

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-153	
Name	Ronald Ball	
Panel	Mr K J O'Brien AM (Chairperson) Mr J McCoy OAM (Panel Member) Ms J Maiden (Panel Member)	
Code	Greyhounds	
Rule	Greyhound Australasia Rules GAR 178(3)(f) <i>Effect of disqualification, suspension, warning off or being declared a defaulter</i> <i>(3) Unless a Controlling Body orders otherwise, a person who is disqualified, warned-off or declared a defaulter is not:</i> <i>(f) to enter or go to or remain on, at any time, any place where greyhounds are bred, whelped, handled, reared, broken in, kept or housed, educated, pre-trained, trained or raced.</i>	
Penalty Notice number	PN-011641	
Appearances & Representation	Applicant	Self-Represented
	Respondent	A Turner - Queensland Racing Integrity Commission
Hearing Date	26 June 2025	
Decision Date	8 July 2025	
Decision	Pursuant to 252AH(1)(c) the Racing Decision is set aside & and a decision that no charge be laid be substituted	

Case References

Ball v Queensland All Codes Racing Industry Board [2017] QCAT 72

Introduction

- [1] Mr Ronald Ball, the Applicant in this matter, seeks a review of a decision made by Stewards on 5 June 2025 when he was found guilty of a breach of Greyhound Australasia Rule 178(3)(f).
- [2] That rule provides that unless a controlling body orders otherwise, a person who is disqualified, warned off, or declared a defaulter is not to enter or go to or remain on, at any time, any place where greyhounds are bred, whelped, handled, reared, broken in, kept or housed, educated, pre-trained, trained or raced.
- [3] The breaching incident alleged had occurred on 9 October 2022 during a period when the Applicant was the subject of a warning-off order. The consequence for him was the invocation by Stewards of GAR 179, which saw the penalty which attached to the warning off order recommenced from the date of the breaching offence, that is, from 9 October 2022.
- [4] The Applicant seeks relief from this Panel contending that the penalty is unjust and excessive and citing the time which has elapsed since the offence against GAR 178(3)(f). He also questions the Respondent's jurisdiction to deal with him as it did as he was neither disqualified nor licenced at the relevant time.

Background

- [5] In order to properly understand these arguments, it is necessary to make some detailed reference to the background to the matter and the allegations levelled against the Applicant.
- [6] Following an inquiry conducted by Racing Queensland Stewards on 18 March 2015, the Queensland All Codes Racing Industry Board determined on 26 May 2015 that the Applicant had breached certain provisions of the Greyhound Australasian Rules. As a consequence, he was warned off for life from all Queensland greyhound racecourses. He appealed that decision and on 3 March 2016, the Queensland Racing Disciplinary Board varied the decision by reducing the period for which he was to be warned off to 10 years. He next appealed to the Queensland Civil and Administrative Appeals Tribunal (QCAT), which delivered its decision on 3 March 2017¹. That appeal was successful in some limited respects, but the ultimate outcome was that the 10 year warning off penalty was maintained. The Tribunal ordered that that penalty was to commence from the date of the original decision, that being 26 May 2015.
- [7] The next incident of significance occurred on 9 October 2022 and involved the Applicant's partner Ms Serena Lawrence.
- [8] Ms Lawrence was a licenced trainer, breeder, and owner of greyhounds. Some five and a half years after the QCAT decision, on 9 October 2022, an incident occurred at her kennels which led ultimately to the present hearing. On that date the Applicant had attended her property and was there said to have been involved in "handling" of greyhounds.²
- [9] As a result of that incident Ms Lawrence was charged with an offence against GAR 156(x) which prohibits a registered person, or person associated with greyhound racing, from associating with a disqualified or warned off person for the purposes of greyhound racing. The specific allegation was that she had associated with Mr Ball at her registered kennel, where he "handled multiple greyhounds

¹ *Ball v Queensland All Codes Racing Industry Board* [2017] QCAT 72

² Applicant's Index to Documents-Documents #2 Penalty Notice PN-011641

and conducted kennel clearing duties in and around the kennelling area”³. On the 21 October 2022, Ms Lawrence pleaded guilty to the charge and received a licence disqualification of 18 months.

