

IN THE RACING APPEALS TRIBUNAL

MICHAEL HOOPER
Appellant

v

GREYHOUND WELFARE AND INTEGRITY COMMISSION
Respondent

REASONS FOR DETERMINATION

Date of hearing: 20 August 2024

Date of determination: 6 September 2024

ORDERS

- 1. The appeal is dismissed.**
- 2. The orders made at first instance are confirmed.**
- 3. The Appellant's suspension will commence at midnight on 13 September 2024.**
- 4. The appeal deposit is be forfeited.**

BACKGROUND

1. By a Notice of Appeal filed on 2 July 2024, Michael Hooper (the Appellant) has appealed against a determination of the Greyhound Welfare and Integrity Commission (the Respondent) finding him guilty of a breach of r 165(c)(ii) of the *Greyhound Racing Rules* (the Rules), and imposing a suspension of 7 months (2 months of which were conditionally suspended for a period of 12 months). An order was previously made by consent staying the Respondent's determination until the outcome of this appeal.
2. The Appellant maintained his plea of not guilty on the hearing of the appeal and I was provided with a Tribunal Book (TB) containing all relevant documentary material.
3. The charge against the Appellant stems from statements he is said to have made during a conversation with Richard Zogbee, an employee of Greyhound Racing New South Wales (GRNSW) on 8 March 2024. It should be noted at the outset that the conversation was apparently recorded by Mr Zogbee. However, prior to the hearing of the appeal, the Respondent abandoned reliance upon, and withdrew, all electronic and documentary evidence of that recording. In order to establish the charge, the Respondent relies on a statement made by Mr Zogbee, and his oral evidence before me on the hearing of the appeal. As a consequence of the Respondent taking that position, I do not have to concern myself with issues raised by the Appellant prior to the hearing as to whether the recording, and/or the production and dissemination of a transcript of the conversation, may have been in breach of the *Surveillance Devices Act 2017* (NSW).

THE RELEVANT PROVISION OF THE RULES

4. Rule 165(c)(ii) of the Rules, pursuant to which the Appellant was charged, is in the following terms:

Conduct detrimental to the interests of greyhound racing
An offence is committed if a person (including an official):

...

(c) engages in contemptuous, unseemly, improper, insulting or offensive behaviour in any manner or form towards, or in relation to:

...

(ii) an officer, employee or member of a Controlling Body.

5. The term “Controlling Body” is defined in r 9 as:

a relevant body or entity, provided for by legislation as having control of greyhound racing or an aspect of it in a State or Territory of Australia or New Zealand.

6. No issue has been raised that GRNSW falls within that definition.

THE EVIDENCE

7. As previously noted, Mr Zogbee provided a statement¹ and gave oral evidence at the hearing of the appeal. He is (and was at the material time) employed by GRNSW as the Chief Grader. In that position, he has the responsibility for the grading of race meetings according to GRNSW’s policies.²

8. Mr Zogbee’s statement included the following:³

On Friday 8 March 2004 I was contacted by greyhound racing participant Michael Hooper. I have been contacted by Mr Hooper in the past on numerous occasions. As soon as I answered the phone I could tell that Mr Hooper was upset about the box draws. Mr Hooper was swearing and complaining that he keeps getting bad box draws while other trainers get good boxes. He believed that there was something at play and stated words to the effect “there’s something going on in the background” suggesting that there was corruption in GRNSW.

Mr Hooper stated words to the effect of “I’ve got to sit there and fucking watch what you do at Richmond? Wednesdays at Richmond has been the biggest rort... all the money going to one family” suggesting that greyhound trainers at Richmond are getting preferred box draws. I did not respond to any of these allegations and continued to let Mr Hooper speak.

I explained to Mr Hooper that all I do is press the button and the box draws are done. I’ve even done it on Facetime to show the transparency. Mr Hooper stated that I’m using the system to allow one group to win more money, and labelled this industrial warfare. Mr Hooper believes that the box draws are killing the industry

¹ TB 24 – 25.

² Statement at [2].

³ At [4] – [8].

and said words to the effect of “every fucking week I go into a preferential box draw and the cunts put me in 5 ... you get fucked in the arse every time”. I tried to advise him that I have nothing to do with these draws and that they are done by the stewards.

