

RACING PENALTIES APPEAL TRIBUNAL DETERMINATION

APPELLANT: MR GREGORY BEAUGLEHOLE

APPLICATION NO: 24/6147

PANEL: MR ROBERT NASH (CHAIRPERSON)
MR PHILLIP GLEESON (MEMBER)
MS NATALIE SINTON (MEMBER)

DATE OF HEARING: 27 FEBRUARY 2026

DATE OF DETERMINATION: 6 OCTOBER 2026

IN THE MATTER OF an appeal by GREGORY BEAUGLEHOLE against a determination made by the Racing and Wagering Western Australia Stewards of Thoroughbred Racing to issue penalties for breaches of AR 240(2) and AR 104(1) of the Rules of Thoroughbred Racing

Mr Gregory Beauglehole self-represented (by videoconference).

Mr Denis Borovica represented the Racing and Wagering Western Australia Stewards of Thoroughbred Racing.

By a unanimous decision of the members of the Tribunal, the appeal against conviction and penalty for breaches of AR 240(2) and AR 104(1) of the Rules of Thoroughbred Racing is dismissed.



ROBERT NASH, CHAIRPERSON



RACING PENALTIES APPEAL TRIBUNAL DETERMINATION
REASONS FOR DETERMINATION OF THE CHAIRPERSON

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Background

1. The Appellant is a licensed trainer with RWWA and at all material times was the trainer of the horse CRIPPALENKO. The Appellant and his wife are also the registered owners of the horse.
2. CRIPPALENKO is a gelding which won Race 2 at Ascot on 30 March 2024 (**Ascot Race**) and Race 2 at Belmont on 15 June 2024 (**Belmont Race**). The prize money paid for the win in each race was:

\$21,920 for the Ascot Race.

\$43,840 for the Belmont Race.
3. Post-race urine samples were taken from the horse following each race.
4. The analysis of the post-race urine sample taken after the Ascot Race recorded that horse had a prohibited drug in its system, namely Clenbuterol.

5. The analysis of the post-race urine sample taken after the Belmont Race recorded that horse had a prohibited drug in its system, namely Arsenic, in a concentration of greater than 0.60 micrograms per litre, which exceeded the permitted threshold level of 0.30 micrograms per litre.
6. Certificates of Analysis were produced by both the ChemCentre and RASL certifying the above results. Both laboratories are NATA Accredited.
7. Both the ChemCentre and RASL are Official Racing Laboratories within the meaning of the Rules of Thoroughbred Racing (**Rules**).
8. AR 259(6) provides in effect that if the second certificate of analysis confirms the result of the first certificate, namely that the sample contained a prohibited substance, then that will constitute prima facie evidence of that fact.
9. The Appellant was charged by the RWWA Stewards with two breaches of AR 240(2), namely that a prohibited substance was detected in the post-race samples taken from the horse following the Ascot Race (**Charge 1**) and Belmont Race (**Charge 2**).
10. The Appellant was also charged with a breach of AR 104(1), namely that he had failed to record all medications and treatments administered to his horses (**Charge 3**).
11. The Appellant pleaded guilty to all three charges. Accordingly, he is taken to have admitted the elements of each charge, and in particular is taken to have admitted that there was a prohibited substance detected in each of the post-race samples.
12. Having pleaded guilty to each of the charges, the Stewards indicated at their Inquiry, T59, that that was a matter that went in the Appellant's favour when it came to penalty.
13. After hearing from the Appellant and, in particular, after having regard to all mitigating factors and the pleas of guilty, the Stewards imposed fines as follows:

Charge 1	\$5,000
Charge 2	\$2,000
Charge 3	\$500
14. In addition to the above, the Stewards were also required by AR 240(1) to disqualify CRIPPALENKO from the Ascot Race and the Belmont Race. Under Local Rule 224(2), the prize money received for the two wins was required to be returned.

Appeal

15. The Appellant filed a notice of appeal dated 14 October 2024 (**Notice of Appeal**) against the decision of the Stewards.

