

**RACING APPEALS
TRIBUNAL
NEW SOUTH WALES**

TRIBUNAL MR DB ARMATI

EX TEMPORE DECISION

WEDNESDAY 22 MAY 2019

APPELLANT NEVILLE HAND

**APPEAL AGAINST REFUSAL BY GWIC TO GRANT
APPELLANT AN OWNER'S LICENCE AND
ATTENDANT'S LICENCE**

DECISION

- 1. Appeal upheld**
- 2. Appeal deposit refunded**

1. By his appeal, unlicensed person Mr Neville Hand seeks to overturn the decision of the Greyhound Welfare Integrity Commission, to refuse to grant him his application for an owner's licence and an attendant's licence. That decision was made on 5 March 2019.

2. The law to be applied to an applicant is governed by the Greyhound Racing Act 2017, ("GRA") section 47, which provides:

"(1) The Commission is to exercise its registration functions under this Division so as to ensure that any person registered by the Commission is a person who, in the opinion of the Commission, is a fit and proper person to be registered (having regard in particular to the need to protect the public interest as it relates to the greyhound racing industry).

(2) Without limiting subsection (1), a person is not to be registered if the person has a conviction and the Commission is of the opinion that the circumstances of the offence concerned are such as to render the person unfit to be registered."

3. The case law in relation to applications such as this, and indeed on issues of fitness and propriety generally, have been outlined by this Tribunal in numerous decisions in recent years. The most comprehensive of those is in the harness racing decision of Painting in recent times. In addition, the harness racing decision of Zohn has been given to the Tribunal today and it encapsulated the tests.

4. As this is a greyhound racing matter, a quote from a decision in this industry of the applicable law is to be found in the decision of Wayne Vanderburg, 30 November 2015, in which the Tribunal upheld his appeal and determined that there would be a grant to him of an attendant's licence. as follows:

"7. The parties agree that the onus is upon the appellant to satisfy the Tribunal that he is a fit and proper person. There is no issue that on an application such as this that the Briginshaw test enlivening comfortable satisfaction is enlivened.

8. The law to be applied to these facts has essentially been agreed by the parties to be that which this Tribunal expressed in the Harness Racing appeal of Scott on 15 July 2015. In that decision, I set out the following legal tests to be considered.

"In the decision of Zohn 11 July 2013, which was an application by Zohn against a refusal of a trainer's licence, an appeal which was dismissed, the Tribunal set out the provisions it, in that matter, considered appropriate to be the

tests against which this applicant is to be assessed. Those parts of Zohn are:

"The law relating to fitness and propriety falls, and has been considered in many different areas. Perhaps the key one is the decision of Hughes & Vale Pty Ltd v New South Wales [No2] [1955] HCA 28, which dealt with the principles of fitness and propriety in this sense:

" ... their very purpose is to give the widest scope for judgment and indeed for rejection. 'Fit' (or 'idoneus') with respect to an office is said to involve three things, honesty knowledge and ability: 'honesty to execute it truly, without malice affection or partiality; knowledge to know what he ought duly to do; and ability as well in estate as in body, that he may intend and execute his office, when need is, diligently, and not for impotency or poverty neglect it".

(A reference to Coke).

In determining that test is the question as Henchman DCJ said so long ago in the case of Sakallis, a real estate agent's licence application, that is:

"The Court is considering whether it can with safety to the interests of the public accredit to that public that the applicant is a fit and proper person to hold a licence and to be entrusted with the functions permitted to such a licensee by the Act. The Court acts in order that the public may be protected and the persons who receive the imprimatur of the Court should be such that the court can fairly recommend them to the public as honest persons in whom confidence may be reposed."

Quoting from New South Wales Law Institute V Meagher he went on to say:

"There is therefore a serious responsibility on the court – a duty to itself, to the rest of the profession, to its suitors, and to the whole of the community to be careful not to accredit any person as worthy of public confidence who cannot satisfactorily establish his right to that credential. It is not a question of what he has suffered in the past, it is a question of his worthiness and reliability for the future."

