Supreme Court

New South Wales

Case Name:	Seven Network (Operations) Ltd v Dowling (No 2)
Medium Neutral Citation:	[2021] NSWSC 1106
Hearing Date(s):	13 August 2021
Date of Orders:	3 September 2021
Decision Date:	3 September 2021
Jurisdiction:	Equity
Before:	Rees J
Decision:	Commit the contemnor to prison for ten months.
Catchwords:	CONTEMPT – criminal contempt – sentencing – principles at [2]-[12] – contemnor prosecuted for three earlier contempts for publications on his website – contemnor then established anonymous website and published blog containing plaintiffs' confidential information – orders made to take down blog – orders served on contemnor – blog not removed until plaintiff acquired anonymous website through WIPO proceedings – contemnor then established second anonymous website and continued to publish blog – plaintiffs put to considerable cost in proving contemnor was responsible for anonymous websites, including expert witness – contemnor motivated by animus against plaintiffs and wish to portray himself as a "journalist" – no remorse – used such proceedings to promote himself and seek donations – high risk of re-offending – need for personal deterrence high – imprisonment of 10 months appropriate.
Legislation Cited:	Court Suppression and Non-Publication Orders Act 2010 (NSW) Crimes (Administration of Sentences) Act 1999 (NSW) Crimes (Sentencing Procedure) Act 1999 (NSW)

Supreme Court Rules 1970 (NSW) Pt 55 r 13

Cases Cited:

Australasian Meat Industry Employees Union v Mudginberri Station Pty Ltd (1986) 161 CLR 98; [1986] HCA 46
Australian Securities and Investments Commission v Matthews [2009] NSWSC 285; (2009) 71 ACSR 279
Capilano Honey Ltd v Dowling (No 4) [2021] NSWSC 264
Commissioner for Fair Trading v Partridge [2006] NSWSC 478
Doe v Dowling [2017] NSWSC 1037
Doe v Dowling [2017] NSWSC 202
Doe v Dowling [2019] NSWSC 1222
Dowling v Prothonotary of the Supreme Court of New South Wales (2018) 99 NSWLR 229; [2018] NSWCA 340
Ferguson v Dallow (No 5) [2021] FCA 698
He v Sun [2021] NSWCA 95
Hinch v Attorney-General (Vic) [1987] VR 721
In the matter of Jimmy's Recipe Pty Ltd [2020] NSWSC 93
Kazal v Thunder Studios Inc (California) (2017) 256 FCR 90; [2017] FCAFC 111
Law Institute of Victoria v Nagle [2005] VSC 47
Munsie v Dowling (No 2) [2014] NSWSC 1042
Munsie v Dowling [2014] NSWSC 962
Porter v Australian Broadcasting Corporation [2021] FCA 863
Prothonotary of Supreme Court of New South Wales v Ceren [2016] NSWSC 1187
Prothonotary of the Supreme Court of New South Wales v Dowling [2018] NSWSC 1301
Prothonotary of the Supreme Court of New South Wales v Dowling [2017] NSWSC 664
Registrar of the Court of Appeal v Maniam (No 2) (1992) 26 NSWLR 309
Seven Network (Operations) Ltd v Dowling [2018] NSWSC 1890
Seven Network (Operations) Ltd v Dowling [2021] NSWSC 726
Smith v The Queen (1991) 25 NSWLR 1
Street v Luna Park Sydney Pty Ltd [2009] NSWSC 767
Thunder Studios Inc (California) v Kazal (No 2) [2017]

	FCA 202 Wood v Galea (1996) 84 A Crim R 274 Wood v Galea (1997) 92 A Crim R 287 Wood v Staunton (No 5) (1996) 86 A Crim R 183
Texts Cited:	N Adams and B Baker, "Sentencing for Contempt of Court", National Judicial College of Australia and the Australian National University Sentencing Conference, 29 February 2020
Category:	Sentence
Parties:	Seven Network (Operations) Ltd (First Plaintiff) Seven West Media Ltd (Second Plaintiff) Shane Dowling (Defendant)
Representation:	Counsel: Mr K Smark SC (Plaintiffs) No appearance (Defendant) Solicitors: Addisons (Plaintiffs)
File Number(s):	2017/116771

JUDGMENT

1 **HER HONOUR:** Today, I bear the heavy responsibility of sentencing Shane Dowling for contempt, having found he committed contempt as charged in *Seven Network (Operations) Ltd v Dowling* [2021] NSWSC 726. This is the contemnor's fourth such sentence.

SENTENCING PRINCIPLES FOR CONTEMPT

2 The rationale for punishing for contempt was described by Rares J in *Thunder Studios Inc (California) v Kazal (No 2)* [2017] FCA 202 at [4]-[5]:

> 4 … It is … fundamental that persons must obey, and cannot be allowed to ignore, orders that the Courts make. The due administration of justice requires that everyone be able to access the Courts to hear and determine disputes, that all persons in our society accept that the orders made by the Courts reflect the application of the law by which all are governed and that those orders must be obeyed while they are in force.
>
> 5 It is a very serious matter where a person disobeys a Court order knowing the Court has made it. If that conduct went unpunished by the Courts, a fundamental aspect of our society would suffer. Other people would come to think that they also could disobey or flout orders that a Court had made. The

> rule of law would be seriously undermined were such a situation left unpunished. Justice could not be done satisfactorily if the ordinary respect that members of our society have for the authority of the Courts to resolve disputes, as a part of our system of government, came to be undermined by persons openly disobeying Court orders …

3 An offence of contempt is a common law offence, which means that the maximum penalty is at large, subject only to the restriction in the *Bill of Rights 1688* (UK) upon cruel punishments: *Wood v Galea* (1997) 92 A Crim R 287 at 290 (Hunt CJ); *Smith v The Queen* (1991) 25 NSWLR 1 at 13-18 (Kirby P, dissenting); N Adams and B Baker, "Sentencing for Contempt of Court", National Judicial College of Australia and the Australian National University Sentencing Conference, 29 February 2020 at [143]. In *Australasian Meat Industry Employees Union v Mudginberri Station Pty Ltd* (1986) 161 CLR 98; [1986] HCA 46, Gibbs CJ, Mason, Wilson and Deane JJ said at 115:

> These are considerable powers, resort to which imposes a heavy responsibility upon a court confronted with a determined challenge to its authority. … It is required of the chosen remedy that it be effective, no more but no less. For, if it is not effective, serious and lasting damage to the fabric of the law may result.

