

IN THE RACING APPEALS TRIBUNAL

DOGBET PTY LIMITED

ACN 638 781 656

First Appellant

and

JAMES HERINGTON

Second Appellant

v

GREYHOUND WELFARE AND INTEGRITY COMMISSION

Respondent

REASONS FOR DETERMINATION

Date of hearing **31 October 2025**

Date of determination **1 December 2025**

APPEARANCES: **Mr J Herington for Appellant**

Mr J Watts for the Respondent

ORDERS

- 1. The appeal is dismissed.**
- 2. The appeal deposit is forfeited.**

INTRODUCTION

1. By a Notice of Appeal dated 26 August 2025,¹ Dogbet Pty Limited (Dogbet) the principal of which is James Herington, appeals against a determination of the Greyhound Welfare and Integrity Commission (the Respondent) to revoke its registration as a Bookmaker.
2. Before proceeding any further, three preliminary matters should be noted.
3. The first, is that due to a technical malfunction, the transcript of the hearing has not been able to be produced. That does not place me at any disadvantage in determining the matter. The material contained in the Tribunal Book (TB) is comprehensive, and I also have the benefit of contemporaneous notes taken in the course of the hearing.
4. The second, is that the Notice of Appeal is completed in the name of both Dogbet and Mr Herington. For all intents and purposes they are one and the same and I will refer to them collectively as “the Appellant”.
5. The third, is that on 22 September 2025 I made an order refusing both a stay of proceedings, and the issue of a series of notices pursuant to s 16A of the *Racing Appeals Tribunal Act 1983* (NSW) (the RAT). I indicated at that time that my reasons would be incorporated into the final determination. Put simply, for the reasons set out below, there was no serious question to be tried. It was on that basis that a stay was refused.

FACTUAL BACKGROUND

6. I draw the following summary from submissions previously filed by the Respondent.²

¹ TB 1 and following.

² Commencing at TB 11.

7. The Appellant is a registered bookmaker, such registration having been most recently renewed on 24 June 2024.
8. In June 2025, the Respondent undertook a compliance audit of all such registrations for the purpose of ensuring compliance with LR 184A(2) of the *Greyhound Racing Rules* (the Rules). That rule is in the following terms:

LR 184A Application for registration as a bookmaker

...

- (2) *An application by a person or company for registration as a bookmaker must be accompanied by satisfactory evidence of a guarantee held by the NSW Bookmakers Co-operative for such amount as the NSW Bookmakers Co-operative may require as security for the payment of wagers and for the discharge of any obligations entered into by such bookmaker when registered in plying the bookmaker's calling.*

9. In the Appellant's case, the audit conducted by the Respondent indicated that a Bank guarantee had been provided and accepted in 2020 at the time of the Appellant's original application. However, there was no evidence of the Appellant ever having provided a guarantee within the meaning of LR 184A(2).
10. On 10 June 2025, the Respondent advised the Appellant that the provision of a Bank guarantee was not acceptable for the purpose of maintaining registration, and directed that an appropriate guarantee be provided within the terms of LR 184A(2).³ In further correspondence on 11 June 2025,⁴ the Respondent confirmed its position that a Bank guarantee was no longer accepted, and that if ongoing registration was sought, a guarantee from the NSW Bookmakers Co-operative would need to be provided.
11. On 12 June 2025, the Appellant wrote to the Respondent suggesting, amongst other things, that LR 184A(2) was beyond power.⁵ The Appellant sought

³ TB 41; 43.

⁴ TB 45; 47; 49

⁵ TB 51.

“clarification” as to the basis on which LR184A(2) was being enforced, suggesting that it imposed a requirement which “*could not be supported*” under the relevant legislation.⁶

12. The Appellant sent further correspondence to the Respondent on 20 June 2025⁷ raising further issues as to what he asserted was the lack of legality of LR 184A(2). The Respondent replied on 23 June 2025⁸ essentially rejecting the Appellant’s assertions and asking that the necessary guarantee be provided no later than 13 August 2025.

13. On 4 August 2025, the Appellant advised the Respondent that the provisions of LR 184A(2) could not be satisfied. On the same day, the Appellant’s Solicitor wrote to the Respondent⁹ asserting, amongst other things, that the Respondent already held a valid guarantee provided by the Appellant, and urging the Respondent to “*reconsider the requirement for [the Appellant] to provide the Co-operative guarantee*”. The Respondent replied on 19 August¹⁰ confirming its previously stated position and advising as follows:

*The registration team therefore have **reached the decision to revoke Mr Herington’s individual bookmakers licence** and therefore **not be able to renew Dogbet Pty Limited company bookmaker licence**. This is in effect from today 19th August 2025 (emphasis added).*

SUBMISSIONS OF THE PARTIES

Submissions of the Appellant

14. The submissions of the Appellant may be summarised as follows:¹¹

1. The Respondent does not have the authority to impose the requirements of LR 184A(2).

⁶ TB 52.

