

APPEAL PANEL OF RACING NEW SOUTH WALES
IN THE MATTER OF THE APPEAL OF LICENSED TRAINER DAIKI CHUJO
Heard at Racing NSW Offices

Appeal Panel: **Mr L. Vellis - Convenor; Mr J. Murphy; Mr C. Tuck**

Representatives: **Racing NSW - Mr M. Cleaver, Operations Manager - Integrity**
Appellant – Mr J. Bryant, Solicitor

Date of Hearing: **13 November 2024**

Date of Orders and Reasons: **22 April 2025 (orders) and 1 May 2025 (reasons)**

REASONS FOR DECISION

Introduction

1. On 11 June 2024, Racing NSW Stewards commenced an Inquiry into a number of allegations made by registered owners Mr J. Karaan, Ms C. Curran and Mr Stephen Fleming towards licensed trainer Mr Daiki Chujo (**Appellant**).
2. The Inquiry concluded on 11 September 2024 and Stewards issued numerous charges against the Appellant. The charges were dealt with as follows:

Charge 1 | subsequently withdrawn by Stewards

Charge 2 | AR 229(1)(a) | Corruption, dishonesty and misleading behaviour

- a. The details of the charge being that without the express consent of Mr Stephen Fleming, the Appellant did sign a transfer of ownership document dated 11 December 2023, purporting to be Mr Fleming and causing Mr Fleming to relinquish a 5% share in the racehorse *Vermeer*.
- b. Mr Chujo pleaded guilty to this charge.
- c. AR 229(1)(a) is in the following terms:

AR 229 Corruption, dishonesty and misleading behaviour

(1) A person must not:

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

Charge 3 | AR 229(1)(a) | Corruption, dishonesty and misleading behaviour

- a. The details of the charge being that without the express consent of Mr Stephen Fleming, the Appellant did sign a transfer of ownership document dated 28 October 2022, purporting to be Mr Fleming and causing Mr Fleming to be registered as the managing owner of the racehorse *Do It For You* with a 30% share.
- b. Mr Chujo pleaded guilty to this charge.

Charge 4 | AR 229(1)(a) | Corruption, dishonesty and misleading behaviour

- a. Without the express consent of Mr Stephen Fleming, the Appellant did sign a transfer of ownership document dated 1 November 2023, purporting to be Mr Fleming and confirming that Mr Fleming had fulfilled a number of obligations required of him as the managing owner of *Do It For You*, so as to effect the transfer, when Mr Fleming had not.
- b. Mr Chujo pleaded guilty to this charge.

Charge 5 | AR 229(1)(a) | Corruption, dishonesty and misleading behaviour

- a. Without the express consent of Mr Stephen Fleming, the Appellant did sign a transfer of ownership document dated 23 December 2023, purporting to be Mr Fleming on three separate occasions. The first signature confirmed Mr Fleming had fulfilled a number of obligations required of him as the managing owner of *Do It For You*, so as to effect the transfer, when he had not. The second signature caused Mr Fleming to relinquish a 20% share in *Do It For You*. The third signature caused Mr Fleming to relinquish a 10% share in *Do It For You*. Further, the Appellant did sign a transfer document in his own name to acquire Mr Fleming's relinquished 20% share of *Do It For You*.
- b. Mr Chujo pleaded guilty to this charge.

Charge 6 | AR 288(2) | Unnamed horse transfer of ownership

- a. The Appellant failed to lodge an Unnamed Horse Transfer of Ownership form to reflect his purchase and ownership of the 2021 colt Showtime x Heaven's Choice within 7 days of such purchase.
- b. Mr Chujo pleaded guilty to this charge.
- c. AR 288(2) is in the following terms:

AR 288 Unnamed horse transfer of ownership

(2) Between the time specified in AR 286(1) and the time an unnamed horse is first registered for racing in accordance with AR 294, all transfers of ownership of that horse must be lodged with Racing Australia by both the outgoing owners and the incoming

owners within 7 days of each transfer taking place. For the sake of clarity, where an unnamed horse has multiple owners, the outgoing owners are only required to sign transfer documents to the extent required of them by the applicable agreement governing the horse ownership venture (e.g. the COA).

