

## DECISION

*Racing Integrity Act 2016, sections 252AH, 252BM*

<b>Review application number</b>	RAP-100	
<b>Name</b>	Julius Perrett	
<b>Panel</b>	Mr K J O'Brien AM (Chairperson) Ms D Condon (Deputy Chairperson) Mr J McCoy (Panel Member)	
<b>Code</b>	Greyhounds	
<b>Rule</b>	Greyhound Australasia Rules GAR 141(1)(a) <i>The owner, trainer, or other person in charge of a greyhound:</i> <i>(a) nominated to compete in an Event; must present the greyhound free of any prohibited substance.</i>	
<b>Penalty Notice number</b>	PN-010173 PN-010174	
<b>Appearances &amp; Representation</b>	Applicant	Self-represented
	Respondent	Queensland Racing Integrity Commission E Ballard
<b>Hearing Date</b>	17 July 2024	
<b>Decision Date</b>	17 July 2024	
<b>Decision</b> <i>(delivered ex tempore)</i>	Pursuant to 252AH(1)(a) the Racing decisions are Confirmed. Period of four-month suspension operative from midnight 17 July 2024 until midnight 16 November 2024	

### Case References

*Wallace v Queensland Racing 2017 QDC 168*  
*Racing Victoria Limited v Kavanaugh 2017 VSCA 33*  
*McDonough v Harness Racing Victoria [2008] VRAT 6*  
*Henley v Racing New South Wales Racing Appeals Panel NSW 2 March 2020*  
*Hooper v Queensland Racing Integrity Commission [2017] QCAT 236*

## Reasons for Decision

- [1] The Applicant in this matter is licenced greyhound owner and trainer, Mr Julius Perrett.
- [2] On 3 July 2024, following an inquiry conducted by stewards, Mr. Perrett was found guilty of two offences against Greyhound Australasian Rule GAR 141(1)(a).
- [3] In respect of the first of those charges, to which the Applicant had pleaded not guilty, and which involved the prohibited substance cobalt<sup>1</sup>, he received by way of penalty a licence suspension of four months operative from 6 July 2024 until 5 November 2024. In respect of the second charge, to which the Applicant also pleaded not guilty, and which involved the prohibited substance Meloxicam<sup>2</sup>, the penalty imposed was a fine of \$2000.
- [4] GAR 141(1)(a) provides that the owner, trainer, or other person in charge of a greyhound nominated to compete in an event must present the Greyhound free of any prohibited substance.
- [5] Under GAR 141(3) any owner, trainer or person in charge of a greyhound presented contrary to GAR 141(1), is guilty of an offence.
- [6] The specific charges levelled against the Applicant were as follows:
  1. That on the 25th of March 2024, as the trainer of the Greyhound, Sally Sunrise, he did present the Greyhound to compete in race 5 at the Bundaberg Greyhound Racing Club with a prohibited substance in its system, namely cobalt as detected by the Racing Science Centre and confirmed by Racing Analytical Services Limited at a level in excess of the mass concentration limit of 100 nanograms per millilitre in the pre-race urine sample collected from the Greyhound on the 25th of March 2024.
  2. That on the 7th of May 2024, the Applicant as the trainer of the Greyhound, Sally Sunrise, did present that Greyhound to compete in race 11 at the Ipswich Greyhound Racing Club with a prohibited substance in its system namely Meloxicam as detected by the Racing Science Centre and confirmed by Racing Analytical Services Limited In the post-race here on sample collected from the Greyhound on 7 May 2024.
- [7] As noted, the Applicant had pleaded not guilty to those charges. Pursuant to section 252AB of the *Racing Integrity Act 2016* (the "Act") he now makes Application to this Panel for review of those racing decisions in so far as they relate in each case to the penalty imposed and in the case of charge one, as it relates to the determination of guilt.
- [8] In his application for review of the cobalt charge the Applicant makes reference to his "good conduct", his long association with the racing industry and his "mental health". He provides the following details.