16. The grounds of appeal set out in the Notice of Appeal are to the effect that the Appellant takes issue with:
 - (a) the time taken for post-race urine sample results to be made known resulting in prize money having been spent; and
 - (b) an alleged failure to provide the Appellant with necessary paperwork in respect of the testing laboratory results.
17. The Appellant's grounds of appeal do not make it clear whether he was appealing the convictions or the penalties imposed. In his email to the Tribunal dated 7 November 2024, the Appellant clarified that by his Appeal he was appealing against the disqualification of CRIPPALENKO, and accordingly the convictions the subject of charges 1 and 2.
18. The Appeal accordingly proceeded on the basis that the Appellant was contesting the convictions, despite the fact that he pleaded guilty to the charges before the Stewards.
19. The Appellant's principal contentions are:
 - (a) that the analytical laboratories need to produce proof of their operations, paperwork, times and technicians' names in reference to the timeline for analysis and results; and
 - (b) the length of time in getting the analytical results has resulted in the prize money having been spent and that it is unfair to the Appellant to require him to now repay the prize money.
20. The Appellant emphasised that there will be hardship caused by having to refund the prize money given it had been spent in good faith before the results of the swab analyses were known.
21. The Stewards point out that there was no undue delay in the notification of the Arsenic positive swab, which was the subject of the Charge 2 for which the prize money was \$43,840. The significant delay in notification was only in respect of Charge 1 for which the prize money was \$21,920.
22. At the Stewards Inquiry on 1 October 2024, the Appellant did not dispute the laboratory findings and said that he admitted whatever had been found (T13, T19).
23. At T14, he explained that given the time delay in the charges being brought, he had in the meantime spent the prize money on a new truck and a new caravan (T14, T27).
24. Ms Cook from the ChemCentre gave detailed evidence as to the process for dealing with urine samples and the referral of the B Sample to the RASL laboratory for confirmatory analysis in the event of a detection of a prohibited substance (T11), which sample remained intact and was not opened by the ChemCentre before it is forwarded to RASL (T19). She explained that despite the delay they had strictly adhered to their quality assurance control procedures (T15). She also explained that although the ChemCentre endeavours to report as soon as they can, it is not an unusual situation for delays to occur (T20).

25. In my view, the Stewards were entitled to rely on Ms Cook's evidence as to the process of analysis undertaken and were entitled to act on the two certificates of analysis produced by the two NATA accredited laboratories. There was no requirement that either the ChemCentre nor RASL needed to produce proof of their operations, paperwork, times and technicians' names in reference to the timeline for analysis and results, before the evidence of the positive swabs was accepted.
26. The Appellant expressed his frustration at the delay in being notified of the positive swabs and having acted on the assumption that there were no issues with his horses swabs he had spent the prize money he had received. The Stewards accepted that the delay (in respect of the detection of Clenbuterol) had not been ideal (T21) and said the Appellant's frustration about the matter was understandable (T21). The Stewards were, however, satisfied with the explanation of Ms Cook from the ChemCentre as to the reasons for the delay and that there had been no resultant impact of the veracity of the analysis.
27. In relation to the Arsenic detection, the Appellant accepted the analysis (T26).
28. Notably, later during the Inquiry, at T59, the Appellant said: *'I was always going to plead guilty to the charges because yeah, and yeah. I'll always expect there to be a penalty.'*
29. In respect of the detected presence of Clenbuterol, the evidence of the Appellant was that he had treated CRIPPALENKO with an 'Airway Gel'. The unchallenged evidence was that the Airway Gel contained as an active ingredient, Clenbuterol Hydroxide. The Appellant's evidence was that he had been unaware that the Airway Gel had contained Clenbuterol but accepted that was the case and that he had treated CRIPPALENKO with it (T33).
30. The Appellant also accepted that he was aware of the potential ingestion of Arsenic by his horses as a result of chewing on posts that had been treated with Arsenic although he had not had any prior positive swabs for Arsenic despite his horses having chewed the posts in the past (T38, T39, T53).
31. At T58, after a short adjournment to allow the Stewards to consider whether any charges should issue, the Stewards determined to charge the Appellant with the three charges.
32. In respect of Charge 1, being the charge under AR 240(2) for presenting CRIPPALENKO at Race 2 at Ascot on 30 March 2024, with a prohibited substance, Clenbuterol, in its system, which race the horse won, the Appellant pleaded guilty without hesitation.
33. In respect of Charge 2, being the charge under AR 240(2) for presenting CRIPPALENKO at Race 2 at Belmont on 15 June 2024, with a prohibited substance, namely Arsenic in excess of 0.3 micrograms per litre of urine, in its system, the Appellant also pleaded guilty to that charge without hesitation.
34. The Appellant also pleaded guilty to the further charge, Charge 3, under AR 104(1) for failing to record treatments administered to CRIPPALENKO.
35. The Stewards noted the pleas of guilty were matters that went in the Appellant's favour (T59).

