IN THE RACING APPEALS TRIBUNAL

CRAIG LAST
Appellant

v

GREYHOUND WELFARE AND INTEGRITY COMMISSION
Respondent

REASONS FOR DETERMINATION FOR DISMISSAL OF THE APPEAL

INTRODUCTION

1. On 25 September 2025, I made orders dismissing the appeal filed by the Appellant in this matter and indicated that my reasons for doing so would be published in due course.

2. Those reasons now follow.

THE HISTORY OF THE APPEAL

3. In order to explain my reasons for making the orders, it is necessary to set out the history of the matter.

4. On 1 July 2025, the Appellant lodged a Notice of Appeal against the decision of the Respondent of 28 June 2025 to disqualify him for a period of 30 months for a breach of r 141(1)(a) of the *Greyhound Racing Rules*. The Notice of Appeal was accompanied by an application for a stay.

5. On 2 July 2025, following the lodgment of the Notice, I made orders facilitating the submission of material to allow me to determine the application for a stay, which was opposed by the Respondent.

6. On 15 July 2025, the Appeals Secretary was advised that the application for a stay was withdrawn. I then made further orders facilitating the filing of evidence and submissions to advance the substantive appeal. Those orders required the Appellant to file any material upon which he relied by 24 July 2025.

7. On 24 July 2025, absent any prior indication, the Appellant filed an application for the issue of a series of Notices pursuant to s 16A of the *Racing Appeals Tribunal Act 1983* (NSW). That application, of course, completely ignored the tenor of the orders of 15 July, to the extent that those orders required the Appellant to file material to be relied upon in support of his appeal. The application effectively rendered the orders I had made a complete nullity.

8. On 28 July 2025, I issued a determination declining to issue the Notices under s 16A. In doing so, I made further orders requiring the Appellant, if he wished to press for the issue of any Notice(s), to provide any further evidence and submissions by 4 August 2025. Further submissions were received by the parties and were considered, in circumstances where the Respondent had filed material opposing the issue of the Notices.

9. In a determination made on 2 September 2025 I again refused the application for the issue of the Notices. I made further orders to facilitate the prosecution of the appeal, which included an order that the Appellant file any evidence and submissions on which he proposed to rely by 15 September 2025. The Appellant failed, without explanation, to comply with that order.

10. The Appellant's Solicitor was contacted by the Solicitor for the Respondent on 17 September, enquiring as to when the necessary material would be filed. The Appellant's solicitor responded:

> *I am waiting on instructions from Mr Last.*
> *Once I receive them I will advise.*

11. The Tribunal had not been informed by the Appellant that this was the position, nor had any application been made to the Tribunal for an extension of time. On 19 September 2025, absent any application, I made orders extending the time for the Appellant to file any material by 23 September 2025. In doing so, I granted leave to the Respondent to make application for dismissal of the appeal in the event of any default by the Appellant in compliance with that order.

12. The Appellant failed to comply with the order requiring the filing of material. Again, the Tribunal was not informed of the position by the Appellant's Solicitor, and no extension of time was sought.

13. On 24 September 2025 I received an application from the Respondent for dismissal of the appeal. In fairness to the Appellant, notwithstanding his repeated default (to say nothing of the absence of any explanation for it) I allowed him until 9.00 am on 25 September 2025 to make any submissions he wished to make against the making of an order dismissing the appeal. I then acceded to a request from the Appellant's Solicitor to extend that time to 12 noon on 25 September.

14. No material was filed. No further extension was sought. No explanation was forthcoming from the Appellant as who how the situation had eventuated. It was in these circumstances that I made orders dismissing the appeal, confirming the penalty imposed, and ordering that the appeal deposit be forfeited.

REASONS FOR DETERMINATION

15. It has been observed on a number of occasions that the Tribunal is not a Court. It is partly for that reason that the Tribunal's procedures are not subject to the same strictures as those which are judicially adopted. I also recognise that legal practitioners are busy, and that delays can occur notwithstanding the best of intentions. The Tribunal makes every effort to accommodate all of those considerations, and approaches the conduct of matters before it with as much flexibility as it can. In the present case, that flexibility was reflected in, amongst other things, the extension provided to the Appellant for the filing of material,

notwithstanding his (entirely unexplained) default in compliance with orders which had been made.

16. All of that said, it is essential that matters proceed before the Tribunal as efficiently as possible. The need for efficiency is underscored by the provisions of cl 13(5) of the *Racing Appeals Tribunal Regulation 2024* (NSW) (the Regulation) which impose an obligation to commence the hearing of an appeal as soon as practicable within 28 days of the filing of the relevant notice of appeal. The number and complexity of matters coming before the Tribunal render that time period somewhat aspirational, and the Regulation confers a power to extend the time if it is necessary to do so. That said, cl 13(5) underscores the need for efficiency.

17. Consistent with cl 13(5), cl 12(1) of the Regulation confers power on the Tribunal to make directions relating to the conduct of an appeal as it thinks fit. Notably, cl 12(2) of the Regulation imposes an *obligation* on a party to an appeal to comply with any direction which is given.

18. In the present case, the Appellant failed to comply, more than once, with directions as to the filing of material. It is to be inferred that he has not provided necessary instructions to his Solicitor in that regard. There has been a clear failure on the part of the Appellant to prosecute his appeal with any real degree of diligence. In those circumstances, there is no reason why the matter should not be brought to an end.

19. It was for these reasons that orders were made (amongst other things) dismissing the appeal.

THE HONOURABLE G J BELLEW SC

26 September 2025