---

<sup>1</sup> PN-01073

<sup>2</sup> PN-01074

*I request a review and stay a proceeding on the basis of pleading not guilty. This is an ongoing issue with Queensland Racing and Cobalt being presented unknowingly in animals being presented to race.*

*After research of many charges over various trainers, it is clear that there is an issue of cobalt being presented due to many contributing factors. The main being with within food provided after reviewing it is evident that no extent of research or legalities will clear this issue.*

*I have suffered severe depression for many years and have used greyhound training as a coping mechanism. I'm a hobby trainer and I only have a couple of greyhounds, which I dedicate majority of my time to. I asked that on this basis you reconsider the suspension and impose a monetary penalty in lieu of suspension.*

## **The Charges**

- [9] A "prohibited substance" as defined in the Rules means that a substance defined in GAR137 and includes a permanently banned substance as defined in GAR139(1). Both cobalt and meloxicam fall within the definition of prescribed substance.
- [10] Cobalt however is an "excepted substance" for the purposes of GAR137 if detected at or below a mass concentration of 100 nanograms per millilitre in a sample of urine taken from a greyhound<sup>3</sup>
- [11] It is accepted that at all relevant times the applicant was the trainer of the Greyhound, Sally Sunrise, a greyhound, nominated to compete in an event as those terms are defined within the rules.
- [12] On the 3rd of July 2024, following the completion of urine sample analysis and the provision of the relevant certificates in accordance with GAR155 Stewards commenced an inquiry which involved not only the positive cobalt sample provided on 25 March 2024, but also the positive meloxicam sample collected post-race from Sally Sunrise on the 7 May 2024 at the Ipswich Greyhound meeting.
- [13] The Applicant was found guilty by stewards of both charges notwithstanding his pleas of not guilty. As indicated above, he now accepts his guilt in relation to the second of them.

## **The Rule**

- [14] A charge under GAR140 is a so-called "presentation offence" and is to be distinguished from more serious offences involving the actual administration of prohibited substances<sup>4</sup>.
- [15] The more serious nature of those last-mentioned offences is confirmed by the penalty starting points provided for in the relevant Penalty Guidelines<sup>5</sup>.

---

<sup>3</sup> GAR137 and GAR140(f)

<sup>4</sup> GAR142 and GAR143

<sup>5</sup> Queensland Racing Integrity Commission Racing Penalty Guidelines 2023

- [16] The participation offence is often referred to as a strict as one of "strict liability" in that, unlike many other offences, it does not require an awareness or intention on the part of the offender.<sup>6</sup>
- [17] The purpose of the rule however, as explained by Judge McGill in *Wallace v Queensland Racing*<sup>7</sup>, is to provide very strong incentive for trainers and others who are responsible for the well-being of a horse or greyhound to take great care to ensure that the animal, when presented for racing, will be unaffected by any prohibited substances. His Honour said:<sup>8</sup>

*[63] The next matter which was advanced was that the tribunal erred in taking into account the need for a deterrent to members of the racing industry in imposing a disqualification, in circumstances where there was no reason to think that there was anything deliberate or even careless done by the appellant personally in relation to the offence. It was submitted that the evidence did not disclose any moral blameworthiness on the part of the appellant, and that in those circumstances no consideration of deterrence arose. I do not accept that submission; in my opinion the evident purpose of rule AR 178, as shown by the public policy considerations referred to by Bingham MR earlier, is to provide very strong incentives for trainers and others who are responsible for the wellbeing of a horse to take great care to ensure that the horse when presented for racing will be unaffected by prohibited substances.*

*[64]. There are obviously plenty of people around whose interests might be advanced by the administration of prohibited substances to racehorses, and those people may well not be trainers or persons associated with them; one would hope that they were not. I suspect that the intention is not merely that trainers should be deterred from administering or permitting the administration of prohibited substances, but that they should be given a very strong incentive to take great care to ensure that prohibited substances are not administered by anyone else. That I think can fairly be described as a consideration of general deterrence, and seems to me the whole point and purpose of a rule such as this.*

- [18] *Wallace v Queensland Racing* was of course concerned with the equivalent presentation offence contained within the thoroughbred Racing Rules, but the principle applies equally to greyhound racing.
- [19] Put shortly, the policy behind the Importance of strict liability and GAR141 is to encourage greater vigilance in ensuring that no greyhound is presented for an event with a prohibited substance in its system. Such conduct will necessarily bring racing into disrepute and a key

---

<sup>6</sup> See for example *Racing Victoria Limited v Kavanagh* [2017] VSCA 33

<sup>7</sup> *Wallace v Queensland Racing* [2017] QDC 168

<sup>8</sup> *Ibid* [63]-[64]

purpose of the rules is to ensure that the image, interest, and integrity of the greyhound racing is maintained<sup>9</sup>.

