

DECISION

Racing Integrity Act 2016, section 252AB

Review application number	RAP-27	
Name	Jeffrey Kuhl	
Panel	Mr Peter O'Neill (Acting Chairperson) Mr John McCoy OAM (Panel Member) Ms Juanita Maiden (Panel Member)	
Code	Greyhounds	
Rule	Greyhounds Australasia Rule 141(1)(a) The owner, trainer or other person in charge of a greyhound: (a) nominated to compete in an Event; must present the greyhound free of any prohibited substance.	
Penalty Notice number	PN-008279	
Appearances & Representation	Applicant	Self Represented
	Respondent	Anna Rettke
Hearing Date	29 June 2023	
Decision Date	29 June 2023	
Decision <i>(delivered ex tempore)</i>	Application refused. Pursuant to 252AH(1)(a) the Racing decision is confirmed.	

Reasons for Decision

- [1] The Applicant in this review, Mr Jeffrey Kuhl is a licensed greyhound trainer who has a kennel in Rockhampton where he trains eight greyhounds.
- [2] On 29 March 2023 Mr Kuhl as the trainer of the greyhounds Canary Wharf and Double Espresso presented both greyhounds to compete in Races 12 and 9 respectively at the Rockhampton Greyhound Racing Club.
- [3] Urine samples collected from the greyhounds on 29 March 2023 were subsequently analysed and Certificates of Analysis confirmed that a prohibited substance being cobalt was detected at a level above the threshold limited of 100 nanograms per millilitre in the urine samples.
- [4] Rule 141(1)(a) of the Greyhound Australasia Rules¹ relevantly provides that the owner, trainer or other person in charge of a greyhound:
- (a) nominated to compete in an Event;
- ... must present the *greyhound* free of any *prohibited substance*.
- [5] A Stewards' Inquiry was held on 22 June 2023 and the Stewards ultimately determined to impose a suspension of the Applicant's licence for a period of six months.
- [6] On 27 June 2023 the Applicant lodged a Form 1, Application for Review with the Queensland Racing Appeals Panel.
- [7] In the Application for Review the Applicant outlined the following grounds for review:
- The amount of cobalt (sic) found in urine test is present because it could of (sic) been in the meat or possibly eggs. I've since altered my feeding process and am confident it won't happen again, I'd appreciate a review on the punishment as I don't feel its directly my fault and I'd like to continue racing.*
- [8] In the Application for Review the Applicant also sought a stay of the Steward's decision to suspend his licence for six months.
- [9] On 29 June 2023 a hearing was conducted to consider the Applicant's application for a stay.
- [10] At the outset of the hearing the Applicant was advised that the three elements he had to establish in order to succeed in his application for a stay were that:
- (a) there is a good arguable case;
 - (b) the applicant will be disadvantaged if the stay is not granted; and
 - (c) the balance of convenience favours the granting of the stay.²
- [11] In the course of the Panel's discussion with the Applicant, it became apparent that his concern related to a direction he understood had been made by the Stewards that he had to remove or dispose of his greyhounds from his kennel within ten days.
- [12] The Panel clarified with the Applicant that in the audio recording of the Stewards' Inquiry he was informed that he could care for the greyhounds in his care by feeding them and watering them and exercising them at his property, but that he could not train the greyhounds for racing.

¹ Effective 1 May 2022.

² *Day v Humphrey*, [2017] QCA 104 per Morrison JA at [5] and [6].

- [13] In the course of the stay application the Applicant confirmed that he did not intend to challenge the imposition of a six-month suspension and that his only concern was to have time to make other arrangements for the greyhounds. This was particularly the case in relation to three greyhounds in his possession that he was training for other owners.
- [14] The hearing of the stay application was stood down to allow the representatives from the Queensland Racing Integrity Commission to seek some instructions regarding the issue of whether the Applicant was in fact directed to remove the greyhounds from his kennel within ten days.
- [15] When the hearing resumed the Respondent's representative confirmed that the Applicant was able to retain possession of the greyhounds and to provide appropriate care for them in the form of feeding them, watering them and exercising them, however, given the suspension of his licence he was not allowed to train the greyhounds for racing or to present them to race.
- [16] The Panel confirmed with the Applicant his earlier information that he did not intend to challenge the imposition of the six-month suspension of his licence.
- [17] In relation to the stay application, the Panel was not satisfied the Applicant had established either that he had a good arguable case, or that he would be disadvantaged by the maintenance of the suspension order given the information provided by the Respondent as referred to in paragraph [15] above.
- [18] The Panel therefore ordered that the application for a stay would be dismissed.
- [19] Given the Applicant had confirmed on two occasions that he did not intend to challenge the imposition of a six-month suspension of his licence the Panel also ordered that the substantive review application in RAP-27 also be dismissed.