4 Part 55 rule 13 of the Supreme Court Rules 1970 (NSW) provides:

> **Punishment**
>
> (1) … the Court may punish contempt by committal to a correctional centre or fine or both.
>
> …
>
> (3) The Court may make an order for punishment on terms, including a suspension of punishment or a suspension of punishment in case the contemnor gives security in such manner and in such sum as the Court may approve for good behaviour and performs the terms of the security.

5 Thus, criminal and civil contempt may be dealt with by way of fine or imprisonment, either of which may be suspended to achieve a bond-like order: N Adams and B Baker, "Sentencing for Contempt of Court", National Judicial College of Australia and the Australian National University Sentencing Conference, 29 February 2020 at [11]. The *Crimes (Sentencing Procedure) Act 1999* (NSW) and the *Crimes (Administration of Sentences) Act 1999* (NSW) do not apply to sentencing a person for contempt in the civil jurisdiction of the Court: *Dowling v Prothonotary of the Supreme Court of New South Wales* (2018) 99 NSWLR 229; [2018] NSWCA 340 per Basten JA at [46], [57]-[58] (Meagher JA agreeing).

6 The provisions of Part 55 are only declaratory of the court's power to punish for contempt and do not exhaust it. Alternatives to custody may be fashioned by the Court in the exercise of its inherent jurisdiction, for example, in *Registrar of the Court of Appeal v Maniam (No 2)* (1992) 26 NSWLR 309, where the Court of Appeal acknowledged that the Court had no statutory power to impose community service but held that the Court had power "in effect, impose an obligation of community service in the Liverpool Hospital provided the hospital was prepared to accept [the contemnor] and as a condition for suspending the operation of the fine" (at 319C per Kirby P, 320G per Mahoney JA and 321A per Hope AJA): N Adams at [128].

7 A penalty in the form of an indemnity costs order is a common outcome in civil contempt proceedings, which may be considered to sufficiently meet the need for a sanction of the contempt found: *Street v Luna Park Sydney Pty Ltd* [2009] NSWSC 767 at [21] per Brereton J; *In the matter of Jimmy's Recipe Pty Ltd* [2020] NSWSC 93 at [94] per Rees J.

8 Many cases have identified matters relevant to penalties for contempt: *Wood v Staunton (No 5)* (1996) 86 A Crim R 183 at 185, per Dunford J; *Commissioner for Fair Trading v Partridge* [2006] NSWSC 478 at [22] per Bell J; *Prothonotary of Supreme Court of New South Wales v Ceren* [2016] NSWSC 1187 at [13] per Harrison J at [14]. I will use the list of factors collated by Barrett J in *Australian Securities and Investments Commission v Matthews* [2009] NSWSC 285; (2009) 71 ACSR 279 at [27], being:

(a) the seriousness of the contempt proved;

(b) the contemnor's culpability;

(c) the reason or motive for the contempt;

(d) whether the contemnor has received, or sought to receive, a benefit or gain from the contempt;

(e) whether there has been any expression of genuine contrition by the contemnor;

(f) the character and antecedents of the contemnor;

(g) the contemnor's personal circumstances;

(h) the need for deterrence of the contemnor and others of like-mind from similar disobedience; and

(i) the need for denunciation of contemptuous conduct.

9 In respect of item (f), when determining a penalty for contempt, the relevant history of the offender includes, and *is limited to*, other findings of contempt or convictions for offences similar to contempt: *Ferguson v Dallow (No 5)* [2021] FCA 698 per O'Callaghan J at [20]. Prior convictions of another kind are irrelevant. Where there *are* previous convictions for contempt, Basten JA observed in *Dowling v Prothonotary* at [63]: (emphasis added)

> Repetitive disobedience of orders of the court warranted a further period of imprisonment. *The fact of repetition provided a sound basis for increasing the severity of earlier penalties. On the other hand, the nature of the particular contempt was equally important in determining the severity of the punishment*.

10 As in sentencing generally, the need for personal (or specific) and general deterrence and the need for denunciation is well-established; a reduction of the moral culpability or the contemnor by reason of mental illness or disadvantage may impact on the need for general deterrence and denunciation, while evidence of rehabilitation may be relevant to the need for personal (or specific) deterrence: N Adams at [148]. As to personal deterrence, the observations of Kaye J in *Hinch v Attorney-General (Vic)* [1987] VR 721 are apposite. At 749:

> [The defendant's] previous convictions for contempt of court evince that he has a disposition to place himself above the law when he considers his interests as a broadcaster might conflict with the law. It follows that, in my opinion, the penalty to be imposed upon the appellant Hinch in relation to the first two broadcasts ought to reflect in a meaningful manner the need for personal deterrence of him.

11 The importance of deterrence – particularly in the age of social media – was emphasised in *Kazal v Thunder Studios Inc (California)* (2017) 256 FCR 90; [2017] FCAFC 111 at [169], [171]-[172]:

> [169] First, there is a compelling need for specific deterrence of the appellant himself. … The appellant published in defiance of court orders as well as adversely to those proceedings more generally as reflected in charges 8 and 9. The appellant must be left in no doubt as to the consequences of any repetition on his part, especially in the face of no evidence that he accepts any wrongdoing on his part. He is therefore necessarily at least at some risk of reoffending.
>
> …
>
> [171] Thirdly, general deterrence of contempt of both kinds, that is by way of defiance of court orders and by interference in the administration of justice, is of considerable importance. All three areas of deterrence now have to be considered in the age of instant and widespread communication to potentially vast numbers of people via social media. In seconds, great harm can be done

> of a kind unimaginable when most of the authorities on this topic were decided. That is a feature of modern life that is of increasing, not decreasing, importance.
>
> [172] Courts must adapt if they, the orders they make, and the system of justice for which they have an important responsibility to administer, are to avoid being rendered impotent. It is no longer a world in which contempt is confined to proximate physical action or evanescent communication, with some delay and time to react and contain the damage before it spreads too far. Contempt can very rapidly travel far and wide, both within Australia and overseas, and be of lasting and ongoing impact. Sentences that might in the past have been regarded as the top end of any discernible range and stern to the point of being excessive and even manifestly excessive no longer so readily bear that character.

12 Comparative cases do not provide a safe guide to the proper range or tariff of punishment for contempt of court as the nature of the contempt and its consequences vary so greatly: *Wood v Galea* (1996) 84 A Crim R 274 at 277 per Hunt CJ at CL; *He v Sun* [2021] NSWCA 95 at [51] per Bell P (Gleeson JA agreeing). The plaintiffs did, however, refer me to two similar cases, to which I will return at [92].