- [10] In the determination of penalty for Ms Lawrence, the Stewards had regard, inter alia, to her “forthright evidence and cooperation throughout the inquiry” and her “explanation as to why she was associating with a warned off person for the purposes of greyhound racing together with her personal circumstances”⁴ That explanation, accepted by the stewards, was that this was a one-off incident which had occurred because of her illness- *“I had been crook, I had no help, I had no choice”*⁵ In summary, it is clear⁶ that the Stewards took into account not only Ms Lawrence’s medical condition, but also her unsuccessful attempts to obtain alternative assistance with her greyhounds on that day and the unavailability of her usual helpers.⁷
- [11] Importantly, although the proceedings described above were commenced against Ms Lawrence, no such proceedings were commenced against the Applicant. Nor was he given any indication that such proceedings were ever likely to be commenced.
- [12] The Applicant clearly holds strong views about the merits of his original conviction, although those views, which were properly explored during his past appeal process, are not matters that concern this Panel. Of relevance however is that on 25 February 2024 he wrote to the Respondent protesting the way in which he had been treated in the original matters and claiming, in effect, that he had been denied natural justice. He noted that “(his) inquiry had ended and that (he) had until May 2025 until (his) disqualification will be lifted”. In that same communication, he complained about the manner in which his partner had been treated by Stewards when they came to her property on 9 October 2022⁸.
- [13] On 19 April 2024, the Respondent replied to the Applicant’s communication, advising that his complaint in respect of the Steward’s treatment of his partner had been fully investigated “and appropriate actions have been taken by (the) Chief Steward of Greyhounds”. The Applicant was also told that his inquiry had concluded and, importantly for present purposes, that he “will be eligible to reapply to be licenced in May 2025”.
- [14] Considered in the context of the Applicant’s letter of 25 February, we accept that the reference to “inquiry” in the Respondent’s reply is a reference to the Applicant’s original 2015 charges. However, importantly, the communication from the Respondent makes no mention of any proceeding being

³ Respondent’s Index of Documents, document #6 Steward’s Report

⁴ Respondent’s Index to Documents Document #6- Steward’s Report

⁵ Respondent’s Index to Documents Document #6- Internal Review Decision Serena Lawrence p.5

⁶ Supra at P 9

⁷ The Internal Reviewer, unlike the Stewards, seems to have concluded that the Applicants presence on this occasion was not a “one-off” occurrence. However, no evidence is identified to support that finding beyond what is called “additional information” that Ms Lawrence kept her greyhounds on property of which the present Applicant was said to be a part owner. That “information” does not only not support or justify the conclusion that was drawn but is at odds with other evidence cited before the Reviewer that the Applicant had “refrained from entering the kennels...for seven years since he was disqualified” and the statement by Ms Lawrence to Stewards 9 October 2022 that this was the only occasion that Applicant had provided assistance. The treatment of Ms Lawrence forms no part of this Review and the Reviewer’s findings in her case are not determinative of any issue here. However, those Reviewer’s findings, having been tendered by the Respondent, form part of the material and, as part of his Application (Document 5), the Applicant refers to the assumption “that I had been residing at that residence when in fact I was living elsewhere” Ms Lawrence’s appeal resulted in her suspension being increased from 18 months to three years. Part of the reason for the increase was the finding by the Reviewer that “the association of 9 October 2022 was not an isolated incident”. Aside from the apparent want of evidence in that regard, it would appear that Ms Lawrence may have received additional penalty for conduct which was never the subject of any charge. Whether that is in fact so however, is not a matter that requires any final determination by this Panel.

⁸ See Applicant’s Index of Documents, document #3 and Respondent’s Index of Documents, document #12

commenced or even likely to be commenced against the Applicant in respect of the incident of October 2022. Indeed the letter, in expressly stating that he would be eligible to reapply to be relicensed in May 2025, would indicate that there were no such proceedings being considered. The clear message conveyed by the Respondent was that no impediment now existed to the Applicant seeking to have his licence renewed when his warning off period expired in May 2025.

