

**RACING PENALTIES APPEAL TRIBUNAL DETERMINATION**

**APPELLANTS:** MS EMILY QUARTERMAINE

**APPLICATION NO:** 25/3843

**PANEL:** MR PHILLIP GLEESON  
(PRESIDING MEMBER)  
MS KELLY ZHANG (MEMBER)  
MR BENJAMIN WILLESEE (MEMBER)

**DATE OF HEARING:** 1 July 2025

**DATE OF DETERMINATION:** 27 February 2026

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**IN THE MATTER OF an appeal by EMILY QUARTERMAINE against a determination made by the Racing and Wagering Western Australia Stewards of Thoroughbred Racing (Stewards) on 3 June 2025 to impose a six-month disqualification for breach of Rule AR 232(b) of the Rules of Thoroughbred Racing (Rules)**

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Ms Emily Quartermaine appeared in person.

Ms Venetia Bennett appeared for the Racing and Wagering Western Australia Stewards of Thoroughbred Racing.

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**Background**

1. Ms Emily Quartermaine is a licensed Track Rider and Stable Hand.
2. On 28 August 2024 Ms Quartermaine made a complaint to the Department of Primary Industries and Regional Development (DPIRD). The complaint related to the welfare of horses kept at a thoroughbred horse agistment property named Roselee Park located at 2690 South West Highway in Serpentine.
3. Roselee Park is owned and operated by Tracey Rodwell.
4. In that complaint Ms Quartermaine conveyed very specific concerns related to
  - a. underweight horses,
  - b. dangerous items/materials in the paddocks,

- c. unsuitable drinking water,
  - d. lack of shelter and
  - e. an outbreak of equine herpes.
5. Mr Leon Couper is a Senior Livestock Compliance Animal Welfare Inspector at DPIRD. Mr Couper referred the complaint submitted by Ms Quartermaine to Mr Tony Walton, Senior Investigator, Racing and Wagering, Western Australia (RWWA).
6. On 30 August 2024, in response to the complaint, RWWA directed Veterinarian Caroline McMullen and a compliance team to inspect Roselee Park in Serpentine.
7. After about a one-hour visit to Roselee Park on 30 August 2024 veterinarian Caroline McMullen emailed Mr Tony Walton and concluded:

*“Having attended the property, made observations about the property, general husbandry observed, and the current condition of the horses kept there, I have no concerns regarding the welfare of the horses under the care and management of ROSELEE PARK, SERPENTINE, WA 6125”*
8. Also on 30 August 2024, RWWA received a separate complaint from the owners of Roselee Park concerning statements which had been published that day on a social media page by a user named Shirley Smith. Specifically, the statements had been published within a discussion group titled Horse Advice & Discussion WA (the Shirley Smith post)
9. The Shirley Smith post stated:

*“Passing on information. I have been informed by multiple sources that there has been a equine herpes outbreak at the stud Roselee park in serpentine (sic). This is a reportable virus that can effect any horse, as it causes respiratory infection. The danger of this virus is it causes pregnant mares to abort foals. Everyone should check their horses for symptoms and quarantine immediately and, have you vet test and follow the bio security measures if you have recently gotten a horse from this property. I’ve been told the property owner was trying to keep it hush hush.”*
10. RWWA Senior Investigator Mr Tony Walton prepared a report into each complaint for the benefit of the Stewards (**Exhibit 2**).
11. Mr Walton’s report was sent to Ms Quartermaine by letter on 9 October 2024. The letter also informed Ms Quartermaine that the Stewards were opening an investigation into the findings of Mr Walton.
12. Ms Quartermaine was directed to attend the inquiry for the purpose of responding to the matters raised within Mr Walton’s report and to present any evidence or witnesses that she might consider would assist the inquiry. Ms Quartermaine was also given ample opportunity to direct questions to Mr Walton and veterinarian Ms Caroline McMullen and other witnesses.
13. The Stewards’ Inquiry convened initially on 2 December 2024 but continued further on 30 January 2025, 27 February 2025 and 31 March 2025. It was a detailed inquiry that was adjourned on two occasions to allow further investigation of matters raised by Ms Quartermaine during that inquiry.