THIS CONTEMPT AND PREVIOUS CONVICTIONS FOR CONTEMPT

13 Given the relevance of prior convictions for contempt to determining penalty, it is necessary to set out the three matters for which the contemnor has already been sentenced for contempt. It is perhaps most helpful to describe these convictions in chronological order as they unfolded alongside the contempt the subject of these proceedings. It will be seen that patterns emerge, as well as a degree of escalation, which may point to an increased penalty being necessary on this occasion to achieve personal deterrence. This recitation of events ought not detract from the fact that prior convictions are *but one* of the factors to be considered when determining a proportionate penalty for the contempt for which the contemnor has been found guilty in *these* proceedings.

Munsie v Dowling

14 First, in 2014, the plaintiffs commenced defamation proceedings against the contemnor in respect of material published on his website. In April 2014, a suppression order was made under the *Court Suppression and Non-Publication Orders Act* 2010 (NSW), prohibiting the disclosure of specified information and material. Contrary to the suppression order, the contemnor proceeded to publish further articles on his website, with links to the documents

that he was prohibited from disclosing. He also issued various tweets on the subject. In *Munsie v Dowling* [2014] NSWSC 962, Nicholas AJ found that the contemnor was well aware of the scope of the suppression order and published the material in order to frustrate that order: at [23], [27]. The contemnor was found guilty of contempt as charged.

15 As in this case, the contemnor then published an article criticising Nicholas AJ's judgment on liability. He did not appear at the hearing on sentence but sent written submissions, which appear to have borne a strong resemblance to the submissions provided to me: *Munsie v Dowling (No 2)* [2014] NSWSC 1042 at [3]-[4]. In particular, Nicholas AJ noted that the contemnor's submissions did not convey an apology, nor any expression of contrition or of acceptance that his conduct was wrongful: at [5].

16 In *Munsie v Dowling (No 2)*, Nicholas AJ observed that the contemnor's publications in contempt of the suppression order "demonstrated that the defendant has a high disregard for the operation of the courts and the conduct of the judges before whom he has appeared. That conclusion is reinforced by the evidence of the publication on his web site … the day after judgment was delivered", the article being "indicative of his rejection of the court's authority": at [16], [19]. Nicholas AJ was satisfied that the contemnor's defiance of the suppression order "was calculated to strip the plaintiffs of the protection from publication to which the Court had then found them to be entitled": at [17]. Further, it was apparent that the contemnor "firmly takes a view that not only is no apology warranted but that the order itself was an order which he was free to ignore": at [18].

17 Nicholas AJ took into account the assertion in the contemnor's submissions that he had no previous criminal history and imposed a $2,000 fine, together with an order that he pay the plaintiffs' costs. However, I note that, in the second contempt matter, the contemnor asserted that he did not in fact pay the fine because he asserted it had been waived in some fashion by those responsible for recovering it: *Doe v Dowling* [2017] NSWSC 1037 at [33]. In the third contempt matter, the contemnor "boasted" that he had not paid the fine

ordered by Nicholas AJ or the costs awarded against him: *Prothonotary of the Supreme Court of New South Wales v Dowling* [2018] NSWSC 1301 at [48].

Doe v Dowling

18 On 21 December 2016, two women commenced defamation proceedings against the contemnor in the Common Law Division of this Court in respect of an article published on his website. The women were permitted to sue by the names "Jane Doe 1" and "Jane Doe 2" in order to ensure that they would not suffer further damage through publicity that might be given to the proceedings: *Doe v Dowling* [2019] NSWSC 1222 at [2] per Fagan J. Campbell J made a suppression order in respect of the plaintiffs' names, ordered the contemnor to remove their names from the article published, and restrained him from further publication of the article in any form which included their names.

19 The contemnor did not remove the plaintiffs' names from the article and proceeded to republish their names in succeeding articles. On 2 February 2017, the Jane Does filed a motion for contempt.

Prothonotary of the Supreme Court of New South Wales v Dowling

20 The third prosecution for contempt arose from events on 3 February 2017, being the first return of the contempt motion in *Doe v Dowling* before the Registrar. In a crowded courtroom, and in a "loud and aggressive" manner, the contemnor called the Registrar a known bribe taker and paedophile: *Prothonotary of the Supreme Court of New South Wales v Dowling* [2017] NSWSC 664 at [6]. The Registrar warned that the contemnor that steps would be taken against him as a consequence of what had been said and, later that afternoon, the Prothonotary filed a motion before Beech-Jones J seeking suppression orders in respect of the contemnor's comments made to the Registrar. A transcript of the hearing before the Registrar was marked Exhibit 1 and Beech-Jones J made a suppression order that the contents of Exhibit 1 be prohibited from disclosure.

21 Two days later, the contemnor published an article on his website with a link to an unauthorised recording which he had made of his appearance before the Registrar. "[N]ext to a prominent call for donations", the contemnor published an article accusing a judicial officer of this Court of being a bribe taker and

paedophile: at [17]. At the end of the article, another prominent call for donations appeared: at [22].

An anonymous website

22 Returning to these proceedings, on 25 February 2017, the contemnor established a website (*the Website*) using a webhost based in the United States. The home page of the Website provided a contact email address, ending "gmx.com". He did not disclose that he was the publisher of the Website but chose to remain anonymous. This can be compared with the website used in *Munsie v Dowling, Doe v Dowling* and *Prothonotary v Dowling*, where the contemnor used a website acknowledged to be his.

23 The contemnor posted a variety of material on the Website concerning the plaintiffs, who submitted a complaint to the World Intellectual Property Organisation (*WIPO*) in respect of the Website.

Liable for contempt in Doe v Dowling

24 On 1 March 2017, Harrison J heard the contempt motion in *Doe v Dowling* and, on 15 March 2017, found the contemnor guilty of contempt: *Doe v Dowling* [2017] NSWSC 202. The contemnor's failure to comply with the Court's orders was found to be intentional, wilful and deliberate, demonstrated by the repetition of the publication of the names of the plaintiffs. "It seems reasonably clear … that the defendant apparently rejoiced in his own defiance of the orders": at [57]. The contempt was contumacious; the contemnor "deliberately set out to disobey and to flaunt what he knew and understood to be the solemn orders of the Court": at [59].