Mr Hooper is adamant that there is something behind the scenes going on and stated “I’m not fucking dumb, I want it to stop”. I advised him that I receive calls from participants when they have had a bad run of box draws but if people have a good run I don’t hear from them. This has not changed in the last 15 years.

Throughout the whole conversation with Mr Hooper he continued to swear and allege that there was corruption in relation to the box draws. This is completely false and speaking like this towards a racing official is unacceptable and has no place in the sport of greyhound racing.

9. Mr Zogbee’s evidence at the hearing of the appeal included the following:⁴

MS SUMMERSON-HINGSTON: Thank you. Mr Zogbee, if you could just state your full name and your position.

MR ZOGBEE: Ah, yep. Richard Zogbee, and I’m the Chief Grader/Racing Operations Manager here at GRNSW.

MS SUMMERSON-HINGSTON: Okay, and as part of that role, what is your role when you say you’re the Chief Grader, what does that entail?

MR ZOGBEE: Grading race meetings for New South Wales, grading all greyhound racing meetings for New South Wales, taking nominations from participants, grading race meetings according to the policy. Race programming. Race dates, disseminating race dates to New South Wales, to the tracks around New South Wales.

MS SUMMERSON-HINGSTON: All right. Thank you, that’s very thorough, thank you.

MR ZOGBEE: Okay.

MS SUMMERSON-HINGSTON: And in respect of this matter, you gave a statement, didn’t you, to GWIC investigator, Mr Hughes?

MR ZOGBEE: Yes.

MS SUMMERSON-HINGSTON: Do you recall giving that statement?

MR ZOGBEE: Yes, I do.

MS SUMMERSON-HINGSTON: Okay. And do you recall the date that you gave that statement?

MR ZOGBEE: I believe it was the 18th of the 6th.

MS SUMMERSON-HINGSTON: 18th of the 6th, thank you. Of this year, just to clarify?

MR ZOGBEE: Yes. Yeah.

⁴ Commencing at Transcript 8.21.

MS SUMMERSON-HINGSTON: Thank you. All right. And as part of your role, Mr Zogbee, do you receive phone calls from participants?

MR ZOGBEE: Yes.

MS SUMMERSON-HINGSTON: And did you receive a phone call from Mr Hooper on 8 March 2024?

MR ZOGBEE: Yes, I did.

MS SUMMERSON-HINGSTON: All right. And the phone call that you had with Mr Hooper, can you describe how he seemed during that phone call to you?

MR ZOGBEE: He was upset, agitated, um, yeah, cranky.

MS SUMMERSON-HINGSTON: Did you say cranky, sorry?

MR ZOGBEE: Yep. Yep.

MS SUMMERSON-HINGSTON: And what gave you that impression?

MR ZOGBEE: Oh, the way that he was speaking towards me. He was swearing, um, yeah, saying that forces were conspiring against him. Yeah, that sort of thing.

MS SUMMERSON-HINGSTON: Okay. Do you have any specific recollection of the words that Mr Hooper used? Now, if you need to use some language, that's fine.

MR ZOGBEE: Yeah. He used words like "there's something going on in the background".

TRIBUNAL: Well, just let me ask you this.

MR ZOGBEE: Yep.

TRIBUNAL: Doing the best you can -----

MR ZOGBEE: Yep.

TRIBUNAL: ----- what do you say is the effect of what Mr Hooper said to you?

MR ZOGBEE: Ah, he was having a rant to me, swearing.

TRIBUNAL: No. No. No, listen to my question.

MR ZOGBEE: Yep.

TRIBUNAL: What is the effect of the words that were used? Words to the effect of what? What did he say?

*MR ZOGBEE: What did he say? How do you mean what did he say? How – how ---
--*

TRIBUNAL: Well, it's a very simple question. What was the effect of the words he used? What did he say to you?

MR ZOGBEE: He swore at me.

TRIBUNAL: No. But what did he say?

MR ZOGBEE: The actual words? You want me to -----

TRIBUNAL: Yes. Yes.

MR ZOGBEE: Okay. He said there's a rort. He said, "Oh, not every fucking time I go in a preferential box draw, the cunts put me in 5. You get fucked in the arse every time. I'm not fucking dumb. I want it to stop." Ah, "I've got to sit here and fucking watch what you do at Richmond. Wednesdays at Richmond have been the biggest rort, all the money going to one family." "There's something going on in the background." So he's suggesting that there's some type of corruption going on here at GRNSW.