14. The conclusion of the Stewards at the end of their inquiry was that Ms Quartermaine was guilty of a single breach of AR228(a) and two breaches of AR229(1)(a).
15. By letter dated 10 April 2025 the Stewards imposed the following penalties:
16. Charge 1 (**AR 229(1)(a)**) - \$2,000 fine.
  - a. Charge 2 (**AR 229(1)(a)**) – six-month disqualification.
  - b. Charge 3 (**AR 228(a)**) – six-month disqualification.
17. The periods of disqualification were ordered to be served concurrently.
18. By Notice of Appeal dated 11 April 2025, the Appellant appealed to this Tribunal against her conviction and her penalties. Ms Quartermaine’s appeal was heard on 1 July 2025.

### **Appeals to RPAT**

19. Section 11 of the Racing Penalties (Appeals) Act 1990 (WA) deals with proceedings before the Racing Penalties Appeal Tribunal of Western Australia (the Tribunal).
20. A presiding member is granted a discretion, if they consider it proper, to admit other evidence at an appeal before the Tribunal, but the primary role of the Tribunal is to determine appeals upon the evidence at the original hearing when the Stewards findings and decision was made: s 11(3) of the Racing Penalties (Appeals) Act 1990 (WA).
21. An appeal to the Tribunal is a rehearing. Consequently, if Ms Quartermaine is to succeed in her appeal, she is required to demonstrate that, having regard to all the evidence now before the Tribunal, the decision of the Stewards subject to her appeal is the result of some legal, factual or discretionary error: *Allesche v Maunz* (2000) 203 CLR 172 at 180-1 [23]

### **The Charges**

22. Rule **AR 228(a)** states

*A person must not engage in:*

*(a) conduct prejudicial to the image, interests, integrity, or welfare of racing, whether or not that conduct takes place within a racecourse or elsewhere;*

23. **AR 229 (1)(a)** states

*A person must not:*

*(a) engage in any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing.*

24. In regards Charge 1, the Stewards provided to Ms Quartermaine the following particulars:

*“The particulars of the charge being that you Ms Emily Quartermaine, a track rider licensed with RWWA, did on or about 28 August 2024 engage in an improper action in connection with racing by falsely reporting to the Department of Primary Industries and Regional Development (DPIRD) allegations that were not based on reasonable grounds that, in relation to the property of licensed trainer Ms T Rodwell, there were underweight horses,*

*dangerous items/materials in the paddocks, unsuitable drinking water, lack of shelter and a reported outbreak of equine herpes.”*

25. In regards to Charges 2 and 3, the Stewards provided to Ms Quartermaine the following particulars:

*The particulars of the charge being that you Ms Emily Quartermaine, a licensed trackwork rider, did at 7.25am on 30 August 2024, post under the name “Shirley Smith” to the Facebook group “Horse Advice & Discussion WA” statements which were false and not based on reasonable grounds, stating*

- a. *that, in relation to the property Roselee Park and the horses on that property, there has been an outbreak of equine herpes; and*
- b. *that the property owner, was attempting to conceal the outbreak or otherwise keep it secret*

26. Because of the reasons that follow, we are not persuaded that the Stewards were in error in their findings and have concluded that the appeal should be dismissed.

### **Determination of this Appeal**

27. We do not interpret Ms Quartermaine’s submissions to the Stewards or to this Tribunal as being founded upon allegations of breach of procedural fairness. There was no suggestion from Ms Quartermaine that the charges were imprecise, or vague, or misunderstood by her, nor that she was denied opportunity to participate in the inquiry process or lacked opportunities to put matters in her defence to the Stewards.
28. Ms Quartermaine admitted to making the DPIRD complaint. However, both before the Stewards and again before this Tribunal, Ms Quartermaine challenged the Stewards’ findings that she had no reasonable grounds to make the relevant complaint that she did.
29. In regards the Facebook post, Ms Quartermaine denied being the author of the Shirley Smith post. In her submission to the Stewards and to this Tribunal she advanced the case that the actual author of the post in question was an acquaintance of hers named Tania Stons.
30. The Stewards correctly identified the standard of proof necessary to determine the issues before them, namely the approach identified by the High Court in ***Briginshaw v Briginshaw***<sup>1</sup> (***Briginshaw***). The applicable standard of proof is the balance of probabilities, but having regard to the seriousness of the allegations there exists the proviso that the evidence must produce a reasonable state of satisfaction in the Stewards’ minds that the allegations are made out.
31. The Stewards rightly directed themselves to the ***Briginshaw*** standard in their reasons. We find no evidence within the Stewards’ determination of the charges that they have misunderstood the relevant standard of proof which must be met.
32. The onus then on this Tribunal is to consider whether the Stewards neglected to apply that standard.

