

**IN THE RACING APPEALS TRIBUNAL**

**JULIE KING**

**Appellant**

**v**

**GREYHOUND WELFARE AND INTEGRITY COMMISSION**

**Respondent**

**REASONS FOR DETERMINATION**

**Date of hearing:** 24 September 2024  
Further submissions 26 September 2024

**Appearances:** The Appellant in person  
Ms K Mohan for the Respondent

**Date of determination:** 4 October 2024

**ORDERS**

- 1. The appeal is allowed.**
- 2. The determination of the Respondent of 26 June 2024 as to:**
  - (a) the imposition of a condition on the Appellant's registration as a Breeder, Whelper and Public Trainer; and**
  - (b) the terms of such condition,****is set aside.**
- 3. In lieu thereof, conditions in the following terms shall be imposed upon the Appellant's registration:**
  - 3.1 The Appellant is required to install CCTV cameras at each and every point of ingress and egress to her property at 1954 Summerland Way, Warragal Creek, New South Wales (the property).**
  - 3.2 The CCTV cameras shall be installed by the Appellant:**

- (a) in a manner which enables them to capture vision of any person who enters and/or exits the property;**
- (b) at the Appellant's cost; and**
- (c) on or before 19 November 2024.**

**3.3 All footage taken by the CCTV cameras shall be retained by the Appellant for a period of 30 days from the date on which such footage is taken, at the expiration of which it may be destroyed.**

**3.4 Any footage which is not destroyed pursuant to 3.4 must be produced by the Appellant within 24 hours of any request for production being made by the Greyhound Welfare and Integrity Commission.**

**4. The appeal deposit is to be refunded.**

## **INTRODUCTION**

1. By a Notice of Appeal dated 8 July 2024,<sup>1</sup> Julie King (the Appellant) has appealed against a determination of the Greyhound Welfare and Integrity Commission (the Respondent) made on 26 June 2024 as to the imposition of a condition on her registration as a Breeder, Whelping and Public Trainer.
2. The parties prepared a joint Tribunal Book (TB) containing relevant documentary material. However, there are other matters of factual background which were not included in the Tribunal Book and which I have drawn from material provided to me in relation to an application made by the Appellant in a related proceeding.<sup>2</sup>

## **THE FACTS**

### **The Appellant's association with Trevor Rice**

3. The issue which I am required to consider for the purposes of this appeal, namely the imposition of a condition on the Appellant's registration, stems principally from the Appellant's personal association with Trevor Rice. Rice is a former, and currently disqualified, industry participant. He is also an Appellant before this Tribunal in respect of his disqualification, which is for life, and which arises from allegations of animal cruelty. In circumstances where Rice's appeal against his disqualification is presently part-heard before me, and where Rice maintains his innocence in respect of the charges of which he was found guilty at first instance, I should make it clear that nothing said about him in this determination is to be construed, in any way, as expressing any view about his guilt or otherwise.
4. On 12 November 2023, the Respondent wrote to the Appellant in the following terms:

*[The Respondent] is aware that [Rice] currently resides at [the property]. [The Respondent] notes that [the property] is your registered kennel address.*

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<sup>1</sup> TB 1 and following.

<sup>2</sup> Those matters are drawn from a determination dated 19 March 2024 in respect of an application for a stay of a related decision made by the Appellant.

*[Rice] has been advised that he is no longer permitted to reside at [the property] from 5.00 pm Friday 15 December 2023.*

5. The correspondence from the Respondent went on to warn the Appellant of the possibility of disciplinary action being taken against her for a breach of Local Rule 180A, and/or Rule 156 of the *Greyhound Racing Rules* (the Rules).
6. On 26 February 2024, officers of the Respondent, including Senior Steward Dean Degan, visited 1954 Summerland Way, Warragal Creek (the property) and spoke with the Appellant. A conversation took place which included the following exchange:

