

RACING PENALTIES APPEAL TRIBUNAL DETERMINATION

<u>APPELLANTS:</u>	MR GRANT WILLIAMS AND MRS ALANA WILLIAMS
<u>APPLICATION NO:</u>	DMS01940/2026
<u>PANEL:</u>	MR ROBERT NASH (CHAIRPERSON) MR PHILLIP GLEESON (MEMBER) MS NATALIE SINTON (MEMBER)
<u>DATE OF HEARING:</u>	10 March 2026
<u>DATE OF DETERMINATION:</u>	18 August 2026

IN THE MATTER OF an appeal by GRANT WILLIAMS AND ALANA WILLIAMS against an order made by the Racing and Wagering Western Australia Stewards of Thoroughbred Racing suspending their training licences pursuant to Local Rule 22 of the Rules of Thoroughbred Racing

Mr Damian Sheals and Mr Bruce Grubb represented the Appellants.

Mr Konrad De Kerloy SC, Mr Patrick Considine and Mr Lachlan Baird represented the Racing and Wagering Western Australia Stewards of Thoroughbred Racing.

Introduction

1. The Appellants are registered trainers with RWWA.
2. By Notice of Appeal dated 5 February 2026, they appealed against an order of the RWWA Stewards (**Stewards**) suspending their training licences (**Suspension Order**) pending the determination of a charge against them under Australian Rule (**AR**) 240(2) of the Rules of Thoroughbred Racing (**Rules**). The Stewards imposed the Suspension Order pursuant to Local Rule (**LR**) 22.
3. On 16 February 2026, the Tribunal stayed the operation of the Suspension Order pending the determination of the Appeal.
4. The hearing of the Appeal took place on 10 March 2026.

Background and context

5. The Appellants are charged with having presented the gelding, STARRY HEIGHTS, to race in Race 8 at Kalgoorlie on 4 October 2025, being the 2025 Kalgoorlie Cup, with a prohibited substance in it, namely Ritalinic Acid, which is a metabolite of Ritalin which is a Schedule 8 drug, and is, accordingly, a Prohibited List A substance under the Rules. During the race, STARRY HEIGHTS had to be eased out in the final straight after suffering a catastrophic injury. The horse was euthanised. A postmortem blood sample (W195155) was taken. Ritalinic Acid was detected in the postmortem blood sample by the ChemCentre and was subsequently confirmed by Racing Analytical Services Ltd (**RASL**).
6. Ritalin (methylphenidate) is a controlled substance which is a central nervous system stimulant used primarily to treat ADHD in humans. It is a permanently banned substance under the Rules and has no prescribed equine use.
7. The analytical test results do not indicate the level of Ritalinic Acid, but merely its presence. There is no evidence as to whether the horse had a high, medium or low level of the substance in its system at the time the postmortem blood sample was taken.
8. When first interviewed on 30 December 2025 by Paul Criddle, RWWA Race Investigator, and Dr Judith Medd, RWWA Veterinarian, the Appellants denied having any knowledge of Ritalin and said they did not use it. The possibility of contamination was raised. The Appellants were not aware if any of their staff had been prescribed with Ritalin or suffered from ADHD. Mr Williams thought that a member of their staff may be on that medication, although she had not travelled with the horse to Kalgoorlie. Dr Medd indicated during the interview that Ritalin metabolises within a day.
9. The Appellants, in their interview with the investigators, advised that they had floated the horse with two others through the night and arrived at the Kalgoorlie Race Course at about 5:30 am where they placed the horses in the stables on course which could be accessed by others. They fed the horse (which had the same feed as the other two) and then left to check into their accommodation in Kalgoorlie. There was a period of time when they were not with the horse. The only two people who had a role of handling the horse on the day were Mr Williams and Robert Moralee (who was a member of their staff).
10. The staff member (who Mr Williams said may be prescribed with Ritalin) was interviewed by the investigators later on 30 December 2025 at the Appellants stables. She advised that she was on a number of medications (which she gave details of) but she was not taking a medication containing methylphenidate (Ritalin) nor had she been diagnosed with ADHD.