### **Matters of proof**

- [20] On the 25 March 2024 prior to the running of Race 5 on the Gladstone Racing Programme, Stewards caused a urine sample to be collected from the Greyhound Sally Sunrise. As this matter requires proof that the sample taken from Sally Sunrise is a prohibited substance, proof using scientific analysis from at least one approved laboratory is required. In this case, two laboratories, the Queensland Racing Science Centre, QLD Racing Integrity Commission, Brisbane and Racing Analytical Services Melbourne were used. Both are approved laboratories for the purposes of the rules. Relevantly for these proceedings, a certificate under the hand of Dr Shawn Stanley, General Manager of Analytical Services at the Racing Science Centre indicated the existence of cobalt in the sample taken from Sally Sunrise at Bundaberg on 25 March 2024. The level of cobalt was in a measure greater than 200 nanograms per millilitre. This sample was further tested by Racing Analytical Services and on the 24th of May 2024 a certificate under the hand of Dr Adam Cawley was issued to confirm the presence of cobalt at a level above the regulatory threshold.
- [21] No issue was taken with the integrity or accuracy of either the sampling process or the analytical process. The evidentiary value of those certificates is provided for in GAR 154. GAR 154(5) and GAR154(6) provide as follows:
- (5) A certificate of analysis signed by a person at an approved laboratory who is authorised to and purports to have analysed a sample ("A" portion) is, with or without proof of that person's signature, prima facie evidence of the matters contained in it in relation to the presence of a prohibited substance for the purpose of any proceeding pursuant to the Rules.
- (6) A second certificate of analysis signed by a person at an approved laboratory who is authorised to and purports to have analysed another portion of a sample (the reserve ("B") portion) which confirms that the prohibited substance detected in the reserve ("B") portion and identified in the second certificate of analysis is the same as the prohibited substance detected in the "A" portion and identified in the first certificate of analysis constitutes, with or without proof of that person's signature and subject to subrule (8) below, together with the first certificate of analysis, conclusive evidence of the presence of a prohibited substance.
- [22] The combined effect of those provisions is that they provide conclusive evidence of the prohibited substance cobalt in the urine sample taken from Sally Sunrise on the 25 March 2024.
- [23] Those certificates, however, would lose their evidentiary value and would not establish the offence if it were proved that the certification, testing or analysis process was materially flawed.

---

<sup>9</sup> *Henly v Racing New South Wales Racing New South Wales Appeals Panel 2 March 2020*

If the Applicant were to prove any of those matters, and the standard of proof required would be according to the balance of probabilities<sup>10</sup>, then the conclusive effect of the certificates would be displaced<sup>11</sup>.

[24] No attempt has been made by the Applicant to challenge any part of the certification, testing, or analysis involved with the sample of the 25th of March 2024 and the certificates, therefore, should be given their full evidentiary weight. In the circumstances they serve to establish the guilt of the accused in relation to that charge. As noted, his guilt in respect of the meloxicam charge is not the subject of challenge.

### **Penalty**

[25] The penalty guidelines identify a number of important considerations relevant to the imposition of penalty. They include the need to:

- ensure acceptable standards of animal welfare in the industry;
- ensure a level playing field for all participants and the betting public;
- maintain community trust and public confidence in the integrity of greyhound racing;
- deter the individual from committing similar offences (specific deterrence);
- deter others in the industry from committing similar offences (general deterrence);
- demonstrate to the industry that the relevant conduct is not acceptable; and,
- ensure any punishment imposed is appropriate and proportionate, taking into account the specific circumstances of the individual and the offence committed.

