

**RACING PENALTIES APPEAL TRIBUNAL DETERMINATION**

**APPELLANTS:** MR GRANT WILLIAMS AND  
MRS ALANA WILLIAMS

**APPLICATION NO:** DMS01940/2026

**PANEL:** MR ROBERT NASH  
(CHAIRPERSON)

**DATE OF DETERMINATION:** 16 FEBRUARY 2026

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

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**Introduction**

1. The Appellants are registered trainers with RWWA. They have filed a Notice of Appeal dated 5 February 2026 with the Tribunal seeking to overturn an order of the Stewards suspending their training licenses (**Suspension Order**) pending the determination of a charge against them under Rule 240(2) of the Rules of Thoroughbred Racing (**Rules**). The Stewards imposed the Suspension Order pursuant to Local Rule 22.
2. Pending the determination of the Appeal to the Tribunal, which is to be listed for 10 March 2026, the Appellants have also sought a stay of the operation of the Suspension Order.

**Jurisdiction and relevant legal principles**

3. There is no issue that the Chairperson of the Tribunal has power under s. 17(7) of the *Racing Penalties (Appeals) Act 1990 (Act)* to stay the Suspension Order pending the determination of the Appeal.

4. As a preliminary matter, the Appellants have challenged as ultra vires the validity of the Tribunal's Practice Direction which issued in August 1993 (**Practice Direction**) that provides directions for how the Tribunal will ordinarily approach applications for a stay. The challenge is based on the misconception that the Practice Direction is delegated legislation which it is not. The Practice Direction is a guide. It has no legislative effect and is not binding on the Tribunal or on parties who come before the Tribunal.
5. As noted in the Practice Direction, s.17(7) of the Act gives the Chairperson of the Tribunal a largely unfettered discretion to grant a stay.
6. I acknowledge the guidance provided by the Victorian Court of Appeal in *Maund v Racing Victoria Limited & Anor* [2015] VSCA 276, [33] to [39], from which I distil, relevantly for the purposes of this application, the following general principles to be applied in exercising the power to grant a stay:
  - a. an appellant has the onus of showing there are special or exceptional circumstances that exist which justify a stay being granted;
  - b. there is a wide discretion which is not circumscribed by rigid rules;
  - c. regard must be had to whether there is a risk that the appeal will be rendered nugatory if a stay is not granted; and
  - d. there should at least be an arguable appeal, but speculation as to the ultimate prospects of success is usually not appropriate.
7. The above approach is substantially consistent with historical decisions of the Supreme Court of Western Australia dealing with applications for judicial review/*certiorari* in relation to appeals from this Tribunal (when they were allowed), where the Court was first required to determine whether to grant an order *nisi* and whether the penalty/determination under review ought to be stayed pending the final hearing. In *Stampalia v The Stewards of the Western Australian Trotting Association & Anor* [1999] WASC 7, Owen J observed at [8], that the degree of satisfaction that must be reached before an order *nisi* on a prerogative writ was made was relatively low. If the Court was satisfied on a perusal of the material that the appeal was arguable, then the order *nisi* should issue. In relation to the grant of a stay pending the final hearing, Owen J said at [11]:

*'I think the test can be formulated in this way: has the applicant demonstrated that there are special circumstances sufficient to satisfy the court that it is just and reasonable to order a stay so as to preserve the subject-matter and integrity of the litigation? This formulation is sufficiently broad to encompass factors that would normally be taken into account in considering the balance of convenience.'*
8. It seems to me that references to a 'serious question' in some formulations of the relevant principles are essentially analogous to showing that there is an 'arguable appeal'.

## Background and context

9. 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 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 was taken. Ritalinic Acid was detected in the postmortem blood sample by the ChemCentre and was confirmed by the RASL.
10. Ritalinic Acid is a metabolite of the human medication, Ritalin (methylphenidate), 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.
11. The analytical test results do not indicate the level of Ritalinic Acid detected, 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.
12. 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]
13. 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), being presenting the horse to race with a prohibited substance in its system. By their 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.
14. In their letter, the Stewards also noted that a presentation offence under AR 240(2) does not require them 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.
15. It is apparent from their letter of 29 January 2026, that the Stewards had regard to:
  - a. the nature of a presentation charge,
  - b. the nature of the substance, Ritalinic Acid, being 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;

in justifying the continued suspension of the Appellants under Local Rule 22.