11. By letter dated 19 January 2026, the Stewards notified the Appellants of RASL's confirmatory analysis and advised that they were opening an inquiry in relation to the reported positive swab (**Inquiry**) to be conducted on 27 January 2026. The Stewards also referred to LR 22 and advised:

'As the matter is now subject of inquiry and given the seriousness of the circumstances, the Stewards have decided to act in accordance with LR 22 and have directed your licenses be suspended forthwith pending the outcome of the Stewards' inquiry. Under these circumstances you will not be permitted to nominate or present any horses to race.'

12. The Stewards advised that the basis for the decision to impose a suspension under LR 22 was:

- a) The serious nature of the circumstances and the need to maintain public confidence in racing in the best interests of the industry;
- b) The two certificates of analysis constituted prima facie evidence that the relevant sample contained a prohibited substance;
- c) AR 240(2) 'prescribed strict and absolute liability' to apply upon the detection of a 'Prohibited List A or B substance' in a sample taken from a horse;
- d) The investigation had not indicated any probable explanations for the presence of the detected substance that would 'mitigate against the application of LR 22';
- e) The nature of Ritalin being a known central nervous system stimulant primarily prescribed for ADHD in humans;
- f) The substance detected being a 'Prohibited List A substance' which 'are considered to be permanently banned'; and
- g) It would be detrimental to the best interests of racing to fail to invoke LR 22 'in circumstances where [the] matter relates to a substance which is one that is [a permanently banned substance]'.

13. The Stewards informed the Appellants that they would be afforded the:

'...option to present any written submissions regarding the application of LR 22 should [the Appellants] wish to do so, which will be considered at that time, however the suspension of your licence will continue to apply unless otherwise determined by the Stewards following such considerations.'

14. By letter dated 20 January 2026, the Appellants, through their solicitors Tudori Hager Grubb, provided submissions to the Stewards in which they submitted that the suspension should be lifted and raised the following matters relevant to the Suspension Order made under LR 22:

- a) The suspension will cause the Appellants financial hardship which is severe and disproportionate to the circumstances where there has been no findings or determinations yet made in the matter;

- b) The Appellants operated the largest and most successful racing stable in Western Australia with overheads of approximately \$400,000 per month and staff costs of approximately \$30,000 per week;
 - c) The suspension will affect not only the Appellants but would have a deleterious impact on the 15 employees and various suppliers of the Appellants stables;
 - d) The suspension will cause disruption to the training and racing programs for the 400 owners whose horses are trained by the Appellants;
 - e) The Stewards had been aware of the positive swab since 22 December 2025 and had not considered there was any immediate and urgent risk at that time justifying a suspension;
 - f) The Appellants denied any liability for the presence of Ritalinic Acid in the post mortem sample and intended to vigorously defend any charge that may be laid against them;
 - g) The matter will take some time to resolve and if the outcome is a finding of 'no impropriety' on the part of the Appellants, then the suspension will have caused them 'undue and prejudicial detrimental impacts that will be unable to be rectified...';
 - h) The Appellants had a good record in that there had been no findings ever made against them of having engaged 'in the knowing administration of prohibited substances.';
 - i) There had been other cases where the Stewards had not imposed a suspension under LR 22;
 - j) The public interest was best served by allowing the Appellants stable operations to continue so as to protect the ongoing employment of the employees and the 'livelihoods' of those dependent on the Appellants' business; and
 - k) It was open for the matter to potentially be dealt with by way of fine if the Appellants were later charged and convicted, as was the case in the decision in Tasmania in *Office of Racing Integrity v Trinder* (7 Dec 2025) where a licensed trainer who had admitted a breach of AR 240(2) for a positive post-race swab for Ritalinic Acid with the Stewards in that case imposing a fine of \$6,000, \$2000 of which was suspended.
15. By letter dated 23 January 2026, the Stewards responded by advising that they had considered the submissions made in the letter of 20 January 2026, and having done so, had 'decided that it is appropriate to act in accordance with LR 22 and direct your clients' licences be suspended until at least 5 pm on Tuesday 27 January 2026, being the first day of the inquiry.' Provided with that letter, were the Stewards' written reasons. The Stewards observed that the discretion to impose a suspension under LR 22 involved balancing the need to protect the interests of the racing industry, on the one hand, and the various interests and rights of licensed persons, on the other. The Stewards concluded that having balanced those considerations, they considered

the Appellants licences should be suspended until 27 January 2026 at which time the Appellants could make further submissions.