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<sup>1</sup> ***Briginshaw v Briginshaw*** [1938] HCA 34; (1938) 60 CLR 336

## The Authorship of the Shirley Smith post

33. Ms Quartermaine denied being the author of the Shirley Smith Facebook post, dated 30 August 2025 to both the Stewards and this Tribunal. We will address this issue first, as the finding by the Stewards that Ms Quartermaine was probably the author of this post, is an important part of the total matrix of information that assisted the Stewards to reach a finding that the DPIRD complaint was without reasonable basis. It is a pivotal finding which informs the entire determination of the charges.
34. In her defence before the Stewards, Ms Quartermaine tendered:
  - a. Photographs of a handwritten letter (the handwritten letter) dated 18 January 2025 purportedly signed by Tania Stons (**Exhibit 8**) and
  - b. An email from the address [tstons49@gmail.com](mailto:tstons49@gmail.com) addressed to Mr Denis Borovica and dated 21 February 2025 which itself attaches a typed yet unsigned letter (the typed letter) purportedly from Tania Stons. (**Exhibit 13**).
35. The handwritten letter asserts that Tania Stons is the creator of the Shirley Smith Facebook profile. It implies but does not directly assert that Tania Stons published the Shirley Smith post of 30 August 2025. The statement raises other issues about Ms Stons' motivation for creating the profile and how Ms Stons feels Ms Quartermaine is being treated by other participants in the thoroughbred industry. Matters which are contextual, but not directly relevant.
36. In the typed letter the author expresses grievance and directs alarm toward the Stewards that they might be contemplating a finding that Ms Quartermaine was responsible for the Shirley Smith Facebook profile. The typed letter similarly does not directly assert that Tania Stons was the author of the Shirley Smith post.
37. Ms Quartermaine did not call Ms Tania Stons to give evidence before the Stewards to verify authorship of these letters and hence Ms Stons was not available to receive and respond to questions or testify to the truth of their contents.
38. Before the Tribunal Ms Quartermaine sought leave to rely upon and introduce into evidence, a statutory declaration made at Armadale on 26 June 2025, by a Tania Ann Stons who resides at 242 Centenary Road in North Boyanup, and a copy of whose driver's license appears as Annexure 5 to that declaration.
39. The Tribunal granted Ms Quartermaine leave to rely upon the statutory declaration. The statutory declaration complies with the formalities required under the Oaths, Affidavits and Statutory Declarations Act 2005 and so it can be concluded, prima facie that it is a statement which has been duly made by Ms Stons. We find that Ms Tania Stons has declared the statement.
40. As for the earlier letters, the truth of the contents of the statement remains untested, as Ms Stons was not called to give testimony.
41. We find that Ms Quartermaine, when appearing before the Stewards, understood the potential importance of having Ms Stons appear to give evidence. On occasions

Ms Quartermaine described that Ms Stons' absence was caused by difficulty in having her attend to appear before the Stewards, but on other occasions she indicated an element of forensic discretion played a role. For example, this exchange before the Stewards at RWWA Transcript page 65:

**CHAIRMAN:** The reason I say is she a friend of yours, or not, you're sitting here today facing a Stewards inquiry of a report that you've created a fake profile and did this and that and you're saying this friend of yours is pretending to be you and [indistinct], and what, she doesn't want to come here and give evidence on your behalf?