Charge 7 | AR 288(2) | Unnamed horse transfer of ownership

- a. The Appellant failed to lodge an Unnamed Horse Transfer of Ownership form to reflect his purchase and ownership of the 2021 filly Saxon Warrior x Cocktail Hour within 7 days of such purchase.
- b. Mr Chujo pleaded guilty to this charge.

Charge 8 | AR 229(1)(a) | Corruption, dishonesty and misleading behaviour

- a. Without the express consent of Ms Cindy Curran, the Appellant did sign a Horse Registration document dated 20 October 2023, purporting to be Ms Curran and causing Ms Curran to be registered as a 10% owner of the racehorse *Blue Swan Lake*.
- b. Mr Chujo pleaded guilty to this charge.

Charge 9 | AR 229(1)(a) | Corruption, dishonesty and misleading behaviour

- a. Without the express consent of Mr Stephen Fleming, the Appellant did sign a Horse Lease document dated 20 October 2023, purporting to be Mr Fleming and causing Mr Fleming to be registered as a lessee of the racehorse *Thug Rose* with a 10% share.
- b. Mr Chujo pleaded guilty to this charge.

3. The following orders were made in relation to penalty:

- a. Charge 1 - Withdrawn.
- b. Charge 2 (AR 229(1)(a)) – 4 months disqualification, reduced to 3 months disqualification for guilty plea.
- c. Charge 3 (AR 229(1)(a)) – 2 months disqualification, reduced to 1 ½ months disqualification for guilty plea.
- d. Charge 4 (AR 229(1)(a)) – 3 months disqualification, reduced to 2 months disqualification for guilty plea.
- e. Charge 5 (AR 229(1)(a)) – 6 months disqualification, reduced to 4 ½ months disqualification for guilty plea.
- f. Charge 6 (AR 288(2)) – \$1,000 fine, reduced to \$750 fine for guilty plea.

- g. Charge 7 (AR 288(2)) – \$1,000 fine, reduced to \$750 fine for guilty plea.
 - h. Charge 8 (AR 229(1)(a)) – 2 months disqualification, reduced to 1 ½ months disqualification for guilty plea.
 - i. Charge 9 (AR 229(1)(a)) – 2 months disqualification, reduced to 1 ½ months disqualification for guilty plea.
 - j. The penalties issued for Charges 3, 4 and 5 to be served concurrently.
 - k. Despite the cumulative period of disqualification of 10 ½ months, having regard to the totality of the offending, Stewards instead ordered a period of disqualification of 7 months. In addition, a fine of \$1,500 was imposed.
 - l. Under the powers of AR 283(7), Stewards ordered the period of disqualification be deferred for a period of 7 clear days.
- 4. The Appellant applied for and was granted a stay of proceedings and such stay continues until the resolution of this matter.
 - 5. The Appellant has appealed to the Panel against the severity of penalty. He was represented on appeal by his solicitor, Mr Joe Bryant. The Stewards were represented by the Operations Manager of Integrity, Mr Michael Cleaver.
 - 6. The Appeal Book was tendered as Exhibit A and other documents (including written submissions on behalf of Racing NSW, agreed facts provided on behalf of Racing NSW and the Appellant, character references in favour of Mr Chujo and previous Appeal Panel decisions) were also tendered and discussed during the hearing.

Submissions | Racing NSW

- 7. Mr Cleaver submitted that, having regard to the nature of the offending, the Appellant's subjective circumstances, and the purposes of imposing a penalty, the penalty imposed by the Stewards was appropriate.
- 8. With respect to Charges 2, 3, 4, 5, 8 and 9, Mr Cleaver submitted that all these charges are objectively serious, albeit to varying degrees. Mr Cleaver submitted that with respect to each of these Charges:
 - a. they involve the fraudulent execution of ownership documents either establishing or removing ownership;
 - b. the conduct constitutes a breach of trust and an abuse of the position the Appellant occupied;

- c. such conduct damages the image and integrity of the sport of racing and has the potential to deter potential participants in the racing industry.