16. In their written reasons, the Stewards noted that they had not taken any steps to suspend the Appellants until they had received a confirmatory analysis from RASL, which constituted prima facie evidence of a positive swab. The Stewards emphasised that they had reached no conclusions and remained open minded as to the ultimate outcome on the Inquiry. The Stewards considered that it was not in the interests of racing for 'the continued and prolonged participation of a person that is subject to a serious investigation and inquiry.' The Stewards said at para [24]:

'To continue to race horses and win races within the context of being a person who has presented and won a race with a horse that was found to have a permanently banned substance present, without mitigating explanation, would not be in the Steward's view in the best interests of racing.'

The Inquiry on 27 January 2026

17. The Stewards Inquiry commenced on 27 January 2026. The Appellants were represented at the Inquiry by Mr Percy KC with the leave of the Stewards.
18. At the Inquiry, Dr Beckett from the ChemCentre, who is the team leader of the Racing Chemistry Program, gave evidence that the ChemCentre had not previously detected Ritalinic Acid in a swab. The analysis only tested for presence and there was no quantitative analysis undertaken. There had been no detection of the parent drug Ritalin, only its metabolite Ritalinic Acid.
19. Dr Kiely, a RWWA veterinarian, gave evidence that Ritalin acts on the central nervous system by increasing attention, reducing hyperactivity and impulsivity. She said Sports Australia has stated that it can have performance enhancing effects. It is not a drug used in horses. At T23, she said that if the metabolite is found, then the parent drug must have been present at some stage, although she conceded that it could potentially have been ingested as Ritalinic Acid if the horse had ingested (such as from grass) urine that had been excreted from a human. At T24, she said that Ritalinic Acid could remain in a horse's system for up to 72 hours.
20. Dr Kiely said, at T24, that the horse breaking down was unrelated to the presence of Ritalinic Acid.
21. At the Inquiry, Mr Percy said that the Appellants contended that the level of Ritalinic Acid detected was relevant to the probability of inadvertent contamination and said that if the Appellants were charged, they would call expert evidence to that effect. The Chairman, Mr Borovica, said at T45 that the Stewards had an open mind as to the significance of the level detected.

22. Mr Percy, at T47, referred the Stewards to the Tasmanian decision in *Office of Racing Integrity v Trinder* dated 7 December 2023 (**Trinder**) which was the only other known case in which Ritalinic Acid had been detected in a horse. In that case the penalty imposed was a \$6,000 fine.
23. Mr Borovica, at T47, invited further submissions as to whether the suspension under LR 22 should be continued. Mr Percy, at T48, argued that the suspension under LR 22 should be lifted. He referred to the fact that the decision in *Trinder* had not been referred to in the original decision to impose the suspension. He went on to make detailed submissions noting that at that stage there was no charge and no justification to rely on the protection of the racing industry given it was an exceptional one-off circumstance and there was nothing to suggest that the use of Ritalin was being used in the racing industry. He also submitted that since the Kalgoorlie Cup, the Appellants had had in the order of 150 starters with 25 wins all with clean swabs. He contended that the Appellants had an exemplary record in the industry, and submitted that the suspension was causing them and their employees serious financial hardship.
24. At T53, Mr Borovica advised that the Stewards would consider the submissions made and reconsider the suspension under LR 22 and advise the Appellants of their decision within two days given the urgency of the matter. The Inquiry was adjourned.