- [15] In due course, the Applicant's warning off period ended on 25 May 2025. Believing, with some justification, that he could then reapply to have his licence reinstated, he made inquiries with the Respondent's Licencing Department, and was informed that he could make his application on 27 May 2025⁹.
- [16] On 28 May 2025, the Applicant received a telephone communication and a letter from the Respondent advising that "an outstanding inquiry is required to be resolved". The inquiry was said to relate to the incident of October 2022, and the Applicant was informed that it would take place two days later on 30 May 2025. This was the first occasion, now two and a half years after the relevant incident and the inquiry involving Ms Lawrence, that the Applicant had heard any mention of an inquiry into his conduct on that day.
- [17] The hearing proceeded on 30 May 2025 with the Applicant appearing by telephone link. It occupied about thirty-seven minutes,¹⁰ with the Applicant being informed that the Stewards would contact him on the following Monday as they "took time to assess what (they) had in front of (them)".
- [18] Acting then with a level of haste unseen for the past two and a half years, Stewards advised the Applicant by letter on 5 June 2025 that they were "satisfied to proceed with their inquiry and consider the evidence related to the alleged breach of GAR 179". They make reference to GAR 178(3)(f) before stating that "having considered all relevant evidence", they "have determined to invoke the provisions of GAR 179 and deem (the Applicant's) penalty to recommence from 9 October 2022 and finish on 9 October 2032".
- [19] GAR 179 provides:

Where person breaches rule 178 the period of penalty imposed on the disqualified or warned off person is automatically deemed to be recommenced as from the most recent date of that breach and the person may be subject to further penalty.

The effect of the Stewards' determination was to make the original 10-year warning off period recommence as from 5 October 2022.

- [20] The Applicant is 83 years of age¹¹, but presumably he will be eligible to reapply for his trainer's licence on 10 October 2032 when he will be almost 94 years old.
- [21] Nowhere in their communication of 5 June 2025 do the Stewards expressly state that the Applicant has been found guilty of a breach of GAR 178(3)(f), although so much may be inferred from the observation in the penultimate paragraph of their communication that GAR 179 "also provides for a further penalty to be considered". Generously the Stewards took into account "the circumstances of the breach and the already significant penalty automatically imposed" through GAR 179 and determined not to impose any additional penalty.

⁹ Applicant's Index of Documents, document #5 and Transcript of Stewards' Hearing line 265

¹⁰ The times recorded are 11:35 am-12:05 pm and 12:26 pm- 12:33 pm

¹¹ Respondent's Index to Documents Document #2-Date of Birth 5/01/1942

The incident of 9 October 2022

- [22] The Applicant's account of the events of 9 October 2022, which has not been the subject of dispute or challenge, and in respect of which he has remained consistent, is set out in an annexure to his Notice of Application as follows¹²:

My Partner Serena Lawrance has had an irregular heartbeat (arrhythmia) since she has been 19 years old, she is now 60 years of age, it is a condition that you basically must learn to live with and handle yourself, even though at times it can be hard and extremely stressful. I also suffer from the same condition which is connected to the electrical side of the heart. Serena has a very slow heart rate which causes the heart to pump harder. Certain conditions like lack of sleep and stress also play a part and can put added pressure on the body and cause the Fibrillations (muscles of the heart beating hard fast and erratically) which then can bring on dizziness, lightheadedness which can result in passing out. This was how Serena was feeling on the day I attended the property; she was at home on the property by herself. By the time I arrived on the property Serena had attended to all the registered dogs and was no longer able to attend to the remaining unregistered / retired dogs, these animals were in a separate area to the racing dogs. I hosed out the kennels which housed these animals, this was the extent of what I did whilst at the property. I was at no time training any registered dogs as per the accusations made by visiting stewards.