Charge 2

- 9. The breach in relation to this charge is that the Appellant signed a 'transfer of ownership' form which divested Mr Fleming of his ownership share in thoroughbred racehorse Vermeer. Mr Cleaver submitted that through his conduct, the Appellant has potentially undermined the industry's trust in the systems designed to ensure participants receive the funds they believe they are owed and that the conduct of the Appellant with respect to Charge 2 falls at the higher end on the spectrum of offending.
- 10. Mr Cleaver submitted that there were numerous factors that contributed to the seriousness of the offending, including that:
 - a. during the Stewards inquiry, the Appellant initially denied any wrongdoing and maintained that Mr Fleming had signed the form;
 - b. it was not until pressed by the Stewards on the point that the Appellant eventually conceded he signed the form;
 - c. the Appellant sought to limit his culpability by suggesting that Mr Fleming had given him permission to sign on his behalf, stating that *'it was he ask to sign or, yeah, he ask because he said he was in the hospital and he ask me to just forge it'* - while Mr Fleming agreed that he wanted to be relieved of his share in the horse, he denied ever giving the Appellant permission to sign on his behalf;
 - d. by acting in the manner he did, the Appellant deprived Mr Fleming of the financial gain he intended to receive from selling the shares. Mr Fleming's evidence was that his instructions to the Appellant were to *'just sell Vermeer. I don't want it'*, and in addition, that he fully intended to received compensation for his share;
 - e. the Appellant claimed that Mr Fleming did not want any money for his share in *Vermeer*, and simply wanted the Appellant to relieve him of his share, which Mr Cleaver submitted was inconsistent with the Appellant separately stating during the inquiry (*Steward Inquiry Transcript of S. Fleming (D. Chujo, 13 June 2024) [470]*). that he *"knew he needed money for his family"*; and
 - f. while there is a disagreement between Mr Fleming and the Appellant about what was said about compensation, the conduct of the Appellant contributed to any dispute or misunderstanding. By signing the form himself, rather than presenting it to Mr Fleming, the Appellant removed the safeguard in place to prevent any such disagreement. The 'transfer of ownership' form shows *Vermeer* being sold for '\$0'. Had Mr Fleming been given the form, he would have been able to correct this misunderstanding.

Charges 3, 4 and 5

11. The conduct the subject of Charges 3, 4 and 5 all relates to the signing of 'transfer of ownership' documents regarding thoroughbred horse *Do It For You*.
12. Mr Cleaver submitted that once again the Appellant initially denied any wrongdoing. In relation to the form signed regarding Charge 3, when asked by Racing NSW Investigators about whether he denied signing the documents, Mr Cleaver submitted that the Appellant stated "*Yeah, I'm sure this one because that's – because I can see who the one is, all the owners get the other. So, yeah, so he must have signed.*" Mr Fleming gave evidence during the Inquiry that he did not give permission for the Appellant to sign the form on his behalf, however, he did accept that the transfer of shares to him was what he had wanted, and he did not object to being assigned the share.
13. Mr Cleaver submitted that although this achieved a result that Mr Fleming wanted, it does not trivialise the conduct of the Appellant in fraudulently signing the document.
14. With respect to Charge 4, Mr Cleaver acknowledged that the Appellant made full and frank admissions regarding his conduct and also admitted that he did not consult Mr Fleming prior to signing the ownership document. Mr Cleaver submitted that by signing on Mr Fleming's behalf, the Appellant not only misled Racing Australia but has also potentially undermined the trust that other owners place in the systems meant to protect their interests.
15. Charge 5 relates to the Appellant signing two documents purporting to be Mr Fleming, which resulted in Mr Fleming's 20% interest in *Do It For You* being relinquished, while maintaining a 10% share. Mr Fleming denies giving permission to the Appellant to sign the documents, and denies saying the words as alleged by the Appellant. Mr Cleaver submitted that Mr Fleming, however, did agree that he had a conversation with Appellant indicating he wanted to rid himself of his shares in the horse and that he had agreed to the course of action that took place (insofar as the relinquishing of his share). Mr Cleaver submitted that while this may be the case, having an agreeable outcome does not trivialise the conduct of the Appellant in fraudulently signing the document.
16. Mr Cleaver acknowledged that he Appellant, for his part, states that he had permission to sign on behalf of Mr Fleming, but Mr Cleaver submitted that there is, however, evidence to support that Mr Fleming did not know the Appellant was acting in the manner he did. Mr Cleaver referred to a text message exchange between Mr Fleming and the Appellant on 8 January 2024 (well after the Appellant signed the form), in which Mr Fleming talks about selling 20% in *Do It For You* for \$1,000, indicating he did not know the share had already gone.
17. Mr Cleaver submitted that this offence again highlighted one of the core issues with the conduct of the Appellant, in that as with charge 2, there is either a dispute or a miscommunication about what a party's intention was. Mr Cleaver submitted:

- a. that this could have been avoided had the Appellant undertaken the proper course of action, rather than just taking it upon himself to sign forms himself;
- b. setting aside intention or motive, the Appellant's actions deprived the other party of a safeguard against transactions that they do not agree with; and
- c. the flouting of these safeguards and processes is detrimental to the image of the racing and should attract a penalty that reflects this fact.

Charge 8

- 18. The conduct the subject of this Charge relates to the fraudulent signing of Ms Curran's name on a 'transfer of ownership form regarding thoroughbred horse *Blue Swan Lake*, aka *Love*. Ms Curran denied signing the form and denied giving the Appellant permission to sign on her behalf.
- 19. Mr Cleaver submitted that the Panel, when considering the seriousness of the offending, ought to have regard to the fact that the deception of the Appellant was maintained sometime after he initially signed the form, with Mr Cleaver referring to the Appellant accepting that he submitted the documents in question but denying that he signed the form on behalf of Ms Curran. Mr Cleaver also referred to the Appellant's written denial to Ms Curran when she confronted him in an email on 5 February 2024.
- 20. Mr Cleaver noted that in the Inquiry, the Appellant initially maintained that Ms Curran must have signed the form but then changed his version to '*maybe I couldn't get the form back from her, so maybe I have. I may have signed it and lodged it, yeah*' (*Steward Inquiry Transcript of C. Curran (D. Chujo, 13 June 2024) [298-301]*).
- 21. Mr Cleaver noted that the Appellant claimed he signed the form because Ms Curran had failed to return the form to her, however, he was unable to provide any evidence to support this claim. Mr Cleaver further submitted that Ms Curran stated that she had received no such attempts or requests from the Appellant.
- 22. Mr Cleaver submitted that the fact that Ms Curran wanted a share in the horse does not downplay the seriousness of the offending conduct.

Charge 9

- 23. Mr Cleaver acknowledged that the Appellant made full admissions to this offence, as well as noting that there is also evidence that Mr Fleming had intended to, and in fact did, sign the form in question. It is accepted that Mr Fleming had every intention to undertake the agreement reached in the form. The Appellant stated that he signed another copy of the same form because the one sent by Mr Fleming was blurry.
- 24. Mr Cleaver submitted that while it does not abrogate the offending conduct, it does reduce the objective seriousness of this offence, in that Mr Fleming genuinely signed a form on this occasion and the Appellant was replicating that signature.