16. In both their letter of 29 January 2026 and in their submissions to the Tribunal, the Stewards have emphasised that they remain open minded both as to liability and, should it come to pass, the form of any penalty that may be imposed. It is noteworthy that there are no West Australian precedents dealing with Ritalinic Acid, and the only case in Australia that has been brought to the Tribunal's attention is the Tasmanian decision in *Office of Racing Integrity v Trinder* dated 7 December 2023, where a fine of \$6,000 was imposed in respect of a breach of AR 240 (2) after Ritalinic Acid was detected in a post-race sample.

### **Arguable Appeal**

17. The Appellants advance eight grounds of appeal. Although I have serious reservations about a number of them, I am presently prepared to accept that some of the grounds do raise an arguable appeal or a serious question to be tried.

18. One of the Appellants' contentions is that the Stewards in imposing the suspension, had not applied the correct legal test (Grounds 1 and 2). One aspect of what is contended is that Local Rule 22 is inconsistent with AR 23, and by virtue of AR 1(1), the criteria set out in AR 23 should have been applied.

19. Leaving aside whether Local Rule 22 is inconsistent with AR 23 when dealing with imposing suspensions before a charge issues, there does seem to be a serious question raised as to whether (after a charge has issued):

- a. the scope and operation of Local Rule 22 is in any way constrained or effectively displaced by AR23;
- b. the Stewards should have considered and applied the test set out AR 23, rather than under Local Rule 22;
- c. the Stewards were required to specifically consider whether the continued participation of the Appellants posed 'an unacceptable risk of prejudicing the image, interests, integrity or welfare of racing' before they could impose a suspension of the Appellants' trainer's licenses; and
- d. the Stewards did in fact apply the above test.

## **Risk of appeal being rendered nugatory**

20. The Appellants have provided evidence on affidavit setting out their financial circumstances and the impact the Suspension Order is having on them. [Affidavit of Grant Williams sworn 10 February 2026]
21. The Appellants operate in partnership a substantial training establishment with operating overheads in the order of \$4.9M per annum of which \$2.5M are fixed overheads. Their sole source of income is derived from their vocation as racehorse trainers and they do not have any separate sources of income.
22. The Appellants employ 18 persons of which 6 have already been 'let go', since their trainer's licenses were suspended.
23. In his affidavit of 10 February 2026, Grant Williams deposes:
  - a. at paragraph 7.10(e), that the business is currently operating at a loss of \$264,000 per month; and
  - b. if the suspension continues, the business will 'suffer catastrophic financial losses and will be in great difficulty' and that he expects that 'Alana and I will likely have to sell our homes in an attempt to meet the business's debts as and when they fall due.'
24. On the evidence that has been put before the Tribunal, I accept that the Suspension Order is having a very substantial financial impact on the Appellants which has already affected the employment of a number of their staff. I infer that situation will get worse the longer the Suspension Order runs.
25. The appeal is to be listed before the full bench of the Tribunal on 10 March 2026. It would be most unfortunate if the Appellants were to suffer irreparable further financial damage in the meantime from which they may not be able to entirely recover thereby potentially rendering any success in the appeal nugatory.

## **Conclusions and orders**

26. I am satisfied that:
  - a. there are at least some arguable appeal points contained within the grounds of appeal, although this view is very tentative and should not be taken as any indication as to how the full bench of the Tribunal will assess and deal with the appeal when it is heard on 10 March 2026;
  - b. that the potential for the Appellants to suffer irreparable damage from which they may not be able to recover should the appeal be successful, may render any success in the appeal as nugatory and accordingly there are special and exceptional circumstances in this case; and
  - c. the balance of convenience, in my view, justifies the grant of a stay.

27. Accordingly, the following directions and orders are made:

1. Pursuant to s. 17(7) of the Act, the Tribunal directs that the RWWA Stewards' order under Local Rule 22 suspending the Appellants' training licenses be stayed until 4.00 pm on 10 March 2026; and
2. There be liberty to all parties to this appeal to apply during the period of the stay to seek its discharge or an extension of it.



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**ROBERT NASH, CHAIRPERSON**