And again quoting from Ex Parte Meagher:

"By the words 'fit and proper persons' is meant persons who have been proved to the satisfaction of

the court not only to be possessed of the requisite knowledge of law but above all to be possessed of a moral integrity and rectitude of character so that they may safely be accredited by the court to the public as fit without further inquiry to be trusted by that public with their most intimate and confidential affairs without fear that the trust would be abused."

I pause to note that of course was dealing with an application for a solicitor. The test here is not as high as that, but it does nevertheless give some broader meaning to the words earlier expressed.

As Judge Head said in the case of Trevor James Pye, unreported, District Court 19 August 1976:

"I think the investigation which the court should make in those circumstances is concerned more with an assessment of whether his disrespect for the law in the past is likely to influence his actions in the future."

And it was said in *Ziems v Prothonotary of the Supreme Court of New South Wales* (1957) 97 CLR 279 at 290:

"What has been dealt with, and importantly to be considered, is misconduct in the vocation concerned."

The Tribunal was taken to *Australian Broadcasting Tribunal v Bond*[1990] HCA 33 or otherwise (1990) 170 CLR 321, where Justices Toohey and Gaudron stated:

"The expression 'fit and proper person', standing alone, carries no precise meaning. It takes its meaning from its context, from the activities in which the person is or will be engaged and the ends to be served by those activities. The concept of 'fit and proper' cannot be entirely divorced from the conduct of the person who is or will be engaging in those activities. However, depending on the nature of the activities, the question may be whether improper conduct has occurred, whether it is likely to occur, whether it can be assumed that it will not occur, or whether the general community will have confidence that it will not occur. The list is not exhaustive but it does indicate that, in certain contexts, character (because it provides indication of likely future conduct) or reputation (because it provides indication of public perception as to likely future conduct) may be sufficient to ground a finding that a person is not fit and proper to undertake the activities in question."

9. In addition, the parties have drawn to attention, on behalf of the respondent, *Zaidi v Health Care Complaints Commission* (1998) 44 NSWLR 82 at 99, which, summarised, in the helpful written submissions for the respondent, enable the Tribunal to draw inferences from past conduct, particularly conduct which has led to previous disqualification.

10. Secondly reliance is placed upon *Law Society of NSW v Bannister*, unreported, NSW Court of Appeal 27 August 1993 BC930181 and the decision of Justice Shellar is relied upon to the effect that a failure to explain the past course of action may mean the Tribunal cannot be satisfied the applicant is now a fit and proper person.

11. In addition, on behalf of the appellant, reliance is placed upon the unreported decision of Justice Kirby M and then President of the Court of Appeal in *Kotowicz v Law Society of New South Wales No. 2* (the reference to be provided). And reliance is there placed upon His Honour's expression that on an application by a solicitor for re-registration, in considering the protection of the public, the restoration of a person by reason of rehabilitation must be considered, and the reasons for that, of course, are to encourage rehabilitation and, it is to be implied, it is presumed, the Court of Appeal was then dealing with the issues of the balance of the tests, of course.

12. The essence, therefore, in this matter of that legal test is that the Tribunal has to assess the appellant as a fit and proper person on the evidence it has available to it today and to look to the future to decide whether it should give the appellant its imprimatur as a person able to be held out to the community and, in particular, the greyhound racing community, as a person who is fit and proper to be an attendant."

5. The key point is that in assessing the test provided for in section 47 there is a need for the consideration of the interests of this industry with specifically expressed concerns about convictions. The test in *Vanderburg*, which may be distilled relevant to this application, is that conduct in the past must be considered in looking to the future as to whether this appellant is likely to engage in conduct which would be contrary to the interests of the industry and that the industry needs to be protected from him because of the interests of that industry. The onus is upon the appellant. No assumption of his fitness and propriety can be made.