*Degan: Is Trevor Rice here at all?*

*Appellant: I'm not going to lie. Yes. He's got nothing to do with the dogs. I'm not going to put the bloke out in the street. He's my partner. I'm not putting him out in the street. I know I can get into trouble for this. But I'm not gonna put him out in the street. Because if he goes and kills himself are youse guys gonna be responsible for him? Because he will do it. Because he's got nothing to his life. He's got nowhere to live. He's got no money. He doesn't own the van anymore. It's my van. ... So he's got nowhere to go. The only thing he can take is my old piece of crap RAV and it doesn't go. ... So I'm being honest to you, Dean. ... I'm not going to lie because you lie, it gets you into more ... trouble (emphasis added in each case).*

7. When Mr Degan drew the Appellant's attention to the fact that she had been previously informed that Rice was not to be in occupation of the property, she said:

*But I thought when the appeal – when we did an appeal, he was allowed to come back ... our solicitor told us that we were allowed to – he was allowed to stay until that went through. That's what our solicitor told us.*

8. When asked about any involvement Rice may have had with her greyhounds, the Appellant said:

*Yes, he's staying in the house. He doesn't have anything to do so with the dogs. He does not do dogs. Aaron and I do the dogs ...*

9. In subsequent correspondence, the Appellant confirmed that Rice *had* been staying at her property, but advised that she had arranged alternative accommodation for him. She denied any suggested breach of any rule.

### **The Appellant's disqualification**

10. The Respondent then commenced an investigation, which resulted in the Appellant pleading guilty to a breach of Local Rule 180A. The essence of that breach was that, contrary to a Notice which had formally revoked a previous exemption, the Appellant had permitted Rice to reside at the property. A period of disqualification was imposed on the Appellant, which expired on 1 June 2024.

### **Events following the expiration of the Appellant's disqualification**

11. On 26 June 2024, the Respondent wrote to the Appellant in the following terms:<sup>3</sup>

*I refer to recent communications between the Commission and yourself.*

*As discussed in those communications, the Commission has agreed to grant you a Breeder Whelper and Public Trainer Registration, subject to your compliance with the following condition:*

***You are required to install CCTV that is capable of recording video footage within 6 weeks of the date of this letter being sent, 26 June 2024. Therefore, you would need to have CCTV installed by 7 August 2024 or your licences will be revoked.***

*CCTV must be installed by your or a delegate at locations on your kennel premises that have been identified by the Commission as suitable, such that it provides appropriate vision of the kennels and associated training areas, including yards and/or runs. The CCTV system must be installed within four weeks of the Commission identifying the suitable locations.*

*Footage must be stored for a period of 30 days, after which time it may be disposed of by you.*

*Footage is to be provided to the Commission upon request (emphasis in original).*

12. It is this condition, and its proposed terms, which are the focus of the present appeal.

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<sup>3</sup> TB 4.

13. According to the Appellant, representatives of the Respondent attended her premises on 10 July 2024 for the purposes of inspecting them (presumably with a view to directing where any cameras were to be installed) but have not been in touch with her since.<sup>4</sup> The Respondent's submissions filed for the purposes of the present appeal confirmed that attendance, but explained that further action in respect of the installation of any cameras was put on hold following this Tribunal's determination to grant the Appellant a stay in respect of the matters which resulted in the imposition of the previous disqualification.<sup>5</sup>

## **SUBMISSIONS OF THE PARTIES**

### **Submissions of the Appellant**

14. The Appellant originally retained a Solicitor to act on her behalf, who made the following submissions in writing which are relied upon for the purposes of this appeal:<sup>6</sup>

- (i) the proposed condition:
  - (a) is not necessary having regard to the objects of the *Greyhound Racing Act 2017* (NSW) (the Act); and
  - (b) otherwise lacks utility;
- (ii) the circumstances of the present case are different to previous cases considered by the Tribunal in which a condition of this nature was imposed;
- (iii) the Appellant has, generally speaking, a "long and clean" history as a registered participant in the greyhound racing industry, and her recent disqualification was brought about "*emotional considerations*";
- (iv) the Appellant has already suffered significant financial hardship as a consequence of her disqualification;

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<sup>4</sup> TB 7.