25 On 27 March 2017, the Prothonotary filed a summons charging the contemnor with contempt: *Prothonotary of the Supreme Court of New South Wales v Dowling* [2017] NSWSC 664 at [1] per Wilson J.

Contemptuous act in these proceedings

26 Returning to these proceedings, on 14 April 2017, the contemnor sent an email to the plaintiffs' directors and solicitors disclosing information which the plaintiffs contend is confidential. On 17 April 2017, the contemnor published his email via Twitter. More importantly, the contemnor also posted a blog (referred

to in my earlier judgment as the *Fifth Blog Post*) on the Website, which repeated the confidential information.

27 On 18 April 2017, the plaintiffs' solicitor demanded that the contemnor remove the Tweet. He did so. In addition, the plaintiffs' solicitor sent an email to the address associated with the Website, being the "gmx.com" email address, demanding that the Fifth Blog Post be removed. There was no response to the "gmx.com" email. The plaintiffs believed that the contemnor was the author and publisher of the Fifth Blog Post but, given the anonymised nature of the Website, could not be sure.

28 On 19 April 2017, the plaintiffs commenced these proceedings against the publisher of the Website, referred to in the pleadings and orders as "Publisher X", seeking orders restraining the use or disclosure of confidential information and an order to remove the Fifth Blog Post from the Website. Orders were made by Ward CJ in Eq, restraining the publisher of the Website from using or disclosing the confidential information and ordering the removal of the Fifth Blog Post from the Website (*the Orders)*. In addition, her Honour made orders for substituted service of the Orders, being:

> 9 The summons, orders and supporting material to be served on the defendant, by email at the email address [ending "gmx.com"] by 6pm on Wednesday, 19 April 2017.

29 The Orders concluded:

> If The Publisher, [the Website] disobeys paragraph 4, 5, 6 or 7 of this order, then The Publisher, [the Website] and its directors will be liable to sequestration of property and the said directors to imprisonment.

30 On 19 April 2017, the plaintiffs' solicitor sent an email to the "gmx.com" address attaching the Summons and Orders and noting that orders had been made requiring immediate removal of the Fifth Blog Post. It was not removed. This is the contempt with which the contemnor was charged. Having been served, the contemnor had knowledge of the terms of the Orders. He did not comply with the Orders but continued to publish the Fifth Blog Post, including the references to the material said to be confidential, on the Website.

31 On 22 April 2017, the contemnor published a Tweet which the plaintiffs' solicitor considered breached the Orders. On 24 April 2017, the plaintiffs'

solicitor sent an email to the contemnor informing him accordingly, to which he replied on 25 April 2017: (emphasis added)

> I am not a party to the proceedings that you refer to *nor am I in receipt of the court orders you mention*. Can you please supply me with a copy of the court orders and advise which court order I have breached given I am not even involved in the matter?
>
> …
>
> *Why you have not sent me the court orders this time to verify your claims is rather odd to say the least.*

32 The contemnor had, in fact, received the Orders as the publisher of the Website and the recipient of emails sent to the "gmx.com" email address associated with it. His suggestion to the contrary was untrue. The contemnor received the Orders again on 26 April 2017, in an email from the plaintiffs' solicitor to him directly. Nonetheless, the contemnor continued to maintain throughout the hearing of the contempt motion that he had never been served with the Orders.

Liable for contempt in Prothonotary v Dowling

33 On 4 May 2017, the Prothonotary's charge of contempt was heard by Wilson J, who found the contemnor guilty of contempt on 29 May 2017: *Prothonotary of the Supreme Court of New South Wales v Dowling* [2017] NSWSC 664. Her Honour observed that there was no doubt that the contemnor had carried out the acts in the charge as he "somewhat proudly" acknowledged his conduct: at [34].

34 Her Honour observed that the contemnor's loudly uttered allegations were obviously grossly insulting and hurtful. Such gratuitous comments made to a judicial officer presiding over proceedings in a court did a significant public harm, interrupting the course of the proceedings and diverting the Court's attention from the business before it. Baseless insults of this grave nature could also call into question the integrity of the Court or of individual officers and thereby interfered with the course of justice and constituted an unwarranted obstruction to the administration of justice in the face of the Court: at [62].

35 The contemnor argued that Beech-Jones J's suppression order was invalid and he could not be held to have breached something invalid: at [48]. Wilson J held

that the orders made by Beech-Jones J were obviously valid and, to allow persons subject to the orders of superior courts to simply disregard the orders, would be entirely subversive of the place of court orders in the rule of law: at [66].

Another anonymous website

36 The Fifth Blog Post continued to be published on the Website. The plaintiffs continued to progress their complaint to WIPO. On 14 June 2017, WIPO concluded that the contemnor was the person responsible for the Website and ordered that the domain name for the Website be transferred to the plaintiffs. On the same day, the contemnor created a second website, using a similar domain name (*the Second Website*), which was also anonymous. The Second Website published the same material as the Website, including the Fifth Blog Post. Those who typed in the address of the Website into a browser were automatically re-directed to the Second Website.

37 On 22 June 2017, the plaintiffs' solicitor sent an email to the contemnor in relation to these proceedings, advising that an order would be sought to amend the summons to now name him as the defendant rather than "Publisher X". The contemnor replied, "I do not own the website which I am sure you know." The contemnor continued to maintain that he did not own the Website or, for that matter, the Second Website.

38 On 27 June 2017, the domain name for the Website was transferred to the plaintiffs. The Website was configured to no longer publish the Fifth Blog Post nor re-direct to the Second Website.

39 On about 20 July 2017, material ceased to be published on the Second Website. I infer that the contemnor did something to make this happen, which potentially stands to his credit on sentencing. The plaintiffs submitted that the overwhelming motivation for doing so was self-preservation. The fact that the Fifth Blog Post was finally taken down the day before the sentencing hearing in *Doe v Dowling* suggests this was indeed his motivation.

Sentencing in Doe v Dowling

40 The *Doe v Dowling* proceedings were listed before Harrison J on 21 July 2017 for submissions on penalty. The contemnor did not appear but provided written

submissions. A week later, Harrison J sentenced the contemnor in *Doe v Dowling* [2017] NSWSC 1037. Since his Honour's judgment on liability, the offending articles had remained online, the names of Jane Doe 1 and Jane Doe 2 had not been removed and the contemnor had published further articles referring to them by name. His Honour considered that the contemnor's reference to the orders in his publications, and his knowledge of the orders, made his defiance of the Court greater: at [19].