36. After the Inquiry concluded the Stewards reserved their decision on penalty.
37. In their published reasons for penalty, the Stewards noted that there had been no records kept of the Airway Gel treatments the Appellant had administered in respect of CRIPPALENKO and it had been done without veterinary advice.
38. The Stewards referred to the oft cited and well-established authorities dealing with the fundamental importance of Racing being drug free and the adverse impact that the presence of prohibited substances has on the integrity of Racing. It is unnecessary to go through those well-established principles and authorities in these reasons.
39. After carefully considering and weighing all the relevant sentencing factors including the fact that the Appellant had pleaded guilty and had cooperated with the Inquiry process, and having regard to the Appellant's personal circumstances, the Stewards imposed fines as follows:
- | | |
|----------|---------|
| Charge 1 | \$5,000 |
| Charge 2 | \$2,000 |
| Charge 3 | \$500 |
40. The Stewards noted that the requirements of AR240(1) also required that CRIPPALENKO be disqualified. The consequence of that was that the prize money paid was also required to be refunded (Local Rule 224).
41. The explanation given by the Appellant for seeking to change his plea on appeal was essentially a contention of unfairness that the positive swab results had been delayed such that, in the meantime, he had acted in good faith when the prize money was paid to him and had spent the money to his detriment. The Stewards point out that there was only an extended delay in the notification of the Clenbuterol detection, not the Arsenic detection.
42. As much as one might have sympathy with the fact that the Appellant had acted in good faith and to his detriment by spending the prize money received, that fact does not invalidate the two convictions under AR 240(2). All the material facts that the Appellant referred to on appeal had been articulated and were taken into account at the time that he entered his pleas of guilty before the Stewards.
43. The onus is on the Appellant to show why he should be permitted to change his pleas before this Tribunal. Unless he can establish that there was a miscarriage of justice arising out of the circumstances in which the guilty pleas were originally entered, such as:
- (a) a misunderstanding as to the nature and effect of the charges;
 - (b) establishing that upon the admitted facts he could not as a matter of law have been guilty of the offences; or
 - (c) that the pleas had been improperly obtained by inducement, fraud or intimidation,
- then this Tribunal should not permit a change of plea on appeal: *Meissner v The Queen* [1995] HCA 41; *Webster v The Queen* [2015] WASCA 20, [57].

44. It is apparent from the transcript of the Stewards Inquiry, that the Appellant understood the charges, understood the evidence that had been adduced in support of them, and had, despite the acknowledged delay in the reported swab results and after expressing his disquiet at having relied on the receipt of the prize money and spent it, still elected to plead guilty.

Conclusion

45. There was nothing presented to this Tribunal that warrants permitting the Appellant to change his plea, nor is there anything to indicate that he was not guilty of the two charges under AR 240(2).
46. It is noted that the detriment that the Appellant has suffered as a result of having spent the prize money in good faith and in the belief that he was entitled to do so, can be alleviated by the Stewards entering into a repayment plan with the Appellant to allow for the repayment to be made by instalments.
47. In my view the Appellant's appeal has no merit and all the grounds of appeal should be dismissed.



ROBERT NASH, CHAIRPERSON



RACING PENALTIES APPEAL TRIBUNAL
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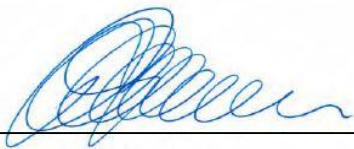
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Mr Gregory Beauglehole self-represented (by videoconference).

Mr Denis Borovica represented the Racing and Wagering Western Australia Stewards of Thoroughbred Racing.

1. I have read the draft reasons of Chairperson, Mr Nash.
2. I agree with those reasons and conclusions and have nothing further to add.



PHILLIP GLEESON, MEMBER



RACING PENALTIES APPEAL TRIBUNAL
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MS NATALIE SINTON (MEMBER)

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2. I agree with those reasons and conclusions and have nothing further to add.



NATALIE SINTON, MEMBER