**QUARTERMAINE:** Well, to be honest, Ms Borovica, I do somewhat feel it irrelevant anyway. There's not enough significant evidence really to prove that that profile belongs to me. There's more substantiating evidence to prove it's not. If I was charged-

42. And subsequently at RWWA Transcript page 66:

**CHAIRMAN:** So you're saying you're not going to look to bring Ms Stons-

**QUARTERMAINE:** Well, if it went further, obviously, like I said, if this was something that became a Supreme Court matter or something, I would obviously subpoena-

**CHAIRMAN:** It's a long way from the Supreme Court-

**QUARTERMAINE:** Well, of course. But if I was charged over this I would definitely subpoena her forward.

**CHAIRMAN:** Just so we can be clear, subpoena is not something that applies in Stewards' matters.

**QUARTERMAINE:** No, it doesn't. But you can appeal an inquiry.

**CHAIRMAN:** If we were to lay a charge in relation to this aspect of things.

**QUARTERMAINE:** Yes.

**CHAIRMAN:** And then you would have the opportunity to bring forward whatever evidence you want, before this forum.

**QUARTERMAINE:** Exactly. Yes. But, as I said, I felt that-

**CHAIRMAN:** Ms Stons would effectively, according to you, be admitting to the very charge that might be heading in your direction?

**QUARTERMAINE:** Well, if you can, she's not a licenced person. I believe she's entitled to say whatever she does so please. And that would be up to-

**CHAIRMAN:** I'm not so sure about that. And the reason I say that is the Rules of Racing apply to anyone who's bound to them and people can become bound to the Rules of Racing in different ways. Licensing is one way-

43. In the statutory declaration Tani Stons states

*“I (Tania Stons) (a)m responsible for the Shirley Smith Profile it was created sometime in early July 2024. The purpose of creating this Profile was to screenshot and collect information regarding false and slanderous posts being made on social media against Emily where my other profile had been blocked.”*

44. Ms Stons declares that she posted many different things from this profile on many different horse groups. The declaration concerns itself mostly with providing details of the concurrent personal and industry disputes and conflicts that were engulfing Ms Quartermaine’s life in June/July/August of 2024.

45. Those conflicts are not entirely extraneous to the issues at hand in the Appeal. They provide context for the events that have unfolded, and which underpin the charges. We acknowledge that there is a very real emotional and behavioural impact which interpersonal conflict can have on an individual. Nonetheless, their description by Ms Stons within this statutory declaration does not appear germane to the issue of authorship of the particular Facebook post.

46. Importantly, we do not consider that Ms Stons directly admits, within the statutory declaration, to being the publishing author on 30 August 2024 of the Facebook post in question published within the discussion group titled **Horse Advice & Discussion WA**.

47. Consequently, we have not been greatly assisted by the statutory declaration of Ms Tania Ann Stons, and we do not consider that it advances Ms Quartermaine’s submission further than documents previously tendered by her to the Stewards. We have remarked upon the deficiencies of each of those earlier documents.

48. We are conscious that we ought not approach this review and exercise of discretion ‘with an eye keenly attuned to the perception of error’ nor be concerned with looseness of language or unhappy phrasing.<sup>2</sup>

49. We are persuaded by Respondents’ submissions (see particularly paragraphs 37 – 42) that in the context of an investigative hearing where Stewards had the benefit of observing Ms Quartermaine over many days and hearing from witnesses in person that the Stewards were best placed to weigh and evaluate the evidence before them.

50. When we consider:

- a. the contextual history of the interpersonal conflicts;
- b. the timing and contents of the Shirley Smith post;
- c. the absence of Ms Stons giving clear direct evidence that she authored the Shirley Smith post;
- d. the absence of independent evidence as to industry rumours of equine herpes;

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<sup>2</sup> **Minister for Immigration and Ethnic Affairs v Wu Shan Liang** (1996) 185 CLR 259, 271 - 272 (Brennan CJ, Toohey, McHugh & Gummow JJ); **Hancock Prospecting Pty Ltd v Wright Prospecting Pty Ltd** [2023] WASCA 88 at [11]

- e. the timing of and nature of the friend requests from the Shirley Smith account;
- f. the exchange between that account and Ms Jasmine Bagatella;
- g. the subsequent requests to Ms Bagatella to delete certain communications;
- h. the proximity and similarity of the post to the DPIRD complaint,

we are satisfied that it was open to the Stewards to conclude to the required level of satisfaction (***Briginshaw*** standard) that Ms Quartermaine probably authored the Facebook post in question which was published within the discussion group titled ***Horse Advice & Discussion WA***.