41 His Honour held that it must have been apparent to the contemnor that the purpose of the suppression orders was to prevent frustration of the defamation proceedings, and his conduct in naming the plaintiffs had a tendency to frustrate the Court's power to give effective relief, or potentially to intimidate the plaintiffs from seeking such relief: at [21]. A fair reading of the contemnor's publications indicated that he breached Campbell J's orders "not merely willingly and advertently but also enthusiastically. That enthusiasm is apparent upon the face of the publications": at [22]. Further, at [26]:

> It would also appear that Mr Dowling's motivation includes generating interest in his website as a platform for his opinions in general, and the expression of the not inconsiderable antipathy he seems to bear towards a large range of individuals and professions, including Mr Kerry Stokes, in particular.

42 Harrison J also observed that the contemnor's publication included prominent and regular appeals for financial contributions from the public: at [28]. The contemnor had not expressed contrition or remorse of any sort or in any form and remained ferociously committed to the righteousness of his conduct: at [30]. The fine imposed by Nicholas AJ in *Munsie v Dowling (No 2)* had not deterred the contemnor from further contempt: at [32]. His contempt was continuing at the time of sentence. In these circumstances, Harrison J sentenced the contemnor to four months imprisonment. That sentence was complete on 9 December 2017.

Sentencing in Prothonotary v Dowling

43 On 17 August 2018, Wilson J heard submissions on sentence. The contemnor *did* appear. The material in Exhibit 1 still remained published on the contemnor's website. The contemnor submitted, as he did to me, that he was never properly served with Beech-Jones J's orders and that the orders did not

bear a notice required by the rules that he was liable to imprisonment if he did not comply with the orders. Her Honour noted in [2018] NSWSC 1301 at [18]:

> It seems that he reserves to himself the right to decide which court orders he will obey and which he will disobey. Indeed, in his evidence and submissions on sentence the contemnor, despite my repeated requests that he not do so, frequently restated the very matters that are presently the subject of the non-publication order, in circumstances where there was no forensic necessity or advantage to him in doing so. His conduct in that regard appeared entirely wilful.

44 Her Honour observed that the contemnor subsequently referred on his website to his act in giving the Registrar "a mouthful" with apparent pride: at [28]. There was no acknowledgement of wrongdoing, "he appears to take pride in what he has done": at [40]. The contemnor had compounded his contempt by maintaining the publication of the offending material, despite receiving correspondence from the Crown Solicitor's Office asking him to take the material down: at [41]. In addition, the contemnor had published additional material on his website committing further breaches of Beech-Jones J's orders: at [42]. "This wilful defiance and refusal to be bound by court orders demonstrates the continuing nature of the contemnor's disobedience to court orders, and his determination to flout the authority of the Court": at [44]. "The contemnor clearly believes that the law does not apply to him": at [56].

45 Wilson J concluded that the contemnor was an unrepentant self-described "activist" with very limited prospects of rehabilitation, who continued to defend his right to obey or not any court order as he pleased, by reference to whether or not he considered the order valid: [77]. "The contemnor is a zealot, and one who is legally uninformed, and factually deluded": at [79]. Her Honour considered that there was a very real prospect that the contemnor would continue his campaign of defiance of court orders and endeavouring to undermine the authority of the courts.

46 Her Honour sentenced the contemnor to 18 months imprisonment, with a non-parole period of 13 months. Whilst the Court of Appeal reduced that sentence to four months imprisonment, their Honours did not otherwise cavil with Wilson J's observations. On appeal, Basten JA considered, at [64]: (emphasis added)

> In the previous [convictions for contempt]*, the contempts had affected third parties, including other litigants in the court whose rights and entitlements*

> *were required to be respected. In those cases, the Court was required to exercise its authority to protect the rights of others*. By contrast, the present case involves scandalising the Court itself. While the Court may be expected to take a firm stand against such conduct and to impose condign punishment when it occurs, as Wilson J noted in her judgment vacating the suppression orders, the conduct was more in the nature of irrational abuse which would readily be seen by the broader public to be irrational and to reflect more seriously upon the applicant than the Court.

47 Noting that the jurisdiction to punish for contempt was not given for the purpose of protecting judges personally from imputations to which they may be exposed as individuals, Basten JA considered that four months imprisonment was a sufficient response to the three charges of contempt, which involved closely related conduct: at [65]-[66]. Macfarlan JA also took into account that, although the contemnor's beliefs did not have a rational basis, he appeared convinced of the righteousness of his actions: at [136].

Finding of contempt in this case

48 On 30 January 2021, two days before the hearing of the plaintiffs' contempt motion, the contemnor published an article which he tendered at the hearing. In short, the contemnor stated that I had been ordered by the Chief Justice to gaol him on behalf of the plaintiffs. Further, I was said to be corrupt and "one of the biggest grubs sitting on the bench at the NSW Supreme Court although it is very competitive for the title."

49 I refer to the article because the plaintiffs relied on it in their submissions on penalty. The contemnor is not charged with contempt in respect of the article, the contents of which may fairly be described as "irrational abuse which would readily be seen by the broader public to be irrational and to reflect more seriously upon the applicant than the Court": Basten JA at [64]. It may be relevant to the need for specific deterrence.

50 On 21 June 2021, I found the defendant had committed contempt as charged. On 13 August 2021, I heard submissions on penalty. The contemnor did not appear but provided written submissions.

SENTENCING CONSIDERATIONS IN THIS MATTER

51 It is convenient to now consider how the relevant factors on sentencing apply to the present matter.

(a) The seriousness of the contempt proved

52 The contempt was of a serious kind. The underlying proceedings were concerned with the protection of confidential information belonging to the plaintiffs. The Orders, which were interlocutory, were central to the protection of that confidential information. The conduct of the contemnor, in defying the Orders, struck at the heart of the utility of the proceedings themselves.

53 Whilst the contemnor submitted that there "was no damage done to anyone or anything", it is the very nature of confidential information that its confidential quality is destroyed by the information being published. Whether the information was, in fact, confidential at the time that the Orders were made remains to be determined in these proceedings. But the contemnor's actions in persisting in publishing the material notwithstanding the Orders was directed to seeking to destroy the subject matter of the proceedings.

54 The conduct was not comprised by a single act. Rather it was an ongoing course of conduct in leaving the Fifth Blog Post online, where the contemnor knew that he had been ordered to take it down. It was open to him at any time in the months in which the Fifth Blog Post was published to take it down. He never did; the Fifth Blog Post came down only because the plaintiffs went to the considerable trouble to gain control of the Website through the WIPO proceedings. The seriousness of the contemnor's conduct was exacerbated by the fact that he sought to overcome the plaintiffs' efforts to take down the Website by setting up the Second Website.