The Stewards on arrival at the property rang Serina to inform her of their presence at the front gate and advised that they wished to do a kennel inspection. Serena informed the stewards that she was unwell and in bed, and that they would have to wait while she changed. The front gate was locked, and she had to go down to give them access. They asked her if anyone else was on the property with her, where she admitted to the stewards that yes, her partner me Ron Ball was there. Ryan Jackson one of the stewards then rang the "Chief Steward" Mr. Wade Hadley who said that he would than contact Serena soon with information regarding a steward's enquiry which was held a few days later. Serena received 18 months disqualification she appealed the decision at QCAT where she lost the appeal and the representative for QRIC suggested another 12 months be added to her already 18 months bringing this to 30 months in total, this was because they didn't realize that my name was also on the deeds to the property where Serena resided. Without any further evidence they just assumed that I had been residing at that residence when in fact I was living elsewhere...I was never contacted at any time by QRIC regarding my being on the property, there was also no communications regarding this matter. I was not asked to attend Serena's enquiry to give evidence, and I was never informed by QRIC that I have breached any rules regarding my disqualification... It has been over 2 and one half years since I allegedly breached any rules, if the stewards believed that I had done so why had they not held an enqiiry before now..."

- [23] This account was substantially repeated by the Applicant in his evidence before a Stewards' Inquiry conducted on 30 May 2025 where he said:¹³:

¹² Applicant's Index of Documents, document #5

¹³ Transcript of Stewards' Hearing lines 111-153

Well, we've never ever lied to the stewards about me being in there. Due to the circumstances and how things settled into place on that day, there was no one else for Serena to call to, to come for help. I wasn't going to leave my partner on her own when she was having problems with her head, which she's had for a long time. It makes her feel dizzy and passing out. It was a one-time thing...we've never lied to the stewards... she told them the reason why she was there. I got a phone call from me neighbour to say, listen, I seen Serena leaning up against the fence and she didn't look right. So, I went over, and I said to her, Serena, are you okay? She said, no, I feel funny in the head, and she said, I think me ticker's going. She has a fibrillation. She said, I can't finish these off, can you get in contact with Ronny and tell him what's happening. So, she did, and I went straight up there. I had no hesitation, but disqualification of me and coming onto the property never entered my head. Never entered my head, because she was crook. I know how she used to get – [clears throat] pardon me – how she used to get when she had these attacks. So that's the reason I come up here. I just grabbed her, and I said, down to the house. Come down to the house, I'll finish off. She had about half a dozen dogs, a couple of injured ones, a couple of brood bitches, and I think there was a couple of racers.

- [24] The Applicant was asked if there had been other prior occasions when he was required to render similar assistance. He responded:¹⁴

No, I haven't because we had people that used to come and help. On that day, on the day that she took crook, it was the Ipswich Puppy Auction was on in Capalaba. The people that normally you could ring for help, well, some of them were at the auction and some had dogs in Capalaba. So, she had no body to help her, and you can't just go and get anybody off the street to come and say, here, do the dogs, because they're not that easy to bloody handle

- [25] The Applicant's account is consistent with the account given by Ms Lawrence at her inquiry in October 2022 and it is one maintained by the Applicant in his email communication of 25 February 2024 where he refers to his partner's illness and her distress being witnessed by a neighbour who contacted him and advised him of the situation- *"I innately and immediately went to Serena's. I escorted (her) back to the house and continued to attend to the greyhounds"*¹⁵
- [26] As indicated above, the Account provided by the Applicant of the events of 9 October 2022 remains unchallenged. He maintained throughout that this was the only occasion on which he had been to the property and questions the motivation for the belated inquiry- *"I apply for a licence, and this coincidentally comes to light"*¹⁶ ... *"this is just discrimination...it's funny how it comes up when I'm applying for this, all of a sudden you find this out"*¹⁷

The Rules

- [27] GAR 179¹⁸ appears as part of Division 3 of Part 10 of the Greyhound Racing Rules. Part 10 is headed Disciplinary Process and Penalties and Division 3 is concerned with Penalties. GAR 178 deals with the effect of a disqualification, suspension, warning off or defaulter declaration and the prohibitions that attach to such penalty orders. GAR 179 does not itself create an offence, it is a rule applicable where a

¹⁴ Transcript of Steward's Hearing Lines 195-201

¹⁵ Applicant's list of Documents-Documents-Document #3

¹⁶ Transcript of Steward's Hearing Line 265

¹⁷ Supra Lines 311-313

¹⁸ See Para [19] above

breach of GAR 178 is established. The Rule is clear in its terms. The reference to “the period of penalty imposed “ can only be a reference to the penalty originally imposed on the person as being the penalty which must recommence at the most recent date of breach. The Rule leaves no scope for discretionary application. However, the operation of the Rule is predicated on there being a breach of GAR 178. It is only if such a breach is established that the Rule can apply.