<sup>5</sup> TB 11 – 12 at [21] - [23].

<sup>6</sup> TB 5 – 6.

- (v) in circumstances where the Appellant could not financially afford to comply with the condition, imposing it was tantamount to refusing her application for registration.

15. As to the matters in (iv) and (v), there is no specific evidence before me as to the Appellant's financial circumstances. However, as the Respondent's submissions took no issue with it, I will accept the accuracy of what has been put, particularly in circumstances where the Appellant is now self-represented.

16. The Appellant made the following further submissions:<sup>7</sup>

*I presume GWIC have ordered me to have the cameras because of my disqualified partner Trevor Rice. Trevor Rice has not been on my property since February 26<sup>th</sup> 2024. That was the day Wade Birch disqualified me for having my partner living with me.*

*If he was still allowed to live with me like he did when GWIC gave him permission, I could understand having CCT cameras present.*

*But as a woman now having to live on my own, the presence of CCT cameras on my every move in my kennels and around my place of work that I thought as my safe place, it's an invasion of privacy of my private space and work.*

*Trevor Rice the disqualified person is not living on my property.*

17. At the hearing of the present appeal, the Appellant generally confirmed the nature of her relationship with Rice, stating (in answer to a direct question from me) that they "go out".

### **Submissions of the Respondent**

18. The Respondent submitted that the condition in its proposed terms was both necessary and appropriate having regard to the Appellant's relationship with Rice, and the circumstances leading to her previous disqualification. In this regard, the Respondent emphasised the serious nature of the charges of which Rice has been found guilty.<sup>8</sup>

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<sup>7</sup> TB 7.

<sup>8</sup> TB 11 at [16].

19. The Respondent further submitted that the condition was appropriate because it was not possible to reach a definitive conclusion that Rice did not have access to the property. It was submitted that in these circumstances, the condition was necessary as a protective measure to mitigate any risk arising from the Appellant's continuing relationship with Rice.<sup>9</sup>

20. Finally, the Respondent submitted that compliance with the proposed condition did not infringe the Appellant's right to privacy, bearing in mind that the cameras were intended to, and would, capture images of the *outside* of her premises.<sup>10</sup> Ultimately, the Respondent submitted that the imposition of the condition, in its proposed terms, was justified in circumstances where:

- (i) Rice has been found guilty of the most serious offences for which provision is made in the Rules;
- (ii) the previous disqualification imposed on the Appellant had arisen from the fact of her relationship with Rice, and his presence at the property; and
- (iii) maintaining the integrity of the industry was paramount.<sup>11</sup>

## **EVENTS SUBSEQUENT TO THE HEARING OF THE APPEAL**

21. The submissions of the Respondent articulated the rationale underlying the proposed condition in the following terms:<sup>12</sup>

*[The condition] is intended **solely to monitor access to greyhounds kept on the property and to do so for protective purposes***" (emphasis added).

22. With that in mind, at the conclusion of the hearing of the appeal I raised whether the issue between the parties was capable of being resolved by agreement. In doing so, I made it clear that I had reached no final determination, and gave the parties the opportunity to consider the matter and make further submissions.

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<sup>9</sup> TB 11 at [17] – [19].

<sup>10</sup> TB 12 at [24].

<sup>11</sup> TB 12 at [27](a) – (c).

<sup>12</sup> TB 12 at [24].



### Further submissions of the Appellant

23. On 26 September 2024, the Appellant provided two documents.

24. The first, was a letter of 28 June 2024 from the Respondent, advising her that her “*registration application had been approved*”. No reference was made in that correspondence to the imposition of any condition. However, that correspondence post-dates that of 26 June 2024 in which the proposed condition was set out.