6. The evidence in this appeal has comprised the application, the National Criminal History Check (“NCHC”), a number of references provided to the Commission and the Commission’s decision. On this appeal the applicant has provided a submission, which was encapsulated in his grounds of appeal, has tendered further references and additional ones today, and the respondent has filed an OzChase record of the appellant’s wife’s licensing history. The appellant has given oral evidence and been cross-examined.

7. The gravamen of section 47(2) and convictions was that which, from its decision, motivated the Commissioners, on behalf of the Commission, to refuse the application. There is not in the bundle of evidence to which reference has been made in the Commission’s hearing a submission on behalf of the appellant where he might have expressed some of the evidence which he gave in his written submission here and in his oral evidence. The Commissioners also did not have the new character references. They certainly had a number of older ones. There is, therefore, considerably more evidence before this Tribunal on the issue of the fitness and propriety test than was available to the Commissioners.

8. The key starting point, driven by section 47(2), and consistent with the Commissioners’ consideration of the matter, is the National Criminal History Check. It does not read well for the appellant and he does not hide from it. He has been subject to one intensive correction order, one community service order, seven fines, four bonds and a conviction, and one matter where there was a conviction but no penalty. Fourteen prior matters, three of which were indictable, some of which carried substantial penalties. And in that context his last transgression was a charge of affray which carries, to the best of the Tribunal’s recollection, a term of imprisonment of up to seven years. That matter apparently occurred in 2014, although there are no facts to support that.

9. The NCHC shows that he was originally sentenced on 26 February 2016 to a 19 months’ intensive correction order but on appeal, on 7 March 2016, that was varied to 12 months. That sentence commenced on 7 March 2016 and concluded on 6 March 2017, a little over two years ago. The conduct, therefore, if the appellant is correct in his advice to the Tribunal it was 2014, occurred after five years ago.

10. An intensive correction order is a direct alternative to a term of imprisonment. The appellant in fact was sentenced to a term of imprisonment but by reason of the correction order was allowed to serve that on numerous conditions in a community order. There is no evidence that he was called up in respect of any breach. He has completed that sentence.

11. He has in his written submissions set out a number of facts which go to his belief of the lessening of the severity of such an indictable offence. He is

supported in that lessening of gravity by his then solicitor Mr Booby, who has provided a reference for him in relation to this appeal. It is important to note that it is not the function of this Tribunal to retry that matter of affray, nor can it possibly go to making findings which were other than those which caused the original judicial officer and the judge on appeal to dismiss his appeal and impose such a heavy sentence. But he is entitled to express some subjective opinions about his criminality. He expresses directly through Mr Booby, and in his own submission, that he accepts the correctness of the finding of guilt and his sentence. There was some issue about the impartiality of the magistrate. But of course any such matter had to be cured by the loss of his appeal, in any event.

12. He is at pains to point out that he was a victim in relation to his conduct. He says that he was set upon in a most vicious way and subsequently when he came across his assailant later, he engaged in conduct which led to the affray. His solicitor, Mr Booby, expresses in his reference a belief that a conviction would not have been recorded and that the determination on appeal was itself appealable. He points out that the appellant's financial resources to carry the matter further were exhausted. The Tribunal will return to Mr Booby's reference.

13. Whatever his belief at the time he was dealt with at trial and on appeal, he now accepts the sentence and his criminality. That is an important factor in looking to the future. His conduct was not isolated and, if anything, it might be said, part of a pattern of criminality.

14. The Tribunal will return to alcohol and his problem with it. He has given evidence to the Tribunal today that excessive alcohol played a part in that affray matter. His evidence is that prior to that affray matter he participated in Alcoholics Anonymous and as a result tempered his drinking.