Stewards Decision following the Inquiry on 27 January 2026

25. By letter dated 29 January 2026, following the Inquiry hearing on 27 January 2026, the Stewards determined to charge the Appellants with a breach of AR 240(2) for presenting the horse to race with a prohibited substance in its system, namely Ritalinic Acid. In the letter, the Stewards expressed the view that they did not consider the 'unavailability of the level' of the prohibited substance to be a matter that would impact on the fairness to the Appellants in responding to the charge or making such submissions as they consider appropriate. The Stewards also noted that a presentation offence under AR 240(2) does not require the Stewards to make a finding as to how the substance came to be present in the horse's system, although such matters may inform the question of penalty.
26. The Stewards reconsidered the suspension under LR 22 in light of the evidence heard at the Inquiry and the submissions made on behalf of the Appellants by Mr Percy. In justifying the continued suspension of the Appellants under LR 22, the Stewards had regard to:
 - a) The nature of the charge under AR 240(2), being a presentation charge;
 - b) The nature of the substance, Ritalinic Acid, being a stimulant that affects the central nervous system;
 - c) The substance detected being an absolutely prohibited substance for use in horses at any time;

- d) The fact that the penalty imposed on trainers in most presentation cases in this jurisdiction has been disqualification; and
 - e) That the continued involvement of the Appellants in presenting horses to race whilst the charge was being dealt was not in the broader interests of preserving the interests and integrity of racing.
27. At page 6 of their letter of 29 January 2026, the Stewards stated that they remained open minded as to the mode of penalty should the Appellants ultimately be found guilty. In that regard the Stewards said:
- ‘This panel have not given any consideration to the matter of penalty with all modes of penalty open and to be determined should the matter proceed to that stage.’*
28. By email dated 2 February 2026, Mr Sheales of counsel, notified the Stewards that he had been briefed to represent the Appellants and requested various information and ‘data packs’ for the blood samples provided to the testing laboratories taken from the horse to provide to the Appellants’ expert.
29. By letter dated 6 February 2026, the Stewards responded to Mr Sheales’ email providing the information requested and agreeing to make available the data packs subject to the payment of fees charged by each of the laboratories for the same.
30. By letter dated 11 February 2026, from the Stewards to the Appellants’ solicitors, the Stewards advised that despite the Appeal to this Tribunal against the imposition of the suspension under LR22, the Stewards wished to progress with the determination of the charge under AR 240(2) by resuming the Inquiry at the earliest time. The Stewards proposed 1:00 pm on 3 March 2026 for the resumption of the matter and advised that the suspension under LR 22 would continue until that date.
31. As noted above, on 16 February 2026 this Tribunal stayed the operation of the Suspension Order under LR 22 pending the determination of the Appeal. The Appeal was heard on 10 March 2026, and this Tribunal reserved its decision.

Appellants’ Case to Date

32. The Appellants’ case to the Stewards, as presented so far, is that they have no knowledge as to how Ritalinic Acid came to be in the horse’s system. According to the Appellant’s counsel, they are seeking to have the blood sample data packs further tested with a view to potentially ascertaining the ‘timing and circumstances of the horse’s contact with the origin of the detected prohibited substance.’ [Email from D Sheales of Counsel to the Stewards dated 2 February 2026]

Appeal

33. By their Notice of Appeal dated 5 February 2026, the Appellants appeal against the imposition of the Suspension Order under LR 22.

34. In my view, the operative question is whether the Stewards have erred in continuing with the Suspension Order after having charged the Appellants under AR 240(2). It is unnecessary for the purposes of this Appeal to review the making of the Suspension Order prior to the Stewards' re-exercise of their discretion following the Inquiry on 27 January 2026 and subsequent decision to charge the Appellants.

Appeal Grounds 1, 2 and 3

35. There are 8 grounds of appeal advanced. The first three grounds, which occupied the vast majority of the time and focus of the Appeal hearing before the Tribunal, are as follows:

Ground 1: The Stewards failed at any time to identify the legal principles applicable to the exercise of discretion conferred upon them by LR 22 of the Rules. Resultantly, the Stewards' exercise of discretion conferred miscarried.

Ground 2: The Stewards misdirected themselves as to the applicable legal principles when purporting to exercise the discretion conferred upon them by LR 22 of the Rules. Resultantly, the Stewards exercise of the discretion miscarried.

