between them. Consistency in the imposition of penalties for offences is a reflection of the notion of equal justice, and finds its expression in the parity principle, which requires that like offenders should be treated in a like manner.

52. The parity principle allows for different sentences to be imposed on like offenders to reflect different degrees of culpability, and/or different circumstances. It also

⁵¹ At [56].

recognises that equal justice requires that as between co-offenders, there should not be a marked disparity which gives rise to one offender having a justifiable sense of grievance. It is not simply a question of the imposition of different penalties for the same offence. Rather, it is a question of due proportion being structured between those penalties. That is a matter which is to be determined having regard to the different circumstances of the co-offenders, and their different degrees of criminality.⁵²

53. I have applied these principles to the determination of penalty in the present case, noting Mr Walters' concession that taking all factors into account, the penalty to be imposed on the Appellant must necessarily be higher than that imposed on Opetaiia. Quite apart from any other consideration, Opetaiia pleaded guilty to a presentation (as opposed to an administration) offence, and it was found⁵³ that his culpability was low, and that it fell within the third category of the *McDonough* principles.

CONCLUSION

54. For the reasons given I make the following orders

1. The appeal against penalty is upheld.
2. The penalty imposed at first instance is quashed.
3. In lieu thereof, the Appellant is disqualified for a period of 15 months, commencing on 4 August 2026 and expiring at midnight on 3 November 2027.
4. The appeal deposit is to be refunded.

55. I record the fact that I have applied a combined discount of 50% on account of the Appellant's plea and his assistance in providing full admissions, without which no case could ever have been established against him.

THE HONOURABLE G J BELLEW AM SC

2 October 2026

⁵² See *R v Medich (No. 43)* [2018] NSWSC 886 at [144] – [145] and the authorities cited therein.

⁵³ See *Opetaiia v Greyhound Welfare and Integrity Commission*