[26] All cases fall to be assessed according to their own merits, but in imposing penalty the Panel should have regard not only to the nature, seriousness and circumstances of the offending, but also to the personal circumstances of the offender, the need for deterrence, both specific and general, and to the disciplinary history of the offender.

[27] The guidelines set out matters of potential mitigation, which includes such matters, if present, of a plea of guilty, the level of cooperation exhibited, the good character of the offender and a good disciplinary history where such a history exists. A further matter of mitigation can be any steps taken by the offender since the offence to ensure no similar breaches will occur in the future.

[28] Aggravating factors, which are also set out in the Guidelines include, inter alia, prior offending, the potential impact on the greyhound where prohibited substances are involved, and the seriousness of the breach itself.

---

<sup>10</sup> GAR 152(1)

<sup>11</sup> GAR 154(8)

- [29] The starting point under the guidelines for a first offence involving cobalt is a four month suspension of licence. For meloxicam it is a fine of \$2000.
- [30] In *Kavanagh v Racing Victoria Limited (No. 2)*<sup>12</sup>, Garde J accepted the approach of Judge Williams in *McDonough v Harness Racing Victoria*<sup>13</sup> that, although there may be some degree of overlapping, prohibited substance presentation cases such as this generally fall into one of three categories.
- [31] The first category is where through investigation, admission or some other direct evidence, positive culpability is established on the part of the trainer or person responsible. The culpability involved may be in the class of deliberate wrongdoing, or it may be through ignorance or carelessness.
- [32] The second category, which is perhaps the most common, is where, at the conclusion of the evidence, the Panel is left in the position of having no real idea as to how the prohibited substance came to be in the animal concerned. This may be with the trainer proffering some explanation which the Panel is not prepared to accept, or the trainer may simply concede that he or she has no explanation.
- [33] The third category is where the trainer or other person charged provides an explanation which is accepted, and which demonstrates that the trainer has no culpability or limited culpability only. In such a case, general deterrence may not be a factor of great importance, and the penalty may fall at the lower end of the scale.
- This tripartite distinction referred to by Garde J has been adopted by the NSW Racing Appeals Panel in *Henly v Racing New South Wales*<sup>14</sup> and is not materially dissimilar to that suggested by Judge McGill in *Wallace v Queensland Racing*<sup>15</sup>.
- [34] In *McDonough and Harness Racing Victoria*<sup>16</sup> Judge Williams observed that it is for the trainer to carry the evidentiary onus of proving facts which serve to reduce the primary inference that would be drawn by the fact of the finding of a prohibited substance in an animal within his charge which has been brought to a racecourse. This proposition was referred to also by Judge Garde in *Kavanagh v Racing Victoria*.<sup>17</sup> who accepted that from the point of view of penalty, the onus is on the trainer to demonstrate that he or she lacked culpability because he or she did not administer the substance or was not otherwise responsible in any way for its administration<sup>18</sup>. If that can be established, then it may be an important or even significant mitigating factor.
- [35] The weight however, which attaches to any such evidence or explanation must be viewed in the context of the purpose and policy of the strict liability offence, which is to encourage greater

---

<sup>12</sup> *Kavanagh v Racing Victoria Limited (No. 2)*, 2018 VCAT 291

<sup>13</sup> *McDonough v Harness racing Victoria* [2008] VRAT 6 (24 June 2008)

<sup>14</sup> *Henly v Racing New South Wales New South Wales Racing Appeals Panel* 2 March 2020

<sup>15</sup> *Ibid* [69]

<sup>16</sup> *Ibid*

<sup>17</sup> *Ibid* [16]

<sup>18</sup> See also *Dagostino, Western Australian Racing Penalties Appeal Tribunal, Appeal No.831* 4 May 2020

vigilance in ensuring that no greyhound is brought to a track for the purpose of engaging in a race with a prohibited substance in its system. As the New South Wales Racing Panel observed in *Henley v Racing New South Wales*<sup>19</sup>:

*“Depending on the circumstances, evidence of strict procedures in place to prevent such an occurrence may be of significant weight. So also would evidence establishing that they prohibited substance was administered by someone unconnected with the trainer or stables and without the trainers knowledge. However, on its own evidence from the trainer that he or she is unable to say how or why the substance was administered is unlikely to be of weight.”*

[36] In the present case, although the Applicant provides an explanation in relation to the meloxicam matter<sup>20</sup>, he has been unable to explain the presence of cobalt in the urine sample taken from Sally Sunrise. At the Steward’s hearing, and again as we understand his submissions before this Panel, he has speculated that it may have been caused by the greyhound ingesting water in Bundaberg, or by chewing on the mesh of the kennel at the Bundaberg Racing Club or even by some supplement innocently supplied.

[37] The Applicant has presented no evidence to support those suggested explanations, which the stewards at the hearing found to be improbable. Dr Shawn Stanley is it eminently qualified scientist and pharmacological expert with extensive experience in the field of drug testing and analysis, particularly in relation to animals. He has provided an affidavit<sup>21</sup> in which he deposes:

*25. I have been informed by the Queensland Racing Integrity Commission that the Applicant has considered the water ingested by the greyhound in Bundaberg, the kibble or the mish in the kennel as a potential cause of the positive result.*

*26. I have been informed by the Queensland Racing Integrity Commission that the water, mesh and kibble “Royal Canin Professional Energy 4800” have not been analysed for their Cobalt concentration.*

*27. I disagree with the Applicant’s contention that the water or mesh could be the cause of the positive result for Cobalt at a level in excess of >200 nanograms per millilitre. My reasons are as follows:*

*a. The Cobalt concentration in sample 552452 was higher than the threshold stated under GAR 140(f), which was established using population data collected from animals that had ingested water in many different regions across Australia, and there is no evidence to show that the Bundaberg tank water could potentially explain this breach of the threshold.*

---

<sup>19</sup> Ibid [18]

<sup>20</sup> See Transcript of Steward’s hearing 3 July 2024, lines 369-390

<sup>21</sup> Affidavit of Dr Shawn Mark Ross Stanley affirmed 16 July 2024



*b. Metal used in the wire used to fabricate the mesh could contain minute traces of Cobalt, but I consider that it is improbable that there would be sufficient bioavailability from chewing the mesh to have a noticeable effect on Cobalt concentration in urine.*

*c. In the case of sample 552452, the result was above the highest confirmatory calibrator (20ng/ml) used to quantify the concentration in the urine sample. This sample therefore exceeded the highest point on the calibration range, and there is no explanation of how the various factors put forward by the Applicant could be considered as the potential cause(s) for such an elevated concentration being detected in sample 552462.*

28. I disagree with the Applicant's contention that the kibble, Royal Canin Professional Energy 4800, could be the cause of the positive result. My reasons are as follows: -

*a. The ingredients of "Royal Canin Professional Energy 4800" state that it includes additives including Vitamins A, D3, E, E1, E2, E4, E5, and E8.*

*b. Whiles I have no personal knowledge of the company or their quality assurance processes, I note that cobalt is not a listed ingredient, and it is either not added or it is present at only a negligible amount in the food.*

- [38] Beyond these matters, Dr Stanley has given evidence before the Panel that he considers it highly improbable that the cobalt reading in this case could be achieved naturally and he considered it would be an exceptional situation if it were above the proscribed level of 100 nanograms per millilitre. In this case the analysis indicates a reading of at least twice that level.
- [39] The result is that the Applicant has been unable to provide any cogent explanation as to how the cobalt, let alone cobalt at least twice the threshold level, was present in the greyhound's urine sample. Moreover, there is no indication that he has conducted any particular investigations to determine the source of the cobalt, or that he has, in the words of the penalty guidelines, "taken steps since the offence to ensure no similar breaches of the rules will occur in the future". The source of the contamination remains unknown.
- [40] In his outline of argument, the Applicant maintains his plea of "not guilty to knowing that cobalt was present when (he) presented Sally Sunrise to race at Bundaberg". As noted above, however, the presentation offence is one of strict liability and the Applicant's state of knowledge, save in relation to the issue of penalty as discussed above, is irrelevant to proof of the offence. Had he been aware of the presence of the substance, or had he administered it himself, the penalty would likely have been much greater.
- [41] To establish a presentation offence such as this it is not necessary to prove an administration or an intention on the part of the trainer to enhance the Greyhound's performance. It is also not necessary to show that a performance advantage was obtained. Other matters of which proof is not required are set out in GAR 152(3).