MS SUMMERSON-HINGSTON: So based on that conversation, that's what you understood Mr Hooper to ----

MR ZOGBEE: Yeah. Yeah.

TRIBUNAL: And did you say anything in response?

MR ZOGBEE: I said, "There's nothing going on."

TRIBUNAL: Did he say anything in response to that?

MR ZOGBEE: Well, yes, he believes that there is something going on.

TRIBUNAL: What did he say?

MR ZOGBEE: "There's something going on in the background."

MS SUMMERSON-HINGSTON: So he just maintained his position?

MR ZOGBEE: Yes, correct.

MS SUMMERSON-HINGSTON: I don't have any further questions at this stage, unless ----

TRIBUNAL: Was there anything further said in the conversation, Mr Zogbee?

MR ZOGBEE: Oh, just further questioning on what we're doing. Further questioning on further statements saying that, "It's a rort, it's an ongoing rort", and he's not going to stand for it anymore.

TRIBUNAL: And to the best of your recollection, how long did this conversation last?

MR ZOGBEE: Oh, it went for about 10 minutes.

TRIBUNAL: Was there anything further said by Mr Hooper that you can recall?

MR ZOGBEE: Not that I can – not that I can recall.

TRIBUNAL: And how did the conversation end?

MR ZOGBEE: Ended up with just, "Goodbye." "Okay, goodbye."

10. Mr Zogbee was cross-examined by the Appellant as follows:⁵

MR HOOPER: Mate, how long have we known each other?

MR ZOGBEE: Oh, probably about 20 years, I'd say.

⁵ Commencing at Transcript 12.2.

MR HOOPER: Yep.

MR ZOGBEE: And I knew you personally before you had the role with GR New South Wales as a steward and as Chief Grader.

MR HOOPER: Yes. Have we had conversations of this nature in the past?

MR ZOGBEE: Oh, yeah, probably we have, yes.

MR HOOPER: And I've been heated in the past and forthright with my opinion of the box draws and activities related to the positioning of dogs?

MR ZOGBEE: I can't recall, but I'm sure that we have spoken about box draws before.

MR HOOPER: Probably had at least four or five previous conversations?

MR ZOGBEE: Yeah, possibly.

MR HOOPER: And by nature, I get heated and I can be aggressive when defending myself?

MR ZOGBEE: Yeah.

MR HOOPER: Like, you and I, we've had open and frank conversations. So what I'm getting at is that I'm talking to a person I know, I'm looking past the official part?

MR ZOGBEE: Yeah, okay. So – but I'm in an official – I'm in an official duty, I'm in an official job and you're calling me -----

MR HOOPER: Yep.

MR ZOGBEE: ----- and telling me and you're stating now that we've known each other 20 years, so you should be able to talk to me in a different manner that you would talk to a normal official, whereas I'm trying to do my job and I've done nothing wrong and I'm doing nothing wrong and I should be able to cop you having a spray at me while I'm doing my official job?

MR HOOPER: Correct.

MR ZOGBEE: Whereas if you're saying that you've known me that long, why would you ring your friend, if you're saying that we know each other, why would you do that and have a go at me? I would never expect any of my friends to ring me and have a go at me when I'm doing my official job.

MR HOOPER: Yep.

MR ZOGBEE: You're trying to turn it around – you're trying to turn it around that this is a call -----

TRIBUNAL: Mr Zogbee – Mr Zogbee -----

MR ZOGBEE: Yep.

TRIBUNAL: It's not your role to engage in advocacy. You just answer the questions, if you would.

MR ZOGBEE: No problem.

TRIBUNAL: What's your next question, Mr Hooper?

MR HOOPER: So, during the conversation, do you recall me saying, "This is not personal, Richard."? I believe I said it half a dozen times.

MR ZOGBEE: Oh, yeah, you possibly could. Yeah, possibly could, yeah.

MR HOOPER: And so I reiterated that this was not against you personally, this is against the system?

MR ZOGBEE: Yep.

MR HOOPER: This is against the lack of fairness within the box draw system.

MR ZOGBEE: Yeah, I understand that.

MR HOOPER: Yep.

MR ZOGBEE: But why would you -----

MR HOOPER: But at the end of the day, I'm watching people that are drawn in particular ways, and in all my assessments of my results, I'm drawn differently, which brings me to a point of anger when I'm – and I'm upset when I'm dealing with owners of greyhounds who then perceive they're being treated not in the correct manner. And I've come to you to say what's going on, and it never changes, that I've got to watch my co-trainers have greyhounds drawn very favourably on a large volume of circumstances – a large volume of occasions.