[28] Division 1 of Part 10 of the Rules , under the heading “disciplinary matters”, deals with the Conduct of Inquiries and is comprised entirely of GAR 169. GAR 169(1) provides that a Controlling Body or the Stewards may regulate their own procedure at an inquiry or other disciplinary process and are not bound by formal rules of evidence. They may inform themselves in any manner they think fit. GAR 169(2) provides for the recording of inquiry hearings and the preparation and retention of transcripts of those recordings.

[29] GAR 169(3) and (4) then provide as follows:

(3) A Controlling Body or the Stewards may do any one or more of the following in relation to an inquiry or other disciplinary process:

(a) adjourn the inquiry or other disciplinary process from time to time and from place to place;

(b) determine that no charge should be laid;

(c) lay a charge;

(d) dismiss a charge;

(e) order the refund of any prize money paid; and

(f) reprimand persons involved in the inquiry or other disciplinary process.

(4) In considering the subject matter of an inquiry or other disciplinary process, a Controlling Body or the Stewards must have regard to:

(a) the character and antecedents of a person charged;

(b) the nature of a breach and circumstances in which it was committed, in particular, the seriousness of the breach and any negligence, intent, recklessness, or indifference of the person charged;

(c) whether the person has denied or admitted the charge.

[30] GAR 170 appears in Division 2 of Part 10 of the Rules and makes further provision concerning the conduct of inquiries or other disciplinary processes. Of particular relevance for present purposes is GAR 170(3) which mandates that “the conduct of an inquiry or other disciplinary process pursuant to the Rules must be in accordance with Rule 169”.

Discussion

[31] The effect of these Rules is that, in conducting an inquiry, Stewards must have regard to the matters set out in both GAR 169(3) and GAR 169(4). The decision to “lay a charge” is but one of the options provided for in GAR 169(3), it is not an inevitable outcome of an inquiry or other disciplinary process. It is merely a potential outcome dependent upon a consideration of the matters set out in GAR169(4). If a

charge is laid, and if a person is found guilty of an offence, then Stewards “may as they think fit “penalise that person in accordance with GAR 174.

- [32] Following the hearing on 30 May 2025 the next step taken by Stewards was to advise the Applicant by letter dated 5 June 2025 that they were “satisfied to proceed forward with their inquiry and consider the evidence related to the breach of GAR 179 - penalty to be recommenced after breach.” They refer to GAR 179 and GAR 178(3)(f) before saying that having “considered all relevant evidence (they) had determined to invoke the provisions of GAR 179 and to deem his penalty to recommence from 9 October 2022.”
- [33] There are some concerning aspects of the procedure that has been adopted by the Stewards in this case. Firstly, contrary to the requirement of the Rules, it does not appear that any consideration was given to any of the potential outcomes referred to in GAR 169(3). Secondly, and perhaps more importantly, nowhere does it appear that any consideration was given to the matters required by GAR 169(4). Indeed, it does not appear that any charge was ever formally levelled against the Applicant. Both the letter of 28 May 2025 and the so called “Penalty Finding letter” of 5 June 2025 make reference to a breach of GAR179, a provision which, as noted, is not an offence creating provision. At no stage was the Applicant given the opportunity to enter a plea to any charge and at no stage was he ever given the opportunity to make submissions in relation to that charge. This process might be contrasted with that involving Ms Lawrence in 2022¹⁹. In her case, after considering all the evidence the Stewards issued a specific charge to which she entered a plea of guilty and in respect of which she was given the opportunity to make submissions. No such procedure was followed with the Applicant. It appears clear that the Stewards simply proceeded to the determination of guilt without further reference to the Applicant and without regard to the mandatory requirements of GAR 169.
- [34] These, in the Panel's view, are most serious omissions, particularly when considered against the background of delay identified above. This hearing took place two and half years after the incident to which it is said to relate. No credible explanation is given for that delay. The Respondent's submission²⁰ that “the period of inactivity in progressing the matter was due to the Stewards not being able to contact the Applicant” is completely without foundation. There is not a scintilla of evidence to suggest that the Respondent made any effort to progress any inquiry or that the Applicant was for any reason uncontactable during that time. Indeed, the evidence suggests the contrary to have been the case as the Respondent was clearly aware of his contact details at least in April 2024.
- [35] The Steward's letter of 28 May 2025²¹ made reference to “an outstanding inquiry” that required resolution. At best, this statement should be seen as misleading. If there was an inquiry underway or intended involving the Applicant, then clearly it would have occurred in 2022 at or about the same time as the inquiry involving Ms Lawrence. Moreover, the Respondent's communication of April 2024²² makes no mention of any outstanding issues that might impact on a licence renewal application in May 2025. The Respondent was clearly aware of his contact details, yet it is not until the Applicant contacts the Respondent to activate the renewal process that an inquiry is for the first time mentioned and then hastily convened. The Stewards conducting the inquiry claim to have been unaware that the Applicant had renewed his licence application, but it is not possible to believe, given the history of this matter, that they were unaware of his entitlement to make such an application. The Panel is not able to accept