Charges 6 and 7

25. Mr Cleaver acknowledged that the Appellant made full and frank admissions that, having purchased the unnamed horses, he failed to lodge the required unnamed horse transfer of ownership forms.
26. Mr Cleaver submitted that:
- a. rules such as AR 288 are designed to improve horse traceability;
 - b. these rules enhance and broaden the traceability of horses throughout the period of their life during the time that the racing industry has jurisdiction over them and relevant industry participants;
 - c. the purpose of these rules is to provide greater transparency with respect to the status and movement of horses which will enable racing authorities to better track horses and, consequently, help ensure more positive equine welfare outcomes; and
 - d. proactive steps such as these rules are vital to the image and integrity of the racing industry; and
 - e. accordingly, a breach of such policies should attract a penalty that would act as a deterrence for other industry participants.
27. In submitting that, having regard to the nature of the offending, the Appellant's subjective circumstances, and the purposes of imposing a penalty, the penalty imposed by the Stewards was appropriate, Mr Cleaver made the following acknowledgements and submissions (as applicable):
- a. the Appellant pleaded guilty to all the charges at an early stage and should be afforded the appropriate discount having regard to those pleas;
 - b. the Appellant had no similar offending conduct on his record;
 - c. Mr Cleaver discussed the Panel's decision in *Borserio* (29 November 2023), namely the parallels between the offending in *Borserio* and the conduct of the Appellant. In particular Mr Cleaver noted that:
 - i. the penalty in *Borserio* was also a disqualification;
 - ii. both involved the offenders signing transfer of ownership documents purporting to be someone else;
 - iii. both resulted in the shares in a horse either being transferred to, or from, another party without their consent; and
 - iv. the offenders received either no, or nominal, financial gain from their conduct; and
 - v. in at least some cases, the other party agreed or did not oppose the outcome of the transfer; and

- d. the purpose of issuing a penalty is not to punish the Appellant, but rather to protect the image and integrity of the sport and industry of racing. Having regard to the objective seriousness of the conduct, the need for specific and general deterrence, the principles from previous decisions, and the subjective case of the Appellant, Mr Cleaver submitted that the appropriate penalties to achieve that purpose are those imposed by the Stewards.

Submissions | Appellant

28. Mr Bryant made various submissions regarding the Appellant's background, current arrangements, remorse and the impact of any disqualification upon the Appellant. These submissions are summarised below.

- a. the Appellant has been a licensed trainer for nine years;
- b. he has a limited disciplinary record and has not come to the attention of the Stewards for conduct or dishonesty matters prior to this incident;
- c. the Appellant employs two riders, seven stablehands and three working students;
- d. the Appellant has three children that he provides for;
- e. when asked by the Stewards about the impact any penalty would have on him, he stated *"it obviously will affect my business and my living and also, yeah, affect the staff and family, I suppose, and also, I guess, yeah for my owners, I guess yea, which a lot of owners are Japanese owners. They rely on my communication through Japanese..."*;
- f. the Appellant acknowledged the seriousness of the conduct, however, did state that in the past he has had other owners request that he sign documents on their behalf due to time constraints. The Appellant then went on to say:

"Yeah, like it just, yeah, was a lesson learnt for me. I just trust pretty much everyone, I guess. Yeah, I never really had troubles with the owners in the past. All I just, yeah, did was, you know, just did what they told me to do, I suppose, didn't think this far that they were actually turned around and tells me different stories and so forth and, yeah, like I genuinely thought I was doing the right thing for them, by them, especially with Mr Fleming. I thought that's what he wanted me to do. That's what we agreed on, but at the end I got nothing to sort of stand myself when it's all verbal and I didn't keep any records for what he said or what we agreed on. So moving forward I think I will, yeah, try - not try. I will do everything on paper or have the records just to protect myself, so we don't - you know, I don't get into this trouble again."