[42] As far as the nature and effects of cobalt are concerned, Doctor Stanley deposes as follows<sup>22</sup>:

*18. Cobalt is a prohibited substance as defined by GAR 137(a) of the Rules of Racing, because it is capable at any time of causing either directly or indirectly an action or effect, or both an action and effect, within one or more mammalian body systems under this rule.*

*19. Cobalt is a substance that has an action or effect, or both an action and effect, on the blood system through its ability to stimulate erythropoiesis (the formation of red blood cells).*

*20. Cobalt is capable of inducing hypoxia like responses, which are capable of inducing gene modulation at the hypoxia inducible factor pathway to increase erythropoietin expression and therefore its potential abuse as a blood doping agent must be controlled.*

*21. Under GAR 140(f) Cobalt is deemed a prohibited substance when the levels exceed a mass concentration limit of 100 nanograms per millilitre in a sample of urine taken from a greyhound.*

*22. GAR 140(f) does not differentiate between the organic and inorganic state of the element of Cobalt.*

[43] In his outline of argument, the Applicant maintains that he suffers from severe depression and anxiety and that he uses greyhound training as a coping mechanism. A suspension such as that imposed will likely impact on his health. He refers also to his commitment to his animals and to the care which he extends to his greyhounds. The Applicant has produced no medical evidence to support his claim, but the Panel is prepared to accept that he does suffer from some condition of anxiety and depression.

[44] His personal circumstances are a relevant consideration, although the weight that attaches to them must be assessed against the serious nature of an offence such as this and against the Applicant's background generally. General deterrence is a factor of obvious importance and so too is the issue of specific deterrence. The Applicant has five prior breaches of the presentation Rule since 2016. The two offences that are the subject of this Application occurred six weeks apart. Although he provides an explanation for the Meloxicam offence, that being the inadvertent administration by his daughter, it is an explanation which shows a lack of that level of care and attention to detail which might be expected of someone who carries the onerous obligation to the industry that is imposed by GAR 141.

[45] The Respondent has provided a list of cases that show penalties imposed in presentation offences involving cobalt. They have also provided a list of cases in which the drug meloxicam was involved<sup>23</sup>. Those lists of comparable cases will appear as an annexure to this decision.

[46] So far as cobalt is concerned, the cases demonstrate that the penalty imposed on the Applicant is comfortably within the penalty range when regard is had to all circumstances, including the Applicant's history.

---

<sup>22</sup> Affidavit of Dr Shawn Mark Ross Stanley affirmed on 16 July 2024

<sup>23</sup> Respondent Index Document 2. Letter to Julius Perrett 5 July 2024

[47] The fine imposed for the Meloxicam offence is also consistent with the range of penalties when regards add to the Applicant's disciplinary record.

[48] Specifically in relation to cobalt, Ms Ballard, who appears for the Respondent, has referred to the matter of Andrew Suli<sup>24</sup> in which a penalty of 12 months suspension, six months of which was suspended, was imposed for two presentation offences involving cobalt. Ms Ballard has also drawn the Panel's attention to the matter of *Hooper v the Queensland Racing Integrity Commission*<sup>25</sup> where Member Olling, citing the decision of Thomas J In *QRIC v Gilroy*<sup>26</sup> said:

*[94] Mr. Anderson, drew attention to the reasoning of Thomas J in the capacity of President of the Tribunal, sitting as the tribunal and quizzing integrity Commissioner Gilroy in a case involving a Greyhound trainer convicted of presenting two greyhounds with prohibited levels of cobalt. Knowing the facts set out in that case, Mr. Anderson submitted that a total disqualified period in the range of 80 to 36 months would be appropriate.*