15. Prior to sentence for the affray he completed an anger management course, which he chose to attend voluntarily and not by reason of any condition of his discharge or by reason of any condition imposed upon him pre-sentence by the magistrate and the like, it appears. He successfully completed it. He did so with some not inconvenience to him personally by reason of distance to attend.

16. Dealing for the moment with that last matter of affray, it occurred after he had attended AA but before he had done anger management. He says to the Tribunal that in relation to these aspects of violence he now knows that if issues arise in which he may be engaged in violence, that he is to walk away. He did so in his evidence in the context that he knows he must do that if he is to have these applications granted because otherwise violence by him would bring the greyhound industry into disrepute.

17. In 2009, he was fined and ordered to pay compensation of \$2345 for larceny. As with all these matters, the court facts are not here. The Tribunal has only the appellant's evidence about it. He says that he was travelling in the country between two areas with another person, they ran out of petrol, they needed petrol and they stole it. The appellant is unable to explain why compensation of such a high level was imposed upon him. There was no evidence about whether that was half of the compensation. He believes that all that would have been paid by his wife. He has no recollection of either the amount or paying it.

18. In relation to the other matters, there is no evidence at all. 22 January 2009, dealt with at the same time as larceny, enter enclosed lands, no penalty conviction.

19. 12 August 2004, assault occasioning actual bodily harm, dealt with at trial, appealed, the sentence was section 9 – that is a conviction, it is to be noted – of three years.

20. Prior to that, 4 August 1997, malicious damage, fines and compensation.

21. On 25 November 1996, intimidation. Offensive language. Another intimidation. Another offensive language. All dealt with on appeal, three of which related to earlier matters. In relation to those, the convictions were confirmed. There was one matter which is not read into the record because the conviction was quashed. Those matters involve fines for offensive language and intimidation. In each of the offensive languages, \$100 and \$50 respectively. And in relation to intimidation, \$500. The Tribunal pauses to note a relatively light sentence which may reflect the facts but it is not known. And on the other intimidation, a section 558 recognizance, as it was known, a conviction recognizance, to be of good behaviour for two years.

22. Prior to that, another assault, dealt with on appeal, 2 June 1994. The appeal was dismissed but he was ordered to perform 50 hours' community service.

23. Prior to that, 3 September 1993, two matters of malicious damage. In each, a recognizance under 558, a conviction, for two years. Interestingly, there is no indication why he was not called up on what appears on the facts to have possibly been breaches of recognizances but the facts do not demonstrate that dissatisfaction.

24. 16 March 1993, another assault matter, again a recognizance for two years.

25. The nature of those offences, it is emphasised, is not known other than the outcomes and the nature of the charges.

26. That is a history of considerable concern. Has he overcome that concern by any evidence he has given to this Tribunal? That requires an analysis of the submission he made to the Tribunal, which was not available to the Commission. It says that the Commission has failed to have regard to his current position. The Tribunal has regard to his current position, noting that it is all evidence available to the Tribunal today with the necessity to project a consideration of him into the future.

27. The key matters that now drive him are these: he is the father of two boys aged 13 and 15 and is married. It is apparent from what he has said and what has been said on his behalf that his wife, Tracey, has made it quite clear to him that his misbehaviour in the past will not be tolerated in the future and that he has had to – and he says he has – change his ways. He is in full-time employment in the mining industry and has done so for some 10 years. He has a residence with a mortgage. He had a substantial past history with his grandfather and greyhounds. His grandfather was a licensed trainer. He apparently spent a great deal of time, and certainly many photographs of him were taken, with his grandfather, the relevance of that being that it may raise him now to come into this industry on his own behalf, not only to assist his wife but also to provide a greyhound-related industry for his boys in the future. He describes that he is totally committed to his greyhounds, they are treated as family.