- g. the Appellant also outlined that there would be consequences for a worker named Mr Nori Masuda. The Appellant sponsors Mr Masuda's working visa, which would be in jeopardy if the Appellant loses his ability to work in the Racing industry; and

- h. the Appellant plays a key role in introducing Japanese owners to the Australian market and has almost 100 such owners that he trains for, in addition to assisting with interpretation and administration matters;
 - i. all Charges involved an element of miscommunication, which could be partly attributed to the fact the Appellant was born and raised in Japan, and English was his second language; and
 - j. the Appellant pleaded guilty to all the Charges brought by the Stewards against him, and in doing so, he admitted to the substance of each of Charges.
29. Mr Bryant submitted that the penalty imposed upon Mr Chujo was too severe and did not reflect the nature of the offending. Mr Bryant then submitted that the penalty imposed upon the Appellant seemed disproportionate when compared to precedent particularly the *Borserio* matter, which Mr Bryant submitted included offending that was more serious than Mr Chujo's offending.
30. Mr Bryant provided some commentary on certain of the Charges, a summary of which is as follows:
- a. Charge 2 - Mr Bryant submitted that there was no material gain to the Appellant and this was at the lower end of the scale of offending. Mr Bryant also submitted that there was no intention to defraud Mr Fleming, rather there was a misunderstanding as the Appellant was actually seeking to relieve Mr Fleming of a financial burden.
 - b. Charge 3 – Mr Bryant submitted that there was no financial gain to the Appellant and this was at the lower end of the scale of offending.
 - c. Charge 4 – Mr Bryant submitted that there was no gain to the Appellant and there was no intention to harm Mr Fleming. Once again, Mr Bryant submitted that this was more of a misunderstanding.
 - d. Charge 5 – Mr Bryant submitted that the conduct here was more dishonest than fraudulent as there was no intention to permanently deprive.
 - e. Charge 6 – Mr Bryant acknowledged the Appellant's guilt and suggested there was no dispute as to the conduct leading to the offence.
 - f. Charge 7 – Mr Bryant acknowledged the Appellant's guilt and suggested there was no dispute as to the conduct leading to the offence.
 - g. Charge 8 – Mr Bryant submitted that there was no gain to the Appellant and there was no intention to harm Ms Curran. In fact, Mr Bryant submitted that the Appellant thought he was acting in the best interests of Ms Curran.
 - h. Charge 9 – Mr Bryant submitted that the conduct here was at the lower end of the scale as Mr Fleming had already signed the form and the Appellant was only signing it again as the original signature was unclear. The Appellant may have been foolish in

doing so but there was no intention to gain any benefit, in fact, the Appellant thought he was being helpful.

31. Mr Bryant then again submitted that the penalty imposed upon the Appellant seemed disproportionate when compared to precedents, particularly *Borserio*, which Mr Bryant submitted actually included four charges rather than two.
32. Mr Bryant submitted that a significantly reduced penalty should instead be imposed. He suggested that a suspension could be imposed, or a lesser period of disqualification.
33. Mr Bryant also provided numerous character reference from numerous industry participants, with these references speaking to the Appellant's integrity, honesty, strong work ethic, care for horse welfare, promotion of the thoroughbred industry and loyalty to his team.

Decision

34. With respect to Charges 2, 3, 4, and 5, the Appellant took the fraudulent and / or dishonest step of executing the transfer of ownership documents, while with respect to Charge 8 there was again a fraudulent and / or dishonest step taken by the Appellant, albeit this time the document was a Horse Registration document. Similarly with respect to Charge 9, the conduct was at the very least dishonourable, improper and / or dishonest, and possibly fraudulent, with the difference this time being that there was no doubt as to the intent of Mr Fleming as he had already signed the document.
35. Charges 6 and 7 were in the view of the Panel appropriately dealt with by the Stewards and the Panel does not wish to delve into these Charges in any detail as it unanimously considers the penalties imposed to be entirely appropriate.
36. Executing ownership documents (as well as registration and lease documents) in the place of another is a serious breach of the Rules of Racing and in the view of the Panel warrants a disqualification even though there may not have been material financial consequences as a result of the Appellant's offending. The lack of financial windfall obtained by the Appellant as a result of his offending does not diminish the seriousness of the conduct but is nevertheless a mitigating factor to some extent with respect to penalty.
37. Accordingly, the offending here is objectively serious. The image of Racing has suffered damage because of the Appellant's fraudulent conduct. The racing industry cannot afford participants such as licensed trainers to execute documents in the name of others and to transfer the ownership of racehorses without the knowledge and consent of the owners. While there were submissions on behalf of the Appellant suggesting that some of the Charges may have been caused by misunderstandings or miscommunication, the Panel has little sympathy for this line of argument as:
 - a. It is the Appellant's responsibility to ensure clarity of communication and instructions before taking action; and