¹⁹ Respondent's Index to Documents Document #6 Stewards Report Sarina Lawrence

²⁰ Respondent's Outline of Submissions, paragraph 18

²¹ See Para [16] above

²² See Para [14] above

that these events are simply matters of mere coincidence. The Applicant is no less entitled to procedural fairness than is any other individual.

- [36] The Applicant's contention throughout is that he has been the subject of a determined attitude on the part of the Respondent to ensure that he is not able to obtain or reapply for a trainer's licence. There is much in the background of this matter which lends support to that belief on his part.
- [37] In the Panel's view the proceedings at the Stewards' Inquiry were fundamentally flawed. The Applicant was never given the opportunity to present argument in relation to any of the options set out in GAR 169(3), let alone to respond to any properly formulated charge. He was afforded no opportunity to respond by way of plea, or to make any submissions in relation to penalty. Having conducted a hearing, the Stewards simply proceeded to invoke GAR 179. They have not turned their mind, as they were bound to do by GAR 170(3), to the options set out in GAR 169(3) or to the mandatory considerations clearly set out in GAR 169(4).

Disposition

- [38] With regard to GAR 169(4)(b), it is clear that the Rule breach the subject of the inquiry fell at the very lower end of the scale of seriousness for any breach of GAR 178. This was not a case involving any deliberate breach or wilful flouting of the Rules. It was a "one off" incident. The undisputed circumstances of the offence alleged are set out above. They do not display the level of "negligence, intent, recklessness, or indifference" referred to in GAR 169(4)(b) that can easily be imagined for such a breach. The mitigating circumstances explaining the Applicant's conduct are not the subject of challenge. In relation to other aspects of GAR 169(4), the Applicant has cooperated fully with the inquiry and there is no suggestion that he has been less than completely honest. His antecedents do of course display the offences of 2014 which led to the warning off penalty. That offending is not to be condoned, but he has now completed the penalty judged to be appropriate for that conduct and it should not of itself necessarily be regarded as a determinative consideration for the purposes of GAR 169(3). No other adverse feature of his character or antecedents has been identified. There has been significant delay involved in this case through no fault on the Applicant's part. There is no suggestion of any relevant disreputable conduct by him during that time.
- [39] The Panel considers that when proper regard is had to these considerations the Applicant's conduct does not warrant the laying of a charge. In our view the appropriate course is to proceed as permitted by GAR 169(3)(b) and direct that no charge should be laid.
- [40] It should be understood that this Application is concerned expressly with the incident of October 2022 and the related inquiry in 2025, not with the conduct for which the Applicant was dealt with in 2015. Any application the Applicant may make in the future for the renewal of his licence becomes a matter for the licencing authorities. It is not a matter for the determination of this Panel.
- [41] It follows for these reasons that the Panel considers that this application should be allowed. The decision subject of the application should be set aside and a determination that no charge be laid substituted.

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