TRIBUNAL: Well, I'm not sure that that's a question, Mr Hooper, that's a submission that you may want to make at the end of the evidence. But this is an opportunity to ask questions of Mr Zogbee in relation to the conversation that you had with him, which is the basis of the charge.

MR HOOPER: And that's part of the whole conversation. The whole conversation about the box draws and the results of those box draws.

TRIBUNAL: Well, Mr Zogbee, do you agree that that was part of what Mr Hooper expressed to you in the course of the conversation, that he was unhappy with those aspects of things?

MR ZOGBEE: Yes.

TRIBUNAL: Thank you.

MR ZOGBEE: That was what he was upset with.

TRIBUNAL: Thank you. Thank you very much. Yes, go on, Mr Hooper. Any further questions?

MR HOOPER: Yes. So in previous conversations, as by nature, I am a person that does swear, be that because of previous work roles. But you know that I'm one that can get heated, and I know I will drop profanities, which is why – correct me if I'm wrong – that's why I expressed to you it was nothing personal? Because we do have a free-standing relationship.

MR ZOGBEE: Yes, I understand that. But we don't – we still don't – if you're speaking to an official, we don't – shouldn't have to cop swearing. Whether it's your nature or not your nature or whatever, we shouldn't have to deal with being abused in that way.

TRIBUNAL: Any further questions, Mr Hooper?

MR HOOPER: I did have one.

TRIBUNAL: Mm-hmm.

MR HOOPER: No, nothing further at this stage.

11. Mr Zogbee was re-examined as follows:⁶

MS SUMMERSON-HINGSTON: ----- Mr Zogbee. Would you consider Mr Hooper a friend?

MR ZOGBEE: Oh, an acquaintance. Yep.

MS SUMMERSON-HINGSTON: All right. Thank you. And following this phone call, how did you feel?

MR ZOGBEE: Upset.

MS SUMMERSON-HINGSTON: All right. Can you explain a bit more?

MR ZOGBEE: Upset that we have to – that I had to cop abuse for 10 minutes, or whatever the phone call went for, for something that’s totally out of my control.

SUBMISSIONS OF THE PARTIES

Submissions of the Appellant

12. The Appellant made a number of submissions in support of the proposition that the charge was not made out. Those submissions (some of which went more to the issue of penalty) may be summarised as follows:

- (i) his conversation with Mr Zogbee was properly viewed as a private conversation between two acquaintances;⁷
- (ii) what he said to Mr Zogbee “*wasn’t personal*”⁸;
- (iii) he did not intend to cause offence to Mr Zogbee;⁹
- (iv) he was “*simply trying to get the point across that he was being treated very unfairly*”;¹⁰

⁶ Commencing at Transcript 15.1

⁷ Transcript 16.22.

⁸ Transcript 17.26.

⁹ Transcript 17.43.

¹⁰ Transcript 17.44.

- (v) although he “got colourful”, and although he “shows a lot of emotion within racing”, he did not intend to be directly offensive to Mr Zogbee, and was doing nothing more than “painting a picture about the process and procedures of the office”;¹¹
- (vi) he did not intend to abuse Mr Zogbee.¹²

Submissions of the Respondent

13. It was the Respondent’s position that based upon the evidence of Mr Zogbee, the offence was clearly established. Specifically, it was submitted that:

- (i) there could be no doubt, on the basis of Mr Zogbee’s evidence, that the statements relied upon to support the charge were, in fact, made by the Appellant in the course of the conversation;¹³
- (ii) bearing in mind the terms of the relevant rule, the Appellant’s behaviour was improper;¹⁴
- (iii) the issue that motivated the Appellant to make the call, namely his displeasure with certain procedures adopted by GRNSW, was entirely irrelevant to the question of whether the charge was proved;¹⁵
- (iv) the fact that the same issue may have contributed to the Appellant’s emotional state was equally irrelevant.¹⁶

CONSIDERATION

14. The terms of r 156(c)(ii) create a number of alternatives in terms of the category of culpability into which a participant’s conduct might fall. Bearing that in mind, the terms in which the charge was brought against the Appellant at first instance were arguably duplicitous. However, this appeal proceeds as a hearing *de novo* and Ms

¹¹ Transcript 18.1.