25. The second, was the correspondence of 26 June, the salient parts of which are set out above.<sup>13</sup>

26. By reference to those documents the Appellant made the following further submissions:

*Thank you for the opportunity to provide further submissions following the hearing on 24 September 2024. I would like to extend my apologies on behalf of my support person, Miss Fiona Geary, who was unable to attend due to a scheduling error.*

*I have attached two letters from the Greyhound welfare and Integrity Commission (GWIC) regarding the status of my license. The first letter, dated 26 June 2024, specifies that the installation of CCTV cameras is a prerequisite for obtaining my license. However, the second letter, dated 28 June 2024, indicates that my license has been approved without any stated conditions.*

*I would like to clarify my understanding: I believed that my license was granted without the condition of installing surveillance cameras, as the second letter does not reference any such requirement.*

*I must express my concerns regarding the mandated installation of CCTV cameras on my property. The prospect of surveillance makes me feel extremely uncomfortable, as I harbor significant concerns about potential cyber-attacks or hacking associated with such technology and have no training in protecting myself from such events. I have always preferred a lifestyle with minimal technological intrusion, and the installation of these cameras would represent a substantial invasion of my privacy.*

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<sup>13</sup> At [11].

*Furthermore, I question whether it is standard practice in Australia for a regulatory body to impose surveillance requirements on individuals in their workplaces as well as residence. The financial burden of installing extensive camera systems is also a significant concern, as it poses an unexpected strain on my resources which are better spent on the welfare and up-keep of my Greyhounds.*

*I appreciate your consideration of my submissions regarding this matter.*

### **Further submissions of the Respondent**

27. On 26 September 2024, the Respondent made further submissions in the following terms:

*I note the Tribunal contemplated whether the parties might reach an agreed position in respect of the imposition condition placed on Ms King's registration to install and maintain a single CCTV camera at the main entrance of the Appellant's property.*

*The Respondent's primary position is that a condition requiring the installation and maintenance of one or more cameras at the kennel premises is most appropriate, to mitigate the concerns held by the Respondent. The Respondent is willing to cooperate and assist the Appellant by providing guidance on how and where to install the cameras (noting that it was in the process of doing so, prior to the Tribunal granting a stay, by consent), as well as provide the Appellant with a reasonable period of time to have the cameras installed.*

*However, the Respondent notes the indication from the Tribunal that a condition requiring one CCTV camera to be installed and maintained at the main entrance of the Appellant's property may be sufficient as a way to balance the concerns held by the Respondent, and the privacy concerns expressed by the Appellant.*

*If the Tribunal is not with the Respondent in respect of its primary position, the Respondent submits that, at the very least, a condition requiring the installation and maintenance of one CCTV camera located at the main entrance to the Appellant's property is a necessary condition.*

*This submission is made as the Appellant's case is distinguishable from the matters of Chaker and Windiate as the person who the Commission held concerns about was a person permitted to reside at the respective addresses. However, in the present matter the person of concern (Mr Rice) is not permitted to attend the premises at all.*

*In order to assist the Appellant with complying with any condition that may be imposed by the Tribunal, the Respondent is willing to undertake further attendances at the Appellant's property prior to the installation of any CCTV camera/s.*

*We note the Appellant has today provided fresh evidence and submissions in relation to a letter dated 28 June 2024, referred to by the Appellant as ‘the second letter’. We submit that the Appellant’s submission that she ‘believed (her) license was granted without the condition of installing surveillance cameras’ is disingenuous. Firstly, this is the first time this is raised, and secondly the Appellant’s appeal has proceeded on the basis that the Appellant considered the imposition of the condition to be financially onerous and an invasion of her privacy. It strains credulity for the Appellant to now assert that she was under the apprehension that she did not have to install CCTV cameras at all.*

## **CONSIDERATION**

28. It is necessary to begin by emphasising a number of matters.

29. First, the Respondent has a discretionary power to impose a condition upon a participant’s registration. Such power is expressly conferred by s 49(4) of the Act, and is fortified by s 44(2) which imposes an obligation on a participant to comply with any condition(s) to which their registration is subject. Pursuant to s 17A of the *Racing Appeals Tribunal Act 1983* (NSW), I have the same discretionary power for the purposes of this appeal.