28. There was some concern expressed by the respondent that the way in which he has chosen to express himself may indicate that he is participating in the exercise of conduct which relates to the licences he seeks already and in addition may be transgressing into the field of training. That would follow from his expression about his concern for “our dogs”. However, the evidence that is available does not go so far as to enable a determination to be made that he has been in breach of the rules of greyhound racing by participating in licensed activities for the present time. The greyhounds that are owned and trained by his wife – and possibly owned by others – are kept at the home and treated as family pets. The expression “our dogs” in those circumstances does not persuade the Tribunal that he has somehow transgressed the rules.

29. He says that as a result of his anger management he is able to control his behaviour and that he is therefore, when looked at to the future, to be assessed as a fit and proper person. He has expressed in his evidence on a number of occasions his understanding of his need to comply with the rules, of his need to act in the interests of the industry and of his need to ensure that industry participants and the Commission are not the subject of concerns such that the integrity of the industry might be called into question by any conduct in which he engages.

30. He says he is rehabilitated. He says he has learnt. He says he is a different person. He says in particular that comes from his family focus. He says that his conduct when he was younger was wrong. Now that he is older, he regrets it and accepts he cannot pay back the wrongs he committed in the past. That is an expression of understanding of wrong conduct which is relevant in assessing whether he has any insight into the fact that he has acted wrongly in the past.

31. It is strongly pointed out that he has not been licensed in the past and has only come to be associated with the industry on a personal level since mid-2018. Therefore, it is said, unlike other appellants with which the Tribunal has dealt in this and the other codes and with which other regulatory appeal bodies have dealt, that this appellant cannot call in aid a substantial connection with the industry as a licensed person where he has not transgressed the rules. That, of course, is a very strong factor. But it is not a disqualifying factor.

32. The question of whether there can be any comfort in his future behaviour must be aided by others in the community, otherwise there would not be that element of certainty that that which an individual expresses is not just self-aggrandisement.

33. There are many references. Quite correctly, the respondent points out criticism that might be directed to those references by reason of the fact that with two exceptions there appears to have been no discussion with the referees of his past criminality such that armed with that knowledge those referees would be able to assess whether he is indeed a changed person. Again, those are not disqualifiers but they do lead to a reading down of the weight to be given to those references.

34. The two exceptions are Mr Booby, already referred to. And in particular, it is to be noted that he makes specific reference to the positive impact that Mrs Hand has had on this appellant and also to his family involvement. He says he has settled into his job and the recent matter of affray was an aberration because he had been out of mischief for some 10 years, a point which, of course, the appellant himself seeks to emphasise.

35. The second exception was in relation to the anger management course, the Anglicare course conducted by Ms James, who has provided a number of certificates as to completion, which indicate that there must have been an understanding of his wrong conduct in the past which was assessed. It is not actually a character reference, it is merely a certificate of completion, as it were.

36. The current references are those to which greater attention must focus because it is the evidence of him today rather than some old matters which extend all the way back to 2006.

37. Mr Paul Anthony, in his reference of 21 May 2019, describes having grown up with the appellant and being in close contact with him. He refers to the appellant's association with greyhounds through his grandfather. Importantly, he describes him as a lover of sporting events and a close and loving family man, and a family that is well thought of and highly regarded. The appellant is a person who strives for perfection and is prepared to go out of his way for his children. Mr Anthony has observed the appellant interacting with the greyhounds at his home and says they are cared for, loved and treated like royalty. He says the appellant has a kind spirit and a love of the racing industry and said that the reference should be used so that he can train greyhounds. Of course, he does not seek that, but that does not make any difference to the outcome.

38. The second and most current one is by Rhys Duncan, veterinarian, which is undated. He has been associated with the appellant personally for 15 years and professionally for over 12 months, that being consistent with Mrs Hand's involvement in the industry since mid-2018. In the professional dealings with him, which is an interesting term of expression for an unlicensed person, over the 12 months he says the appellant is knowledgeable, proficient and capable as both an owner and handler of greyhounds and competent in the husbandry and handling of greyhounds. Therefore, he would have no hesitation in recommending him as a licensed greyhound attended. The Tribunal has assessed whether the appellant may have been transgressing the rules. It is not to be found in the fact that a person is knowledgeable, proficient and capable as a handler of greyhounds and competent in their husbandry and handling that he is necessarily participating in licensed functions. There is no rule that he cannot put his hands on the dogs nor to care for them. There are other specific licensed activities which would not enable him to do certain other things.