55 The fact that the contemnor's conduct was engaged in *anonymously*, so that his role as publisher or operator of the Website was hidden, is an exacerbating factor. It would appear that the contemnor learnt from his experience in *Munsie v Dowling, Doe v Dowling* and *Prothonotary v Dowling* that publishing articles on *his* website led to orders being made against him and, when he failed to comply with such orders, contempt motions being brought against him. The Website was evidently set up anonymously to enable the contemnor to publish material with impunity. The *maintenance* of anonymity, once the plaintiffs had made complaint to the operator of the Website, being the contemnor, compounded the seriousness of his conduct.

56 The contemnor's maintenance of anonymity as publisher also greatly complicated the task faced by the plaintiffs in addressing his conduct as the plaintiffs had to first prove that he was the publisher of the Website. That was not necessarily straightforward and required the plaintiffs to expend considerable resources to prove beyond all reasonable doubt that the contemnor was responsible for the Website and thus the continued publication of the Fifth Blog Post.

57 Much of the evidence relied upon by the plaintiffs in this regard came from the contemnor's hard drive (*the Hard Drive*). The plaintiffs' efforts to obtain access to the Hard Drive are charted in *Seven Network (Operations) Ltd v Dowling* [2018] NSWSC 1890 at [10]-[46], but took numerous court appearances and some 20 months. On 7 December 2018, I appointed an independent solicitor to inspect the Hard Drive and identify any privileged material, copying non-privileged material onto a separate hard drive to be made available to the plaintiffs. I also ordered that the plaintiffs pay the independent solicitor's costs of attending to this task in the first instance, there being no point in ordering the contemnor to pay these costs as he presumably would not do so, thereby continuing to delay the proceedings. This was an additional disbursement incurred by the plaintiffs in prosecuting the contempt motion, which they are now entitled to recover from the contemnor but, for practical purposes, is likely irrecoverable.

58 The hearing of the plaintiffs' contempt motion took two days, the length of the hearing being in large part attributable to the more complex forensic task of establishing to the requisite standard that the contemnor was responsible for the Website and thus the continuing publication of the Fifth Blog Post after the Orders. Evidence was given by an expert witness, Dr Bradley Schatz, who prepared a detailed report after inspecting the Hard Drive. In answer to a question from the contemnor, Dr Schatz said that his fees in the matter "may go somewhere nearer to $20,000."

59 The fact that the contemnor took more elaborate steps, by establishing an anonymous website, so that he could publish material which he perceived would damage the plaintiffs' interests and, more importantly, to *continue* to

publish that material after having been ordered to take it down, had real consequences for the plaintiffs in terms of time and costs in prosecuting that contempt.

(b) The contemnor's culpability

60 The contemnor was wholly responsible for the conduct in question.

61 As Wilson J observed, "Whilst there must be, at least, a possibility that the contemnor suffers from a mental disorder … there is no evidence of it, and I must set that matter aside": [2018] NSWSC 1301 at [67]. I am in the same position. There do not appear to be any indications, whether in the contemnor's publications, or in his manner of conducting these proceedings, that he is not fit to plead, or otherwise subject to a disability which would make it inappropriate to proceed. The contemnor appeared well-kept on the video hearings in February 2021. His place of abode appeared organised. He was mostly coherent and intelligible during the hearings.

(c) The reason or motive for the contempt

62 There is no direct evidence of the contemnor's motive for breaching the Orders. The contents of his publications suggest that he bears considerable *animus* toward the plaintiffs and towards various persons including Kerry Stokes. In *Doe v Dowling* [2017] NSWSC 1037, Harrison J observed that the publications and contempt in that case reflected such a preoccupation: at [26]. This motive was also evident in the article written by the contemnor after the liability judgment was delivered in these proceedings. His written submissions on penalty demonstrated his continuing obsession with Kerry Stokes and "Seven" and were infused with *animus*. If that was the reason or motive for the contemnor's conduct, it does not lessen the culpability involved.

63 Another reason or motive appears to be the contemnor's efforts to portray himself as a journalist or media publisher. Whilst the Website and Second Website were anonymised, these websites cross-promoted articles published by the contemnor on his website. I will return to this shortly.

(d) Whether the contemnor has received, or sought to receive, a benefit or gain from the contempt

64 Consideration of the material posted on the Website shows two potential benefits to the contemnor. First, it had the potential to advance his apparent desire to harm the interests of the plaintiffs and Mr Stokes. Second, because it included material from, and links to, his website, it had the potential to promote that website, and thereby benefit him.

65 The contemnor's written submissions on penalty continued to exhibit elements of self-promotion, containing links to a number of articles which he has written on various unrelated topics, together with a reference to his latest book, apparently available from online bookshops and some libraries. His submissions included an article with a link to donate funds.

66 My overall impression from dealing with the contemnor is that his involvement in contempt proceedings appears to be a 'positive' in his mind, enhancing his importance and providing content for his publications. He seems to think that being punished for contempt establishes him as a "journalist". It makes him important. He appears to enjoy it. It is part of his 'business model'. I am not alone in forming this impression. As Harrison J observed in *Doe v Dowling* [2017] NSWSC 1037 at [29]:

> It is an available inference that Mr Dowling seeks to benefit from the publication of the plaintiffs' names by attracting public interest to his website and by soliciting financial support. It is a further available conclusion that he seeks to draw attention to his defiance of the Court orders, as a way to gain sympathy and notoriety or simply public attention, which he apparently perceives as being a benefit to him, perhaps because he considers it will increase his public profile.

67 Wilson J also considered that the contemnor's conduct "has given him a platform against which to solicit financial reward in recognition of his acts of contempt of court, and it has given him – at least in his own eyes – significance and status": [2018] NSWSC 1301 at [37].

68 However, the contemnor is not a journalist. As Wilson J noted in *Prothonotary of the Supreme Court of New South Wales v Dowling* [2018] NSWSC 1301 at [62]-[63]:

> 62 … He described himself as a "journalist", although he conceded in cross-examination that he "just put that down as an occupation because it is relevant

> to the proceedings […] and I started doing that when I had a defamation proceedings instituted against me" (TOS 36:10).
>
> 63 At the time when he adopted "journalist" as his claimed occupation the contemnor was in fact working as an operator in a call centre for a Federal Government agency. He has no qualifications as a journalist, and has never had an article of his published by any media outlet, other than his own website. He has never been employed as a journalist.