⁷ TB 53.

⁸ Commencing at TB 54

⁹ Commencing at TB 57.

¹⁰ TB 59.

¹¹ Commencing at TB 4.

2. The Respondent's decision to impose those requirements amounts to an unlawful delegation, by the Respondent, of its powers of registration.
3. The Respondent operates as an independent statutory authority and cannot, in the absence of a specific power, be directed as to the performance of its functions.
4. The Respondent has no authority to request a guarantee under LR 184A(2)..
5. The decision to do so is unreasonable.

15. The Appellant further submitted that:¹²

1. The Respondent's determination to impose the requirements of LR 184A(2) amounts to maladministration and is unfair.
2. The Respondent's determination is ultra vires.
3. Rule 184A(2) is invalid as it is inconsistent with the RAT Act as a whole.
4. There is an inherent inconsistency in the position now adopted by the Respondent, and that which it had adopted previously in accepting the Bank guarantee, a circumstance which also gives rise to a lack of procedural fairness.
5. There exists a conflict of interest between the Respondent and the Bookmakers co-operative.
6. The application of LR 184A(2) is inconsistent with the statutory objects of fairness and public protection.
7. The ultimate decision of the Respondent is unreasonable.

Submissions of the Respondent

16. Shortly put, the Respondent submitted that the appeal was entirely without merit¹³ because:

¹² Commencing at TB 16.

¹³ TB 35 commencing at [11].

1. Rule 184A(2) is expressed in terms which are both mandatory and unambiguous.
2. In light of the Appellant's non-compliance with such terms, it was inevitable that the application for registration would be refused.
3. In circumstances where the evidence did not support a finding that a guarantee had been obtained and provided, there is no reason for the Tribunal to demur from the approach taken by the Respondent since the issue first arose.
4. The various submissions advanced by the Appellant were unmeritorious, particularly insofar as they invited the Tribunal to determine whether LR 184A(2) is valid.
5. Section 47(3) of the *Greyhound Racing Act 2017* (the GRA) expressly contemplates that Rules may be made about the Respondent's exercise of its statutory functions.
6. The proposition advanced by the Appellant that the Respondent had delegated its registration functions to the Bookmakers Co-operative is not a true reflection of the operation of the RAT, the GRA, or the Rules.
7. The allegations of maladministration and a denial of procedural fairness are baseless.

CONSIDERATION

17. Given some of the issues raised by the Appellant, it is appropriate to commence by emphasising the nature of the Tribunal, and the extent of its powers. In doing so, it is necessary to emphasise that the essence of the Appellant's case is an attack on the validity of LR184A(2).
18. The Tribunal is constituted under s 5 of the RAT Act As a creature of statute, the Tribunal must look to the RAT Act to define its powers. In terms of determining an appeal relating to greyhound racing, the Tribunal's powers are essentially limited to those set out in s 17A of the RAT Act. An appreciation of those circumstances goes a considerable way towards understanding why it is that the Appellant's appeal in the present case must fail.

19. Put simply, the Tribunal does not have the power to determine the vast majority of the issues advanced by the Appellant in his submissions. In particular, the Tribunal has no power to conclude that LR 184A(2) is invalid for any of the reasons advanced by the Appellant. That is an issue which must be determined by a Court of competent jurisdiction, in this case the Supreme Court of New South Wales. Unless and until that Court determines to the contrary, the Tribunal must proceed on the assumption that the rule is valid.

20. Accepting that to be the case, an applicant for registration as a bookmaker must, pursuant to LR 184A(2), provide satisfactory evidence of a guarantee held by the NSW Bookmakers Co-operative. The Appellant did not do so. He therefore failed to comply with LR184A(2). It follows that the Respondent acted within its powers to revoke the Appellant's registration. In those circumstances, the appeal must be dismissed.

21. For the sake of completeness, I should record my view that there is no substance to the proposition that the Appellant was denied procedural fairness. The substance and volume of the correspondence which has passed between the Appellant and the Respondent is to the contrary. Similarly, there is no evidence of any maladministration on the part of the Respondent. In reaching its determination, the Respondent simply applied LR 184A(2) according to its terms, and did so correctly.

ORDERS

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

1. The appeal is dismissed.
2. The appeal deposit is forfeited.

THE HONOURABLE G J BELLEW SC

1 December 2025