- b. The forgeries committed by the Appellant are not open to interpretation – he has pleaded guilty to signing ownership, registration and lease documents in the name of others. These actions were entirely within the control of the Appellant.
38. The Panel's decision in *Borserio* was used in submissions on behalf of Racing NSW and the Appellant, with Mr Bryant suggesting that the conduct in *Borserio* was objectively more serious than the Appellant's offending. The Panel does not share this view and considers the offending of the Appellant to be more prevalent and unrestrained than that in *Borserio*. This is borne out by the fact that the Appellant pleaded guilty to 8 charges, as opposed to the 2 charges in *Borserio* (which Mr Bryant submitted should have been 4 charges in his view). In contrasting the current matter to *Borserio*, the Panel also notes that the Appellant's conduct involved multiple unrelated owners, multiple horses and three different types of documents.
39. The Panel considered whether the penalties should be in the nature of a disqualification or a suspension, and the length of such penalties. A key item considered by the Panel in determining the penalties in this case is the message to be sent to the public by the penalty: it should demonstrate a determination by Racing regulators to uphold the integrity and image of the sport.
40. In addition to the submissions made during the hearing and materials provided to the Panel, the following factors were also considered with respect to the Appellant by the Panel in considering penalties:
- a. the guilty pleas to all Charges;
 - b. the Appellant's previous good disciplinary record in matters involving honesty or conduct;
 - c. the Appellant's personal and professional circumstances;
 - d. the principle of specific and general deterrence and what message is sent to the industry in respect of such conduct;
 - e. the purpose of issuing penalties as a protective measure for the image and interests of the thoroughbred industry; and
 - f. the Appellant's 10 years experience as a licensed trainer and additional contributions to the industry.
41. There have been previous breaches of AR 229(1)(a) dealing with fraudulent practice that have resulted in disqualification. While the Panel is not bound to follow precedent decisions, the Panel sees no reason to deviate from this approach in this case. Having considered the submissions of both parties and the materials produced, the Panel unanimously agrees with the penalties imposed upon the Appellant by the Stewards, including the discount provided having regard to the totality of the offending. The only matter in which the Panel deviates

from the approach taken by the Stewards is that in our view the penalties for Charges 8 and 9 should be served concurrently.

42. Accordingly, the Panel makes the following orders (effective on and from 22 April 2025):

- a. Appeal against severity of penalty allowed.
- b. A penalty of a 3 month disqualification for Charge 2 is confirmed.
- c. A penalty of a 1 ½ month disqualification for Charge 3 is confirmed.
- d. A penalty of a 2 month disqualification for Charge 4 is confirmed.
- e. A penalty of a 4 ½ month disqualification for Charge 5 is confirmed.
- f. A penalty of a \$750 fine for Charge 6 is confirmed.
- g. A penalty of a \$750 fine for Charge 7 is confirmed.
- h. A penalty of a 1 ½ month disqualification for Charge 8 is confirmed.
- i. A penalty of a 1 ½ month disqualification for Charge 9 is confirmed.
- j. The penalties for Charges 3, 4 and 5 are to be served concurrently.
- k. The penalties for Charges 8 and 9 are to be served concurrently.
- l. The cumulative period of disqualification is 9 months (in lieu of the original cumulative penalty of a period of disqualification of 10 ½ months), although the Panel, having regard to the totality of the offending, instead orders a period of disqualification of 6 months (in lieu of the original penalty of a period of disqualification of 7 months). In addition, the Penalty of a fine of \$1,500 is confirmed.
- m. The disqualification may be deferred under AR 283(7) for 7 days from the date of these orders by arrangement between the Appellant and the Stewards.
- n. Appeal deposit to be refunded.