39. With his grounds of appeal a number of other references were lodged.

40. They were by a David Howarth, who has known him for 12 months. They go to the greyhounds together. Strangely he says "all you seem to do is knock people back". I do not know to whom Mr Howarth directed those rather inflammatory remarks. The Tribunal will take it that it was not directed at it, although it was tendered for the purposes of this appeal. What he does, however, say is that there is a need for the industry to grow and to keep families like this in this sport. And that, of course, is taken to be this appellant.

41. The next is by Tony Atkins, again undated. The appellant has been a customer of his business. He says he is a very genuine person with a great amount of care and compassion for family and greyhounds. Also, always seeks information to ensure the best care for greyhounds. And he would be an asset to the industry.

42. The next is by a Mr Graham Pickering and it is noted that he is the President of the Coonamble Greyhound Club. As the Tribunal has said in many decisions, those who are associated with the industry and who are prepared to speak to someone give references then greater weight must be given. He has been associated with the appellant, it must be inferred, only in recent times, because of his, the appellant's, attendance at the Coonamble carnivals and trials. He describes him as a person who has never been in any trouble.

43. The next is by Dean Anthony. He has known him for 40 years. Says he would be an asset to the industry. He is a person with a high level of passion and commitment; organised, efficient and extremely competent.

44. With the application to the Commission a number of older references were given.

45. 2006 – somewhat dated – by Terry Hogan, he has known him, at that stage for seven years, describes him as very hard-working and courteous, trustworthy and honest, a devoted family man, community-minded, and many young youths in the Narrabri area benefit from his assistance. That he is highly regarded by his employer for his honesty, integrity and reliability. Those matters are silent on any knowledge of his criminality in 2006.

46. The next is by Malcolm Norman of 2 October 2015, who had been his supervisor then for two years and he describes him as an operator who has a professional attitude towards his employment and an excellent attendance record, brings a positive attitude to work, is extremely honest and respected as a workmate and the first to go out of his way to assist people. He has an attitude toward safety. Again, no indication of his past transgression.

47. The next is by Luke Browning, President of the Narrabri Junior Rugby League Club, and it is dated 6 October 2015, again somewhat dated. He says the appellant has the utmost respect for peers. He describes him as a junior rugby league coach and as a participant at a high level and willing to assist in training and raise funds and otherwise assist in sport in a strong way in his local community.

48. The next is by Chris Buckman Essential Disability Group. It is dated, 7 October 2015. He had at that stage known him for 14 years as a person with an excellent work ethic and who had volunteered to do all sorts of things to assist young adults. He has always been professional and responsible and is well regarded and has an interest in the community and in particular football.

49. And of course, there are two certificates of appreciation from the leagues club itself and his completion of the national coaching scheme.

50. There was a further reference handed up today by a Barbara Murphy, known him since 2006 as a good neighbour, always ready to help someone in need, goes out of his way to assist in the neighbourhood, is a good person, extremely dedicated to a family, kind and generous with others and has a strong sense of duty. Helps with clubs in various sports. A person of integrity who constantly strives to make sure he is doing the right thing. Capable of taking any position applied for and was offered and will be a valuable asset to any company.

51. The criticism of those references has been set out. Those criticisms are correct. But there is a thread to be found in those, whether dated or otherwise, when uninformed about his criminality, that regardless of that criminality, those people have from their observations of him assessed him as honest, knowledgeable and able in many fields. A person who, importantly, is highly regarded, hard working and ready to assist others in the community.