### **The DPIRD Complaint**

- 51. There is an obvious tension when dealing with issues of this nature. A tension acknowledged by the Stewards in the determination of the charges.
- 52. There should be a low barrier to persons wishing to report what they consider to be poor animal welfare. There is significant social utility in persons being able to report freely such matters to relevant authorities without fear of being unduly judged or punished.
- 53. On the other hand, it would be detrimental to thoroughbred racing if persons improperly reported such matters with impunity. It is important to the image of the thoroughbred racing industry that penalties exist for improper complaints lest there be “tit for tat” complaints about fellow industry participants for motives ulterior to animal welfare.
- 54. Before the Stewards, Ms Quartermaine submitted that her complaint to DPIRD had been prompted by the fact that she had received what she had described as “*alarming information*” about animal welfare which had come to her “*a couple of weeks prior to July 31st, 2024.*”<sup>3</sup>
- 55. Ms Quartermaine maintains that she is a person that is concerned about animal welfare. There were no submissions made by the Stewards, nor any findings made, to the contrary. This Tribunal accepts that Ms Quartermaine is a person with concerns about animal welfare.
- 56. The information about Roselee Park, it was submitted by Ms Quartermaine, had not come to her directly by her own observations, as she had been prevented from entering the premises at Roselee Park at that time. The information had come to her indirectly from another person in the industry.
- 57. The allegations contained within Ms Quartermaine’s 28 August 2024 complaint to DPIRD were not made out on the veterinary evidence to RWWA. The Stewards rightly confirmed in their determination that this fact itself was insufficient to carry a charge.
- 58. The Stewards went on to conclude that, when the evidence was looked at in its entirety, there was sufficient evidence before them to find that Ms Quartermaine’s complaints to DPIRD had been without reasonable foundation.

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<sup>3</sup> RWWA TS page 20

59. What can be seen within the determination of the charges is that the Steward's placed weight on the totality of the evidence before it. The Stewards evaluated the following:

**The context of an antecedent dispute**

- a. Ms Quartermaine was effectively in a standoff with the owners of Roselee Park over access to certain horses. The further report of Mr Tony Walton and its annexures labelled **Exhibit 7** before the Stewards includes a helpful timeline. The report and the timeline describe the atmosphere of conflict between Ms Quartermaine and the Rodwells which arose after certain horses had been conveyed to Roselee Park by Ms Quartermaine's ex-partner Mr Vaughn Sigley. Ms Quartermaine and Mr Sigley had earlier in 2024 ended their relationship.

**The contradictory evidence of the source of the welfare concerns**

- b. In Ms Quartermaine's original complaint to DPIRD as to how she had acquired the information of concern about Roselee Park she stated that a *"friend of one of the horse owners on the property has gone onto the property and found these issues."* When pressed for this person's name she stated *"I think his name is Vivo and I will look at getting the number for you"*
- c. Mr Tony Walton identified the persons who had attended Roselee Park that Ms Quartermaine was referring to was Vito Mijal-Pasa, who had attended Roselee Park with Indianna Weinert, at the request of Mark Southgate. Each of Ms Weinert and Mr Mijal-Pasa confirmed to the RWWA investigator that in fact their visit to Roselee Park yielded nothing of concern. Consequently, there was no evidence before the Stewards to suggest that Vito Mijal-Pasa had reported to Mark Southgate of animal welfare issues and a suspicion of an equine herpes outbreak at Roselee Park.
- d. Ms Quartermaine had attempted to submit to the Stewards and to this Tribunal that she knew these welfare concerns for horses at Roselee Park were speculative, or just rumours which she had heard, but that she reasonably thought they should nonetheless be raised with officials.
- e. The specificity of her complaint to DPIRD and the specificity of the quoted source of her information (i.e. Vivo (sic) having gone onto the property and found the issues) was at complete odds with the findings of Mr Walton. Mr Walton found that Vito Mijal-Pasa had indeed attended the property but found no such animal health concerns.
- f. Ms Quartermaine's explanation of this discrepancy was not persuasive to the Stewards nor am I persuaded. During the Stewards' inquiry Ms Quartermaine conceded that the information had in fact come to her from a person named Mark Southgate, a person she stated she trusted (RWWA Transcript 21). Yet when confronted with the obvious contradiction between her information and Mr Walton's findings Ms Quartermaine concedes (at RWWA transcript 92 - 93) that she cannot know who tells the truth and who does not.
- g. Ms Bennett submitted on behalf of RWWA that the difference is best explained, by Ms Quartermaine desiring to add authority or impetus to her complaint to DPIRD, all the while knowing that she had no reasonable basis to assert that Vito Mijal-Pasa had observed or reported such things.