¹² Transcript 18.10.

¹³ Transcript 20.45.

¹⁴ Transcript 21.19.

¹⁵ Transcript 21.30.

¹⁶ Transcript 21.33.

Summerson-Hingston put the Respondent's case on the basis that the Appellant's conduct was improper. "*Improper*" is an ordinary English word, and is to be given its ordinary English meaning, namely:

*... not in accordance with accepted rules or standards.*¹⁷

15. Bearing in mind that there was no challenge to Mr Zogbee's evidence about the statements and behaviour he attributed to the Appellant in the course of the conversation, I am satisfied of the following facts:

- (i) the Appellant telephoned Mr Zogbee on 8 March 2024;
- (ii) the Appellant's purpose in calling Mr Zogbee was to take issue with him about procedures surrounding box draws, and the outcomes of those draws;
- (iii) a conversation took place between the Appellant and Mr Zogbee which extended over a period of about 10 minutes;
- (iv) the Appellant was agitated during that conversation;
- (v) the Appellant was abusive to Mr Zogbee during that conversation, such abuse manifesting itself in the Appellant:
 - (a) swearing at Mr Zogbee, in the context of complaining about box draws, and asserting some unspecified form of corruption within GRNSW;
 - (b) demanding that certain practices stop because he (i.e. the Appellant) "*wasn't fucking dumb*";
 - (c) saying to Mr Zogbee words to the effect "*Oh, not every fucking time I go in a preferential box draw, the cunts put me in 5. You get fucked in the arse every time. I'm not fucking dumb. I want it to stop ... I've got to sit here and fucking watch what you do at Richmond. Wednesdays at Richmond have been the biggest rort,*

¹⁷ Oxford Dictionary.

all the money going to one family ... there's something going on in the background;"

- (vi) the conversation left Mr Zogbee upset.

16. In my view, those matters clearly establish impropriety of the kind which is contemplated by r 156(c)(ii) and I am satisfied that the charge has been established.

THE QUESTION OF PENALTY

Submissions of the Appellant

17. The Appellant's submissions on penalty may be summarised as follows:

- (i) he had no intention to abuse Mr Zogbee;¹⁸
- (ii) the statements he made were not personal towards Mr Zogbee;¹⁹
- (iii) he has since apologised to Mr Zogbee;²⁰
- (iv) even allowing for his disciplinary history, the penalty imposed was excessive;²¹
- (v) to the extent that he had engaged in prior similar offending via Facebook, he no longer had a Facebook account;²²
- (vi) he suffers from a condition for which he is medicated, and which can affect his relations with others.²³

Submissions of the Respondent

18. The submissions of the Respondent on penalty may be summarised as follows:

- (i) there is a fundamental necessity to allow the staff of greyhound racing entities to perform their duties without being subject to any form of improper conduct, as a consequence of which there was a

¹⁸ Transcript 18.10.

¹⁹ Transcript 20.10.

²⁰ Transcript 19.34; 20.9.

²¹ Transcript 18.12 – 18.324.

²² Transcript 23.25 – 23.45.

²³ Transcript 23.46 – 24.10.

need for any penalty to reflect considerations of general deterrence;²⁴

- (ii) the Appellant's disciplinary history was such that personal deterrence was also a relevant factor on penalty;²⁵
- (iii) the attempt by the Appellant to diminish the significance of his conduct on the basis that it amounted to little more than the use of colourful language demonstrated a lack of insight into what had occurred;²⁶
- (iv) the penalty imposed on the Appellant was appropriate, and the appeal should be dismissed.²⁷

CONSIDERATION

19. There are a number of matters relevant to assessing penalty.

20. First, whilst it is to the Appellant's credit that he has apologised to Mr Zogbee, there is a clear tendency on his part to seek to excuse his conduct, and/or to attempt to categorise it as essentially benign. That tendency reveals both a lack of insight on the Appellant's part, and lack of any real remorse.

21. Secondly, and whilst the Appellant and Mr Zogbee obviously knew one another, the conversation cannot be categorised (much less excused) as one between acquaintances. Clearly, the Appellant had phoned Mr Zogbee in his official capacity, for the purposes of making a complaint about box draws.

22. Thirdly, the fact that the Appellant was "*colourful*" and "*showed a lot of emotion*" cannot be relied upon to mask, much less justify, what actually occurred. What the Appellant said was more than just "*colourful*". It was aggressive, offensive, and abusive.