Ground 3: The Stewards erred when, having determined to charge each of the Appellants after the oral hearing on 27 January 2026 with a breach of AR 240, misdirected themselves that by holding that *'We do not see that the issue of the charge has altered the suitability for LR 22 to be applied for all the persons previously set out which remain appropriate and applicable.'*

36. Grounds 1, 2 and 3 involve a consideration of the scope and breadth of the Stewards' discretionary power to impose a suspension on a trainer before a charge has been determined.

37. LR 22 is in the following terms:

'Pending the outcome of an inquiry, investigation or objection, or where a person has been charged with an offence, the Stewards may direct one or more of the following-

(a) that a horse shall not be nominated or compete in an event

(b) that the horses of certain connections shall not be nominated for or start in an event

(c) that a jockey shall not ride or otherwise take part in a race

(d) that a licence or any other type of authority or permission be suspended

(e) that no transfers effecting ownership and/or training, involving that person be effected'

38. AR 23 is in the following terms:

'Without limiting any other rules or Stewards' powers, if a person has been charged with a breach of the Rules or with the commission of an indictable criminal offence, and if the Stewards are of the opinion that the continued participation of that person in racing might pose an unacceptable risk of prejudicing the image, interests, integrity or welfare of racing, the Stewards may pending the hearing and determination of the charge:

(a) suspend any licence, registration, right or privilege, granted to that person under these Australian Rules;

(b) prevent any horse owned (or part-owned) or leased by that person from participating in any race or official trial;

(c) order that any registration of the transfer of ownership and/or training of a horse related to that person be prevented or suspended;

(d) make any other direction or order the Stewards think fit in the interests of racing.'

39. AR 1(1) provides:

'If there is any conflict or inconsistency between a rule contained in these Australian Rules and a Local Rule, to the extent of the conflict or inconsistency the provision of these Australian Rules will prevail.'

Principles of statutory construction

40. Statutory construction requires attention be given to the text, context and purpose of the statutory provision under consideration: *SZTAL v Minister for Immigration* [2017] HCA 34; *Mohammadi v Bethune* [2018] WASCA 98, [31] et seq.

41. The primary object of statutory construction is to construe the relevant provision so that it is consistent with the language and purpose of all the provisions of the statute: *Mohammadi v Bethune* at [32].

42. The material provisions of the Act must be understood, if possible, as parts of a coherent whole: *Mohammadi v Bethune* at [35].

43. Statutory texts are to be construed where they form part of a single legislative instrument, so far as possible, to operate in harmony and not in conflict; and the court should endeavour to produce a rational, sensible, efficient and just operation in preference to an inefficient, conflicting or unjust operation: *Mohammadi v Bethune* [36].

44. In *Project Blue Sky Inc v Australian Broadcasting Authority* [1998] HCA 28, McHugh, Gummow, Kirby and Hayne JJ said:

‘A legislative instrument must be construed on the prima facie basis that its provisions are intended to give effect to harmonious goals. Where conflict appears to arise from the language of particular provisions, the conflict must be alleviated, so far as possible, by adjusting the meaning of the competing provisions to achieve that result which will best give effect to the purpose and language of those provisions while maintaining the unity of all the statutory provisions. Reconciling conflicting provisions will often require the court ‘to determine which is the leading provision and which the subordinate provision, and which must give way to the other’. Only by determining the hierarchy of the provisions will it be possible in many cases to give each provision the meaning which best gives effect to its purpose and language while maintaining the unity of the statutory scheme.’
(footnotes omitted)