- h. The framing of the DPIRD complaint, was at odds with the way Ms Quartermaine attempted to characterise her motives before the Stewards.

*"I mean I don't understand how there could be an issue if a concern has been raised for myself., with the welfare that could potentially be affecting my own horses and to not ask for it to be investigated, which is simply all I was trying to retrieve with contacting DPIRD. There was no malicious intent. I'm thrilled if there's no welfare concerns to be had. But given the circumstances, it's obviously quite alarming when someone won't allow you to go and inspect the welfare of your own horses, or collect those horses owing to you, myself."*<sup>4</sup>

- i. It is this issue, namely access to her horses (within a dispute over property with her *ex de facto* partner Vaughn Sigley) which Ms Quartermaine herself cites as a significant trigger for her to submit her DPIRD complaint. That concession together with her preceding actions and their chronology which the Stewards concluded point away from animal welfare being at the heart of Ms Quartermaine's motives. It was open to the Stewards to so find.

### **The delay in reporting**

- j. Initially, Ms Quartermaine submitted, she did not wish to make a complaint about the alarming information, as she had intended to collect her own horses and "assess the situation ..... firsthand before making a complaint"<sup>5</sup>

- k. On her own admission the Roselee Park animal welfare issues came to Ms Quartermaine a couple of weeks prior to the end of July 2024. Ms Quartermaine then attended Mundijong Police station on or around 29 July 2024 to make a report of 'stolen' horses. In the context of being denied entry by Ms Rodwell and explaining to the police her anxiety over access to horses, the police suggested to her that:

- i. dispute over horse ownership was a civil matter, and
- ii. if she had animal welfare concerns then those concerns should be directed to RSPCA or DPIRD.

- l. Notwithstanding the level of alarm Ms Quartermaine reportedly experienced and the allegation that her concerns included a potential outbreak of a notifiable equine disease, she made no immediate complaint to RSPCWA or DPIRD. Her complaint is not made until some four weeks later 28 August 2024.

60. In light of our finding that it was open to the Stewards to conclude that Ms Quartermaine probably authored the Shirley Smith post, we conclude further that, in the context of the totality of the evidence before them it was also open to the Stewards to conclude to the required level of satisfaction (***Briginshaw*** standard) that Ms Quartermaine had motives other than animal welfare when she made the DPIRD complaint and consequently the Stewards' finding that it was probably made without reasonable basis was available to them on the entirety of the evidence before them.

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<sup>4</sup> RWWA TS 31

<sup>5</sup> RWWA TS page 20-21

**Penalty**

- 61. At the hearing of this Appeal all parties agreed that these charges were serious matters which touch upon honesty and integrity within the thoroughbred racing industry.
- 62. It is not for this Tribunal to interfere with a penalty imposed by the Stewards simply because it might prefer to impose a different penalty had it been exercising the discretion. The discretion to impose penalty is entrusted to the Stewards by reason of their considerable background experience and knowledge of the racing industry. The Tribunal intervenes only where a penalty appears to have been imposed in error.
- 63. We are not persuaded on this occasion that the penalties imposed are excessive or harsh for the charges and consequently we find no error in their imposition.

**Conclusion**

- 64. For the reasons given above, we find that the appeal should be dismissed in its entirety.



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**PHILLIP GLEESON**  
**PRESIDING MEMBER**



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**KELLY ZHANG**  
**MEMBER**



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**BENJAMIN WILLESEE**  
**MEMBER**