30. Secondly, the imposition of a condition which effectively incorporates surveillance of a property is not, as the Appellant has suggested, a question of standard practice. Whether such a condition is appropriate is a matter of discretion, having regard to the entirety of the circumstances of the particular case.

31. Thirdly, the Respondent must exercise its powers and functions in a manner consistent with the objects of the Act set out in s 3A. Those objects include:

- (i) providing for the efficient and effective regulation of the greyhound racing industry;<sup>14</sup>
- (ii) protecting the interests of the industry and its stakeholders;<sup>15</sup> and
- (iii) ensuring the integrity of greyhound racing in the public interest.<sup>16</sup>

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<sup>14</sup> Section 3A(a).

<sup>15</sup> Section 3A(b)

<sup>16</sup> Section 3A(d).

32. Fourthly, s 11 of the Act prescribes that the principal objectives of the Respondent include:

- (i) promoting and protecting the welfare of greyhounds;<sup>17</sup>
- (ii) safeguarding the integrity of greyhound racing and betting;<sup>18</sup> and
- (iii) maintaining public confidence in the greyhound racing industry.<sup>19</sup>

33. It follows that any discretionary power must be exercised by reference to, and in accordance with, those principal objectives.

34. Against this background, I turn to the present appeal.

35. The determination of this appeal requires, amongst other things, that I take into account, and strike a balance between, the competing positions of the parties. The Appellant has the right to an appropriate degree of privacy in and around her residential premises. She also has the right to form a relationship, and/or associate, with anyone she chooses. I also acknowledge that the evidence before me tends to establish that Rice has not been in attendance at the property for some months.

36. However, all of that said, holding a licence to participate in the greyhound racing industry is a privilege.<sup>20</sup> The Appellant must understand that her choice to have a relationship, or to associate in any way, with a person who has been disqualified from participating in the industry for life on the basis of findings of guilt in respect of allegations of animal cruelty, is likely to attract the attention of the Respondent given its regulatory responsibilities, and is equally likely to have some effect on her registration.

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<sup>17</sup> Section 11(a).

<sup>18</sup> Section 11(b).

<sup>19</sup> Section 11(c).

<sup>20</sup> See *Chaker v Greyhound Welfare and Integrity Commission*, 19 December 2022 at [27].

37. I accept that, generally speaking, the Appellant has a good record as an industry participant. However, this factor assumes less significance than might otherwise be the case. That is because what the Respondent seeks to primarily address, and prohibit, is any involvement by Rice in the Appellant's activities. In that sense, there is something of a focus on the activities of Rice, rather than a focus directly upon the activities of the Appellant herself.

38. Further in my view, a condition allowing some form of external surveillance, even if it were imposed in the terms sought by the Respondent, would not amount to an unreasonable (or unlawful) invasion of the Appellant's privacy, for the simple reason that there is no suggestion that any condition would allow images to be taken of the inside of the Appellant's property. I am also unable to accept the Appellant's submission that she had understood, in light of the correspondence of 28 June 2024, that the Respondent was prepared to give effect to her registration absent the imposition of any condition(s). Such a conclusion is at odds with the correspondence of 26 June, which set out the proposed condition in precise terms. The Appellant could not, in all of those circumstances, have reasonably understood that the Respondent was not seeking to impose the condition of which she had been previously advised. Even if that were her understanding, it is not to the point. The fact remains that the Respondent has the discretionary power to impose a condition, whether a participant consents to it or not.