Consideration

45. When considering the power conferred to suspend a trainer charged with a breach of the Rules, LR 22 and AR 23 overlap in their operation. The opening words to AR 23 are that the Rule does not limit any other rules or powers conferred on the Stewards. AR 1 states that where there is a conflict between the Australian Rules and the Local Rules, the former will prevail. As a matter of statutory construction, the Tribunal’s task is to adopt a construction that is both harmonious and gives effect and meaning to the entirety of the statutory text.
46. LR 22 and AR 23 both have the object and purpose of protecting the image, interests, integrity and welfare of racing.
47. The more general provisions of LR 22 purport to confer a broad and unrestrained discretion on the Stewards. The more specific provision of AR 23, confers a discretion to suspend ‘if the Stewards are of the opinion that the continued participation of that person might pose an unacceptable risk of prejudicing the image, interests, integrity or welfare of racing..’ (my underlining).
48. The Stewards contend that the exercise of the discretion under LR 22 is not in any way curtailed or limited by AR 23, because AR 23 commences ‘Without limiting any other rules of Steward’s powers..’.
49. It is contended, at para 19 of the Stewards’ Submissions:
- ‘LR 22 is a broader protective power exercisable both pre-charge and post charge on the basis of balancing industry interests against the licensed person’s interests. AR 23 is a separate post-charge power exercisable on the ‘unacceptable risk’ standard...’*

50. It is a generally accepted principle of statutory interpretation that when a statute confers both a wide general power, not subject to limitations or qualifications, and a special power, which is subject to qualifications and limitations, the general power cannot be used to do that which is the subject of the specific power: *Anthony Horden & Sons Ltd v Amalgamated Clothing & Allied Trade Union of Australia* [1932] HCA 9, (1932) 47 CLR 1, at 7; *Food Preservers Union of Western Australia v The AFMEPKU (WA Branch) & Anor* [2001] WASCA 136 at [26].
51. The fact that AR 23 is expressed so as not to limit any other rules or Stewards' powers does not mean, in my view, that the principle referred to in *Anthony Horden* has no work to do in the construction exercise.
52. Even if the operation of LR 22 is not displaced by the operation of AR 23 once a trainer has been charged, in my view AR 23 still informs the approach to be adopted by the Stewards in exercising their discretion to suspend a trainer pending the determination of a charge.
53. A suspension of a licensed trainer can have very serious consequences for the individual involved, and in a case like this, impacts on the livelihood and capacity of the trainer to engage in his or her chosen vocation. One would expect that the exercise of a statutory power to suspend a trainer before a charge has been determined, will be reserved for exceptional circumstances where the continuation of the trainer's participation is plainly outweighed by the broader interests of the racing industry, such as where the continued participation of the trainer poses 'an unacceptable risk of prejudicing the image, interests, integrity or welfare of racing'.
54. The Appellant also referred to the decision in *Demmler v Harness Racing Appeals & Disciplinary Board* [2015] VCAT 248.
55. In *Demmler*, Judge Jenkins, Vice President of VCAT, was reviewing a suspension imposed under Rule 183 of the *Rules of Harness Racing 1958* (Victoria) which is materially in the same terms as LR 22.
56. It should be noted that under the *Racing Act 1958* (Victoria), the VCAT stands in the shoes of the decision maker when it reviews a decision and determines the matter *de novo*. Unlike this Tribunal, its function is not purely appellate.
57. I do not accept the submission of the Appellants that the decision in *Demmler* is binding on either the RWWA Stewards or this Tribunal unless satisfied it is plainly wrong. Although Rule 183 is in substantially the same terms as LR 22, the broader statutory context and framework are materially different.