When the contemnor could not interest mainstream media outlets in his story about an unfair dismissal claim that was adverse to him, he took to "blogging": at [76].

69 More recently, in *Porter v Australian Broadcasting Corporation* [2021] FCA 863, Jagot J rejected the contemnor's submission that he was a journalist and news publisher. Then, being as recently as July 2021, her Honour found at [64]-[65]:

> 64 … Mr Dowling is undoubtedly a publisher but, on the evidence, what he publishes is not "news". He does not, it seems, report on events. From his affidavit it appears that he publishes opinions and comments purporting to focus on "anti-corruption" in the government and the judiciary, much of which appears to consist of unfounded scandalous and scurrilous allegations.
>
> 65 …. That he publishes material may be accepted. That he publishes "news" may not.

70 Continuing acts of criminal contempt are not a legitimate part of the honourable profession of journalism. An important component of any punishment must, it seems to me, be eliminating this pattern of behaviour or, in effect, making the 'business model' unviable.

(e) Whether there has been any expression of genuine contrition by the contemnor

71 The contemnor has not shown contrition or any acknowledgment of wrongdoing.

72 On 28 June 2021, being a week after my judgment on liability, the contemnor published an article on his website, commenting on my judgment, noting "I deny ever owning the website". It was again suggested that I had found the contemnor guilty of contempt as I had been ordered to do so by the Chief Justice. An invitation was made for the reader to donate to the website to support its continuation. Again, the specific content of the article can be put to one side. The contemnor is not being punished for contempt in respect of the article. Its significance is that it points to the need for specific deterrence when considering a proportionate punishment for his contempt in these proceedings.

73 His written submissions on penalty were unrepentant and defiant. To the extent that those submissions contained scandalous and scurrilous allegations, the plaintiffs submitted that this displayed the contemnor's defiant attitude to the administration of justice and his continuing opposition to the Court's authority. I agree; it points to the need for specific deterrence when considering a proportionate punishment for his contempt in these proceedings.

(f) The character and antecedents of the contemnor

74 The contemnor continued to deny that he was guilty of contempt and suggested that he had no criminal record at the time, nor since. Rather, it was said that he had complied with court orders to take down various articles and social media posts in the *Jane Doe* proceedings in 2019 and the *Capilano Honey v Dowling* matter in 2021. (I assume the contemnor was referring to *Doe v Dowling* [2019] NSWSC 1222 per Fagan J and *Capilano Honey Ltd v Dowling (No 4)* [2021] NSWSC 264 per Button J respectively.)

75 The defendant has a significant history of conviction for contempt. The three matters for which the contemnor has already been sentenced for contempt bear strong similarities with his conduct in this case, but also indicate that his actions the subject of these proceedings have become more calculated.

76 On one view of it, the bulk of the contemptuous conduct occurred within a relatively confined period, being from December 2016 until July 2017. The successive judgments finding the contemnor guilty of contempt and then sentencing him for that contemptuous conduct have spanned a longer period of time, including in part because the contemnor's imprisonment from time to time interrupted the efficient disposal of the remaining charges of contempt in other proceedings.

77 On one view of it, the contemnor has not been charged with further acts of contempt since July 2017. This could be consistent with the contemnor having learned from previous convictions and changed his ways. But this is clearly not the case.

78 The contemnor learned nothing from the first sentence for contempt. He does not appear to have paid the fine nor the costs ordered against him. He subsequently engaged in relevantly identical conduct in *Doe v Dowling.*

79 The contemnor learned nothing from the second sentence for contempt. Two of the exhibits tendered by the contemnor at the hearing of the plaintiffs' contempt motion in these proceedings referred to the Jane Does by their names. The plaintiffs sought confidentiality orders in respect of those exhibits on the basis that, on 20 September 2019, at the conclusion of the defamation proceedings brought by the Jane Does against the contemnor, Fagan J made a suppression order that the names of the plaintiffs were not to be published until further order. Notwithstanding this, the contemnor opposed a confidentiality order being made in these proceedings, which order I ultimately made.

80 The contemnor learned nothing from the third sentence for contempt. On each of the four occasions on which the contemnor appeared before me, being 13 September 2018, 27 September 2018, 1 February 2021 and 2 February 2021, he repeated similar remarks to those for which he was charged by the Prothonotary of this Court. The manner in which he chose to conduct himself was as described by Wilson J, being in a loud and aggressive manner, to which I would add threatening and manipulative, albeit not all the time. He sought to insult, provoke and intimidate the judicial officer to do what he wanted.

81 The contemnor has, of course, already been punished for these acts of contempt. The penalty which I impose must not punish him again, or punish him for four cumulative offences, but the contempt with which he has been found guilty in these proceedings.

(g) The contemnor's personal circumstances

82 There is no evidence in relation to the contemnor's personal circumstances. The most that is known is from the evidence which he gave on sentencing, and in a Pre-Sentencing Report obtained by Wilson J, in *Prothonotary of the Supreme Court of New South Wales v Dowling* [2018] NSWSC 1301 at [62]-[76]. He was then, in March 2018, unemployed, living in a boarding house and in receipt of social welfare whilst "working on his webpage" and maintaining contact with his family in Queensland by telephone calls: at [75].

83 In his written submissions, the contemnor said that he lived in Queensland. This may be true, although he may have recently attended hearings in Sydney:

Porter v Australian Broadcasting Corporation. He also suggested a small fine as an appropriate penalty "as I have limited funds". Whilst the contemnor has not provided any evidence to support his financial position, I did observe his accommodation during the video hearing on 1 and 2 February 2021. The contemnor appeared to live in modest circumstances. I assume that the contemnor's life is attended with difficulty on a number of fronts.

84 Finally, the contemnor submitted that he was unvaccinated for COVID-19 and his life should not be endangered by imprisonment. There is an obvious solution to this problem.

(h) The need for deterrence of the contemnor and others of like mind from similar disobedience

85 Whilst there is a need for both personal and general deterrence in formulating an appropriate sentence, personal deterrence appears more important in this case: what can be done, if anything, to deter the contemnor from further offending. My observations of the contemnor accord with those of the author of the Pre-Sentencing Report obtained by Wilson J, who considered that the contemnor's views were both "entrenched" and "aggrandised" and reported the contemnor's intention to continue his activism: [2018] NSWSC 1301 at [76]. It does not appear to me that anything has changed.