52. The appellant says he is a different person now than he used to be. It is consistent with the assessments of those referees, although dated and not specifically referring to direct knowledge, who have been able to assess him over a period of time and in a range of different circumstances as a person who, if subject to excess alcohol, if subject to excess violence, has not at any stage demonstrated those traits in their presence or to their knowledge.

53. It is said in submissions for the respondent that no currently licensed person has spoken on his behalf as to his honesty and nor can his honesty be assessed on the basis of the referees with knowledge of his past dishonesty. As to his knowledge and ability, it is said that he has had no prior experience upon which he can demonstrate that he will comply with the greyhound rules in the future.

54. It is, of course, to be acknowledged in respect of his past conduct that some of it is aged, that he has, with the exception of his affray matter, the conduct of 2014, been able to say, "I have reformed my ways." In respect of his 2014 matter, there is some subjective explanation given of it as earlier described.

55. Importantly, he is able to demonstrate on that evidence that his transgressions of a criminal nature do not relate to the vocation in which he seeks his licence. That pattern of misbehaviour did have that gap to which reference has been made and there is something of an explanation, despite the grave sentence to which he was subject and served.

56. The appellant says he deserves a chance, that he is worth a chance, that he wishes to be able to demonstrate to the industry that he is a reformed person and should be entrusted with a licence.

57. It is important to look to the category of licence to which he seeks the Tribunal's imprimatur.

58. As an owner, firstly. As an owner he will be a person who has a legal or equitable interest in a greyhound. In other words, a person who owns greyhounds.

59. Secondly, he seeks to be an attendant. The rule says that is a registered person who is authorised to physically be in charge of a greyhound while such greyhound is on the premises of a club for racing. Interestingly, and it was referred to in Vanderburg, what that means came from what was then categorised on the old GRNSW website and in essence, from the Tribunal's knowledge and experience, these types of matters, whether still specified or not, are apt to describe what an attendant does at a race meeting: a person who handles, boxes, catches and generally assists a trainer at a track on race days.

60. Those categories of licence are not the highest category of licence, which would be licensed trainer. The need for an owner to comply with the rules carries with it a need for actions that will ensure that all of the regulatory requirements of an owner are dealt with in accordance with the rules. An attendant being at a racecourse is, of course, subject to greater scrutiny by stewards, the industry regulators generally, the club itself and the public. Those activities are, it might be said, relatively limited. It is not that an attendant can engage in all of the privileges of the nature of licences generally but it is limited in its scope.

61. He has to be assessed as not licensed for all purposes but licensed for the limited purpose of the two categories of licence he seeks.

62. Has he demonstrated to the satisfaction of the Tribunal that because of all of the matters in his past he will not transgress in the future?

63. The Tribunal makes its decision very clear that it has the benefit of a great deal more evidence than that which was available to the Commission.

64. The Tribunal is particularly noting of the fact that the appellant gave evidence before it, was subject to cross-examination and subject to interrogation of the Tribunal. The Tribunal is satisfied that he acquitted himself satisfactorily in respect of those matters about which he gave evidence and was asked to demonstrate that the explanations he has given of the change in him, of the reasons for that change and the motivation for change, that the previous history with the long gap without criminality, coupled with that aberration, it might be described, of his conduct in 2014, that he otherwise is not going to engage in that type of criminality of violence and dishonesty so far as it will relate to the greyhound industry.

65. That he is a person who, armed with the privilege of being given a chance, will comply with the rules, that he will demonstrate, therefore, that he is knowledgeable and able and demonstrate that he will be honest for the future. The Tribunal accepts that he has.

66. He satisfies the Tribunal that he is fit and proper to hold each of the two categories of licence for which he seeks.

67. He satisfies s47 of the GRA.

68. Accordingly, the Tribunal grants the applications.

69. Based upon that finding, the Tribunal upholds the appeal.

70. The Tribunal orders the appeal deposit refunded.