58. That said, the decision in *Demmler* is still persuasive as to the approach that should be undertaken when considering whether a suspension order should be made under LR 22. Judge Jenkins considered circumstances reasonably similar to this case involving a positive swab for a prohibited substance. The Respondents to that appeal had argued that the suspension was an important mechanism to maintain the integrity of the harness racing industry.
59. Judge Jenkins considered there was no ‘compelling’ reason why the Appellant should be subject to a licence suspension which was of an indeterminate duration. One significant distinction is that in *Demmler*, when the suspension order was reviewed by the VCAT, the Appellant had not been charged. Despite that distinction, the decision supports adopting an approach that an indeterminate suspension should not, in the exercise of a broadly stated discretion, be imposed unless it is clear that the continuation of the trainer’s participation in the industry is plainly outweighed by the prejudice to the image, interests, integrity or welfare of the racing industry.
60. In my view, in order for the Rules to operate harmoniously and to give effect to the entirety of the statutory text, on a proper construction, when a person has been charged under the Rules, the exercise of the discretion conferred on the Stewards to suspend that person’s licence pending the determination of the charge, is to be undertaken consistently with the specific requirements of AR 23 unless there is some other compelling or exceptional reason to impose a suspension in the exercise of the more broadly expressed power in LR 22.
61. In this case, the Stewards did not expressly consider whether the Appellants continued participation in racing posed an unacceptable risk of prejudicing the image, interests, integrity, or welfare of racing pending the hearing and determination of the charge. Further, in my view the Stewards did not articulate any other compelling or exceptional reason to suspend the Appellants pending the determination of the charge.
62. I am satisfied that the Stewards erred in exercising their discretion to impose a suspension on the Appellants under LR 22 by not having regard to:
- a) The need to be satisfied that the Appellants’ continued participation posed an unacceptable risk of prejudicing the image, interests, integrity, or welfare of racing; or
 - b) That there were other compelling or exceptional reasons for suspending the Appellants.

Sections 36 and 45 of the *Racing and Wagering Act 2003* (WA)

63. I am not persuaded that anything in sections 36 and 45 of the *Racing and Wagering Act 2003* (WA), require a different approach to construction of the Rules to that undertaken above. It is to be noted that LR 4 expressly requires that the Australian Rules of Racing and the Local Rules of Racing be read and construed together, and in combination they constitute *The RWWA Rules of Thoroughbred Racing*.

Disposition

64. For the above reasons, I am satisfied that the gravamen of Appeal grounds 1, 2 and 3 are made out and on that basis, I would allow the Appeal and set aside the Suspension Order pending the determination of the charge by the Stewards.
65. Given the Appeal has been allowed in respect of grounds 1, 2 and 3, it is unnecessary to consider the remaining grounds of Appeal.

Orders

66. I make the following orders.
1. The Appeal is allowed.
 2. The Suspension Order made by the Stewards pending the determination of the charge is set aside.
 3. The parties have liberty to apply for any consequential further orders or directions.



ROBERT NASH, CHAIRPERSON



RACING PENALTIES APPEAL TRIBUNAL
REASONS FOR THE DETERMINATION OF
MR PHILLIP GLEESON (MEMBER)

APPELLANTS:

**MR GRANT WILLIAMS AND
MRS ALANA WILLIAMS**

APPLICATION NO:

DMS01940/2026

PANEL:

**MR ROBERT NASH (CHAIRPERSON)
MR PHILLIP GLEESON (MEMBER)
MS NATALIE SINTON (MEMBER)**

DATE OF HEARING:

10 March 2026

DATE OF DETERMINATION:

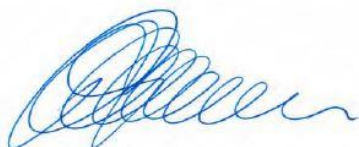
18 August 2026

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Mr Damian Sheals and Mr Bruce Grubb represented the Appellants.

Mr Konrad De Kerloy SC, Mr Patrick Considine and Mr Lachlan Baird represented the Racing and Wagering Western Australia Stewards of Thoroughbred Racing.

1. I have read the draft reasons of Chairperson, Mr Nash.
2. I agree with those reasons and conclusions and have nothing further to add.



PHILLIP GLEESON, MEMBER



RACING PENALTIES APPEAL TRIBUNAL
REASONS FOR THE DETERMINATION OF
MS NATALIE SINTON (MEMBER)

APPELLANTS:

**MR GRANT WILLIAMS AND
MRS ALANA WILLIAMS**

APPLICATION NO:

DMS01940/2026

PANEL:

**MR ROBERT NASH (CHAIRPERSON)
MR PHILLIP GLEESON (MEMBER)
MS NATALIE SINTON (MEMBER)**

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1. I have read the draft reasons of Chairperson, Mr Nash.
2. I agree with those reasons and conclusions and have nothing further to add.



NATALIE SINTON, MEMBER