39. The Respondent is obliged to carry out its functions, and exercise its powers, in a manner which is consistent with, and which promotes, the objects of the Act and the other statutory provisions to which I have referred. Obviously, the Respondent's concern is to ensure that Rice, a person presently subject to a lifetime disqualification for animal cruelty, remains wholly removed from involvement in any activity carried out by the Appellant pursuant to her registration. Those circumstances directly engage the Respondent's statutory obligation to exercise any discretion conferred on it in a way which promotes and

protects the welfare of greyhounds.<sup>21</sup> For these reasons, I do not accept the submission made on the Appellant's behalf that a condition of the general kind for which the Respondent agitates would be lacking in utility, nor do I accept the submission that the imposition of such a condition is unnecessary and/or inappropriate having regard to the objects of the Act. On the contrary, the Respondent's desire to ensure that Rice is not present on the Appellant's property, and that he plays no part in activities conducted by the Appellant pursuant to her registration, is completely understandable, wholly justified, and entirely consistent with the provisions of the Act I have cited above. In my view, a condition in some form or another is necessary, not only to promote and protect the welfare of greyhounds, but to safeguard the integrity of, and maintain public confidence in, the greyhound racing industry as a whole.

40. Equally, it is important that any discretionary power, including the power to impose a condition on a participant's registration, be exercised only to the extent which is necessary to address the concern which has been identified. Given the position taken by the Respondent in its submissions,<sup>22</sup> the **sole** objective of imposing a condition is to monitor who has access to the Appellant's greyhounds kept on the property. On the facts of the present case, the only person who has been identified as being of a concern to the Respondent in terms of attending the property is Rice.

41. I have not been provided with a photograph of the property, nor have I been provided with a map of its lay out. However in my view, the Respondent's determination, which proposes a condition requiring the installation of CCTV cameras so as to provide vision of the kennels, associated training areas, yards and/or runs on the property, exceeds what is necessary to address the concerns which have been identified. As a matter of common sense, no person can have access to the Appellant's greyhounds if he or she does not have access to the

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<sup>21</sup> Section 11(a).

<sup>22</sup> At [23] above.

property itself. In my view, the competing interests of the parties can be appropriately, and equitably, addressed, by the imposition of a condition, the effect of which will be to allow the Respondent to monitor the points of ingress and egress to the property, and thus identify those who may come and go.

42. There are two remaining matters which should be addressed.

43. The first, is that I am mindful of the Appellant's limited means, and the fact that it will be necessary for her to meet the cost of installation of the camera(s). However, given the factual background of the matter, and for the reasons I have already expressed, that is not an unreasonable requirement. In my view, the necessity for a condition of the kind I propose to impose outweighs the Appellant's personal circumstances.

44. The second concerns the previous determinations of the Tribunal upon which the Respondent relies.

45. The first was the determination in *Windiata v Greyhound Welfare and Integrity Commission*.<sup>23</sup> In that case the Tribunal was required to firstly consider the power of the Respondent to impose conditions on a participant's registration.<sup>24</sup> No such issue has been raised in the present case. There can be no doubt that the provisions of s 49(4) of the Act confer the necessary power.

46. The Tribunal identified that the power to impose a condition:

- (i) is discretionary;<sup>25</sup> and
- (ii) "*should only be exercised by provisions which have been identified*",<sup>26</sup> which I interpret as meaning that the power is to be

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<sup>23</sup> 5 April 2023.

<sup>24</sup> At [4].

<sup>25</sup> At [23].

<sup>26</sup> At [23].

exercised by reference to the statutory provisions to which I have referred.

47. Both of those propositions are uncontroversial.

48. In *Windiate*, a condition was imposed by the Respondent in terms not entirely dissimilar to that imposed in the present case, following the Appellant's partner, Toby Weekes (Weekes), being charged with a criminal offence and refused bail, in circumstances where he had, prior to being charged, resided at the Appellant's property and assisted her with her work within the industry. Weekes was subsequently granted bail, on the condition that he reside at the Appellant's premises.

49. In dismissing the appeal, the Tribunal made reference to the Respondent's concerns that Weekes "*may do things he should not*" when on the Appellant's premises.<sup>27</sup> This was one of a number of factors that the Tribunal took into account in determining that a condition requiring the installation of CCTV cameras covering kennels and associated training areas was appropriate.<sup>28</sup> The fact that Weekes was a resident at the relevant premises serves as an important point of distinction. Rice does not reside at the property. That distinction goes some way to explaining why I have come to the view that a condition in terms less stringent than those imposed by the Respondent is appropriate.