²⁴ Submissions at [27].

²⁵ Submissions at [28] – [29]; Transcript 22.4.

²⁶ Transcript 22.6 – 22.9.

²⁷ Submissions at [31].

23. Fourthly, whilst I would agree that the Appellant was, as he said, "*painting a picture about the process and procedures*", the manner and terms in which he did so were fundamentally unacceptable. A picture is capable of being painted in a calm and rational way. That is the antithesis of how the Appellant behaved.
24. Fifthly, whilst I am prepared to accept that the Appellant's primary complaint related to procedures adopted by GRNSW, the fact remains that his statements and abuse were directed at Mr Zogbee personally, as the person responsible for putting those procedures into effect. In that regard, given the terms of some of what was said, I find it difficult to accept the Appellant's assertion that he did not intend to cause Mr Zogbee personal offence. Even if I were prepared to accept that, it would be of limited significance. On any view, the Appellant used Mr Zogbee as a vehicle through which to voice his complaints, and did so in a manner which was clearly improper.
25. Put simply, if an industry participant wishes to question any practice or procedure adopted by the relevant regulator, there are no doubt proper channels through which that can be pursued, which do not involve gratuitous abuse being levelled at those responsible for implementing such procedures. The abuse of officials has no place in the racing industry. In that regard, I made the following observations in *Berry v Harness Racing New South Wales*²⁸:

[49] ... Putting it simply, and whilst each case which comes before the Tribunal will, as a matter of fairness, always be assessed and determined according to its own facts and circumstances, it is necessary to send a clear message to industry participants that any conduct towards Stewards which is (amongst other things) abusive, offensive, threatening, obstructive, intimidatory, defamatory, racist or harassing, any conduct which constitutes an assault, and any conduct which constitutes a failure to comply with a reasonable direction by Stewards, is likely to meet with a substantial penalty.

[50] That approach stems from the fundamental fact that the tasks and responsibilities of Stewards are difficult enough to begin with. Further, and at the risk of stating the obvious, their role is essential to the proper conduct and regulation of the harness racing industry. The discharge by Stewards of what are,

²⁸ 4 June 2024 at [49]-[50].

by their inherent nature, onerous duties and responsibilities, should not be rendered even more difficult by behaviour of the kind exhibited by the Appellant in the present case. Moreover, Stewards are entitled to assume that they will be able to carry out their functions in circumstances where they are not subjected to personal abuse, and where their personal safety is not threatened or otherwise placed in jeopardy.

26. Whilst those observations were obviously made in the context of conduct towards a Steward, they apply to conduct towards racing industry officials generally, including those who occupy positions such as that occupied by Mr Zogbee. It follows that there is a clear need for any penalty in the present case to reflect the need for general deterrence.

27. The Appellant's disciplinary history includes the following:

DATE	NATURE OF CONDUCT	PENALTY
7 July 2014	Improper comments on Facebook to Stewards	\$100.00 fine
23 July 2015	Engaging in offensive emails to Stewards	\$500.00 fine
28 January 2017	Improper comments on Facebook towards GRNSW and GBOTA	Reprimand and warning
23 January 2021	Improper language on Facebook towards GRNSW and GBOTA	4 month suspension (2 months suspended subject to conditions)
23 January 2021	Facebook posts detrimental to greyhound racing	6 months suspension (3 months suspended)
18 July 2021	Contemptuous behaviour	\$300.00 fine.

28. The significance of that history will be self-evident. Whilst the fact that the Appellant no longer has a Facebook account is a positive step, it will be obvious that the root of the issue is his behaviour towards officials, rather than the avenue through which that behaviour is exhibited. The present offending represents a continuation, and perhaps an escalation, of the Appellant's previous unsatisfactory conduct. In light of his disciplinary history, there is a clear and demonstrated need for any penalty to reflect the need for personal deterrence.

29. In my view, the penalty imposed, far from being excessive as the Appellant has suggested, is entirely appropriate. It follows that the appeal must be dismissed.

ORDERS

30. For the reasons given I make the following orders

1. The appeal is dismissed.
2. The orders made at first instance are confirmed.
3. The Appellant's suspension will commence at midnight on 13 September 2024.
4. The appeal deposit is to be forfeited.

THE HONOURABLE G J BELLEW SC

6 September 2024