*[95] Thomas J noted that a key consideration is to maintain the integrity of the industry as a whole. It could demonstrate to participants in the industry and the public that behaviour it breaches the rules will not be tolerated. This is consistent with the objects of the Act, which include to maintain public confidence in racing, ensure the integrity of all persons involved with racing and safeguard the welfare of animals involved in racing.*

*[96] Specifically in relation to cobalt the Appeals Tribunal in Gilroy also endorsed comments in David Crawford v Stewards of Greyhound Racing Victoria including it in relation to general deterrence, that a message needs to be sent to the trainers that the cobalt threshold must not be breached as it is not satisfactory, that performance enhancing substances are used, especially which may impact on the welfare of greyhounds. [Citations omitted]*

[49] Cobalt is said to be a naturally occurring trace element, a factor which may be accepted, and which provides the explanation for the threshold level set at 100 nanograms per millilitre of urine<sup>27</sup>. In the present case, the level of cobalt detected was at least twice the threshold limit. The evidence of Dr Stanley in relation to cobalt and its effects has been referred to above.<sup>28</sup>

[50] We have set these matters out in some detail, but it is the view of the Panel that the penalties which were imposed on the Applicant in this matter were appropriate. Indeed, given the comparative cases, a higher penalty may even have been justifiable in the circumstances.

[51] This Panel must form its own view of penalty however and having regard to the matters identified by the Applicant, in particular his health issues we consider that the penalty imposed is an appropriate one. The Application for Review did not formally include an application in respect of the meloxicam offence, but we are prepared to grant any leave necessary to allow amendment of the Application to include that matter. In the result, the determination of the Panel is that the racing decisions that are the subject of this Application are confirmed. The

---

<sup>24</sup> *Suli v Queensland Racing Integrity Commission* 2024 QCAT 149

<sup>25</sup> *Hooper v Queensland Racing Integrity Commission* 2017 QCAT 236

<sup>26</sup> *Queensland Racing Integrity Commission v Gilroy* 2016 QCATA 146

<sup>27</sup> *Ibid* Dagostino, [75]-[85] and Index Document No36 Fact Sheet 'Cobalt Use in Greyhounds'

<sup>28</sup> Affidavit of Dr Shawn Mark Ross Stanley affirmed on 16 July 2024 [18] – [22]

confirmation is made pursuant to section 252AH(1)(a) of the Act. The result is that there should be a period of four months suspension operative from midnight on the 17<sup>th</sup> of July 2024 and ending at midnight on the 16<sup>th</sup> of November 2024. The penalty in respect of Penalty Notice PN-010174 is also confirmed.

[racingappealspanel.qld.gov.au](http://racingappealspanel.qld.gov.au)

## RAP-100 Annexure

### Comparable Cases

<b>PENALTY PRECEDENTS RELIED ON BY STEWARDS FOR COBALT PRESENTATION OFFENCES</b>		
1.	Stewards' Report - Jacob Northfield	13.06.2024
2.	Stewards' Report – Nathan Lazarus	15.02.2024
3.	Stewards' Report – Chloe Bilal	18.10.2023
4.	Stewards' Report – Jeffrey Kuhl	22.06.2023
5.	Stewards' Report - Andrew Bobak	07.06.2023
6.	Stewards' Report - Phillip Sear	16.03.2023
7.	Stewards' Report – Gregory Stella	29.03.2023
8.	Stewards' Report – William Page	15.02.2023
9.	Stewards' Report – Claude Dacey	13.12.2022

<b>PENALTY PRECEDENTS RELIED ON BY STEWARDS FOR MELOXICAM PRESENTATION OFFENCES</b>		
1.	Stewards' Report – Mark Faulkner	19.06.2024
2.	Stewards' Report – Raymond Lee	15.05.2024
3.	Stewards' Report – Brian Lord	10.03.2024
4.	Stewards' Report – Sydney Swain	22.01.2024
5.	Stewards' Report – Daniel Lee	01.03.2021
6.	Stewards' Report – Michael Hickmott	26.06.2020