

## **IN THE RACING APPEALS TRIBUNAL**

**PAUL BONNER**  
Appellant

**v**

**GREYHOUND WELFARE AND INTEGRITY COMMISSION**  
Respondent

### **DETERMINATION**

1. On 24 May 2024 Paul Bonner (the Appellant) lodged a Notice of Appeal to the Tribunal in respect of a determination made by the Respondent on 21 May 2024, finding him guilty of the following offences, and imposing the penalties indicated:
  - (i) Charge 1 (Rule 156(x)) - a fine of \$4000 and an 18-month suspension, wholly and conditionally suspended for a period of 12 months subject to you Mr Bonner not breaching this, or any like rule, in the 12 month period.
  - (ii) Charge 2 (Rule 156(f)(ii)) – 4 month Disqualification
  - (iii) Charge 3 (Rule 156(f)(ii)) – 10 month Disqualification
  - (iv) Charge 4 (Rule 156(f)(ii)) – 2 month Disqualification
2. It was ordered that the disqualification periods be served concurrently, commencing 21 May 2024 and expiring 21 March 2025.
3. The Appellant did not pay, and has not paid, the appeal deposit, as required by cl 11(1) of the *Racing Appeals Tribunal Regulation 2015* (NSW) (the Regulation).
4. The Notice of Appeal was accompanied by an application for a stay of the Respondent's determination, which was not opposed. Accordingly, I made orders on 28 May 2024 facilitating the filing of evidence and submissions which required

the Appellant to file any material upon which he sought to rely by 3 June 2024. They also included an order pursuant to c 14(1)(a) of the Regulation that the Respondent's determination of 21 May 2024 not be carried into effect until further order. The Appellant was provided with a copy of those orders by the Appeals Secretary by sending them to his nominated email address.

5. The Appellant failed to comply with the order requiring him to file material by 3 June 2024. When contacted by the Appeals Secretary on 10 July 2024 (in circumstances where, by that time, he had had the benefit of a further 5 weeks to address the matter), the Appellant asserted that he had not received any correspondence in relation to the matter. He confirmed that his nominated email address, to which the orders had been sent, was the correct one. The Appeals Secretary then resent her earlier correspondence to the same address. The Appellant subsequently acknowledged receipt of it.
6. In these circumstances, I made further orders on 12 July 2024, requiring the Appellant to file any material upon which he sought to rely by 19 July 2024. The Appellant was provided by the Appeals Secretary with a copy of those orders by sending them to the same nominated email address. The Appellant was asked to confirm receipt of them. He did not do so, and has again failed to comply with them. The appeal deposit remains unpaid.
7. In light of this history, the Respondent has sought an order that the appeal be dismissed on the basis of the Appellant's repeated failures to comply with the orders which have been made on two occasions.
8. In my view, the position taken by the Respondent is an entirely reasonable one. It is fundamental to the efficient disposition of the Tribunal's business that appeals be prosecuted with due despatch. That has not occurred in the present case, the fault for which lies squarely with the Appellant. He has now been provided with two opportunities to file material, both of which he has completely ignored. I find his assertion that he did not receive the orders of 27 May 2024 to be curious to say

the least, particularly in circumstances where, when the orders were re-sent to the same email address, he confirmed receipt of them. There is absolutely no reason to think that he did not receive the orders of 12 July 2024. Even if he did not (which I consider is highly unlikely) the onus was on him, as the Appellant, to make enquiries with the Appeals Secretary as to the present position of the matter. The simple fact is that there has been no correspondence with him since those orders were sent to him, no material has been filed, and no appeal deposit has ever been paid, notwithstanding the Appellant's indications to the Appeals Secretary that he would make the necessary arrangements to do so.

9. Further, It is now almost two and a half months since the Notice of Appeal was lodged. That is well in excess of the time period prescribed in cl 12 of the Regulation. Whilst there are invariably cases, the circumstances of which are such that this time standard cannot be met, it has not been met in this case for the sole reason that the Appellant has not taken a single step to prosecute his appeal.

10. Section 17A(1)(a) of the *Racing Appeals Tribunal Act 1983* (NSW) confers the necessary power to dismiss an appeal. Moreover, s 17A(1)(c) confers a power to make such other order in relation to the disposal of an appeal as I think fit. In the present case, and in light of the stay previously ordered, the power in s 17A(1)(c) is appropriately invoked, firstly to vacate the stay, and secondly to order that the disqualification imposed by the Respondent commence from today.

11. For these reasons, I make the following orders:

1. The order made on 28 May 2024 pursuant to cl 14(1)(a) of the *Racing Appeals Tribunal Regulation 2015* (NSW) is vacated.
2. The appeal is dismissed.
3. The determination made by the Respondent on 21 May is confirmed.
4. The Appellant's period of disqualification will commence at midnight on 1 August 2024.

5. The Appeal Secretary is to provide a copy of these orders to the Appellant by sending them:
- (i) by email to the email address specified in the Notice of Appeal;
  - and
  - (ii) by pre-paid post to [REDACTED].

**THE HONOURABLE G J BELLEW SC**

**1 August 2024**