86 The observations of Kaye J in *Hinch v Attorney-General*, referred to earlier at [10] are apposite; the penalty to be imposed needs to reflect in a meaningful manner the need for personal deterrence of him. Further, as the Court noted in *Kazal v Thunder Studios,* deterrence must now be considered in the age of instant and widespread communication to potentially vast numbers of people via social media such that, in seconds, great harm can be done of a kind unimaginable when most of oft-cited cases on contempt were decided. "Sentences that might in the past have been regarded as the top end of any discernible range and stern to the point of being excessive and even manifestly excessive no longer so readily bear that character": *Kazal* at [172].

(i) The need for denunciation of contemptuous conduct.

87 The plaintiffs submitted that the defendant's conduct ought to be denounced in strong terms, and a penalty consistent with that need should be imposed. The

contemnor submitted that the finding of contempt was frivolous and vexatious matter which, taken at its highest, should have a penalty of a $20 fine. In the alternative to a $20 fine, the contemnor submitted that, as he was imprisoned for four months for three instances of contempt in *Prothonotary of the Supreme Court of New South Wales v Dowling*, he should only be given a custodial sentence in this case of five weeks, presumably because he was found guilty of one count of contempt here.

88 The contemnor submitted that the matter was instituted in 2017. To the extent that the contemnor was suggesting that, given the passage of time between the filing of the contempt motion and its determination, the penalty should be reduced, the plaintiffs were not responsible for any delay. The progress of the contempt motion was interrupted from time to time by the contemnor serving periods of imprisonment for the sentences imposed in *Doe v Dowling* and *Prothonotary v Dowling,* and for a period in which he sought legal aid. The contemnor, obviously, cannot be criticised for these matters, but nor were the plaintiffs responsible. Otherwise, as I noted in *Seven v Dowling* [2018] NSWSC 1890, the contemnor engaged in significant 'ducking and weaving' in these proceedings, endeavouring to bring the contempt motion to a halt: at [68].

AN APPROPRIATE SENTENCE

89 I have already ordered that the contemnor pay the plaintiffs' costs of the contempt motion on an indemnity basis. However, I have no faith that the contemnor will pay such costs, either because he cannot or will not, or both. In this case, an indemnity costs order does not sufficiently meet the need for a sanction of the contempt: cf *Street v Luna Park*; *Law Institute of Victoria v Nagle* [2005] VSC 47 at [42]-[44] per Gillard J.

90 Given the nature of the contempt, and the contemnor's prior punishment for contempt, imprisonment is the only appropriate penalty. Nor, given the complete absence of contrition, is there any real prospect that a suspension of part or all of a term of imprisonment would achieve any purpose.

91 As Basten JA noted, "The fact of repetition provided a sound basis for increasing the severity of earlier penalties. On the other hand, the nature of the particular contempt was equally important in determining the severity of the

punishment": *Dowling v Prothonotary* at [63]. This case affects third parties, namely, the plaintiffs, and not just the Court. To that extent, the observations of Basten JA (with whom Meagher JA agreed) support the imposition of a more severe punishment than that imposed on the contemnor by the Court of Appeal or by Harrison J, this being yet another conviction. The conduct of the contemnor in this case was more serious than that in *Doe v Dowling*, involving a significant element of subterfuge on the contemnor's part.

92 Looking at two similar cases, in *Thunder Studios Inc (California) v Kazal (No 2)* [2017] FCA 202, Rares J imposed a term of imprisonment for 18 months for conduct involving a defendant's publications by internet and on the side of motor vans involving a defiance of court orders. This sentence was reduced on appeal to 12 months: *Kazal v Thunder Studios Inc (California)* (2017) 256 FCR 90; [2017] FCAFC 111 at [189]. The conduct in *Kazal* was of a more serious nature than the conduct in the present case as it involved an attempt to intimidate a party by the publications: [2017] FCA 202 at [41]. On the other hand, the conduct was substantially similar as it involved repeated defiance of court orders by way of continuous publication, and an absence of remorse.

93 In *Ferguson v Dallow (No 5)* [2021] FCA 698 the Federal Court sentenced the respondent in respect of offences involving breach of court orders by making material available online and by failing to remove it, having been ordered to do so, and also a count relating to scandalising the Court: see at [2]-[3]. The respondent was a self-styled, self-employed journalist with no previous convictions for contempt or any similar matter: [41]-[42]. The Court sentenced the respondent to imprisonment for 9 months: [55]-[56].

94 Here, the contempt was serious and directed to destroying the confidentiality of the plaintiffs' information. The contempt was ongoing and involved subterfuge through the use of an anonymous website and, when that was taken down, the establishment of a second anonymous website. The contemnor's conduct caused the plaintiffs to incur additional costs in prosecuting the contempt by reason of the need to establish beyond all reasonable doubt that the contemnor was in fact responsible for the anonymous website and the ongoing publication of the confidential information, notwithstanding an order by this

Court to take the material down. The contemnor is wholly responsible, and proudly so. He was motivated by *animus* towards the plaintiffs and self-promotion. He has shown no contrition or acknowledgement of wrongdoing. He is likely to reoffend. He appears to think that proceedings such as these establish him as a "journalist".

95 Having regard to these factors, the period of imprisonment in respect of the contemnor's fourth conviction for contempt must be greater than the periods of imprisonment previously imposed, and substantially so, to firmly impress upon the contemnor that the manner in which he has consistently chosen to conduct himself by publishing material which he knows to be in breach of court orders, or refusing to take down material in accordance with court orders, will do him no good. The remedy must be effective, not only to make this point painfully clear to the contemnor, but to reinforce the important principle underpinning the rule of law in our society: orders made by the courts reflect the application of the law by which all are governed and which orders must be obeyed while they are in force.

96 Having regard to each of these matters I consider that ten months is an effective remedy to the contemnor's determined challenge to this Court's authority.

ORDERS

97 For these reasons I make the following orders:

(1) Commit Shane Dowling to prison for ten months, the term of imprisonment to commence from the date of his arrest.

(2) Order that a warrant issue for the committal of Shane Dowling to prison for the said fixed term do issue.

(3) Order that the warrant for the committal of Shane Dowling to prison be executed forthwith.

(4) List the proceedings for further directions at 9.30am on 3 November 2021 before the Registrar in Equity.

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material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court or Tribunal in which it was generated.