50. In *Windiate* the Tribunal made reference to an earlier determination in *Chaker v Greyhound Welfare and Integrity Commission*.<sup>29</sup> In that case, the Tribunal considered an appeal against a determination of the Respondent to impose a condition which was, again, essentially similar to that imposed in the present case. On the Respondent's case in *Chaker*, the need for such a condition had come about as a consequence of the fact that the Appellant's son, who resided

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<sup>27</sup> At [39].

<sup>28</sup> At [45].

<sup>29</sup> 19 December 2022.



with the Appellant, had been charged with what were described as “*exceptionally serious criminal offences*”<sup>30</sup> and disqualified as an industry participant. In circumstances where there was an identified nexus between the charges and the disqualification,<sup>31</sup> the Tribunal considered it appropriate to impose a condition which provided for the installation of CCTV cameras covering the Appellant’s kennels and training areas. Once again, the fact that the person of concern was residing with the Appellant serves as an important distinguishing factor.

51. The Respondent cited these two determinations in support of an order dismissing the appeal.<sup>32</sup> However, those determinations do not, of themselves, provide the basis for a conclusion that the identical result should inevitably follow in the present case. As I have pointed out, there is an important factual distinction between *Windiate* and *Chaker* on the one hand, and the present case on the other, namely that in each of the two previous cases, the person of concern was living with the industry participant. That fact was, for reasons which are perfectly understandable, a primary consideration in the respective determinations of the Tribunal. In the present case, Rice is not presently living at the property, and the evidence before me is that he has not been there for approximately 8 months. His absence necessarily ameliorates, at least to some degree, the concern that he not involve himself in the Appellant’s industry-related activities.

## **CONCLUSION**

52. The exercise of the discretionary power to impose a condition on a participant’s registration is informed, at least partly, by the facts of the case in question. For the reasons I have given, the facts of the present case are such that in my view, a condition should be imposed on the Appellant’s registration. However, the terms of that condition should:

- (i) not be “generic” in nature;

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<sup>30</sup> At [15]-[16].

<sup>31</sup> At [26].

<sup>32</sup> Submissions at [19].

- (ii) not slavishly follow the terms of conditions imposed in other cases, particularly where the facts of such cases are fundamentally distinguishable in a material respect;
- (iii) be expressed in terms which address the specific facts and circumstances of *this* case;
- (iv) take into account the Respondent's statutory obligations;
- (v) appropriately balance the interests of the parties; and
- (vi) not extend beyond what is reasonably necessary to properly address the concerns which have been raised by the Respondent.

53. The condition I consider appropriate, and which is set out below, takes into account all of these factors.

## **ORDERS**

54. I make the following orders:

1. The appeal is allowed.
2. The determination of the Respondent of 26 June 2024 as to:
  - (a) the imposition of a condition on the Appellant's registration as a Breeder, Whelper and Public Trainer; and
  - (b) the terms of such condition,is set aside.
3. In lieu thereof, conditions in the following terms shall be imposed upon the Appellant's registration:
  - 3.1 The Appellant is required to install CCTV cameras at each and every point of ingress and egress to her property at 1954 Summerland Way, Warragal Creek, New South Wales (the property).
  - 3.2 The CCTV cameras shall be installed by the Appellant:
    - (a) in a manner which enables them to capture vision of any person who enters and/or exits the property;
    - (b) at the Appellant's cost; and

(c) on or before 19 November 2024.

3.3 All footage taken by the CCTV cameras shall be retained by the Appellant for a period of 30 days from the date on which such footage is taken, at the expiration of which it may be destroyed.

3.4 Any footage which is not destroyed pursuant to 3.4 must be produced by the Appellant within 24 hours of any request for production being made by the Greyhound Welfare and Integrity Commission.

(d) The appeal deposit is to be refunded.

55. In the event that any issue(s) arise in respect of these orders, each party has leave to contact the Appeals Secretary with a view to the matter being put back before me.

**THE HONOURABLE G J BELLEW SC**

**4 October 2024**