

**DECISION ON AN INTERNAL REVIEW APPLICATION UNDER  
SECTION 91 OF THE *GREYHOUND RACING ACT 2017***

Matter for determination	Decision dated 23 of July 2024
Decision Makers	Acting Chief Steward Dean Deagan & Steward Craig Easey
Internal review decision date	30 August 2024
Internal review decision by	Chief Commissioner Brenton (Alby) Taylor
Internal review decision summary	To confirm the decision of the Commission's Stewards as made on the 23 July 2024.

**REASONS FOR DECISION**

1. These are the reasons for decision following an application by Ms Simone Isabelle LOADER ("**Loader**") for internal review under the *Greyhound Racing Act 2017* ("**Act**") of a decision made by the Greyhound Welfare & Integrity Commission ("**Commission**" or "**GWIC**") on the 23 July 2024.
2. The decision of the Commission was made by a Stewards Panel ("**Panel**") comprising Acting Chief Steward Dean Deagan and Steward Craig Easey of the Commission.
3. That decision was to impose a disqualification for a period of five (5) months commencing on Saturday, 27 July 2024 and expiring on Thursday, 26 December 2024.
4. This is a reviewable decision within the meaning of section 91(1) of the Act. As I was not involved in making the reviewable decision, I have dealt with this application.
5. Under section 91(7) of the Act, an internal reviewer is empowered to:
  - Confirm the reviewable decision the subject of the application; or
  - Vary the reviewable decision; or
  - Revoke the reviewable decision.

**Background**

6. Ms Loader, is a registered participant with the Commission, having been first registered as a Kennel and Track Attendant on 21 January 2020 and later as a Greyhound Race Official on 11 May 2021.
7. In February 2024, the Commission became aware of certain information relating to Ms Loader.
8. Following the receipt of this information, the Commission commenced an investigation to ascertain whether Ms Loader is a fit and proper person to be registered as a greyhound

racing industry participant, having regard to the need to protect the public interest as it relates to the greyhound racing industry.

9. Ms Loader was charged with breaching the following rule:

Rule 156(o)

makes or publishes any statement known by the person to be false where the publication is to:

- (i) a member of a Controlling Body;
- (ii) an officer of a Controlling Body;
- (iii) an employee of a Controlling Body; or
- (iv) an officiating veterinarian or official in the course of them performing their functions

10. The general tenor of the breach was that Ms Loader made a false and misleading statement to Commission officers when she participated in an investigation interview which was focussed on Ms Loader's fitness to maintain her registration as a race official.

11. During that investigation, Ms Loader participated in an electronically recorded interview with Officers of the Commission on the 19 March 2024. During the interview, at Question 65 it was put to Ms Loader that:

Q65        *"On 18th of August, 2023, a Banning Order was made under Section 73ZN,...of the National Disability Insurance Scheme Act, 2013, prohibiting Simone Loader from being involved in the provision of supports or services to NDIS participants, both directly and indirectly, for a period of five years, effective from 5:00 PM on the 31st of August, 2023.*

Loader     ***That does not make sense at all.*** [emphasis added]

Q66        *This was printed in the paper.*

A66        *I didn't even [undiscernible] the paper.*

Q67        *So, it wasn't a story that's been written up by a journalist. They do have certain sections in the paper where actions that are taken by Government Agencies are on the public record. And, they may be produced in public records such as papers. Like, all the outcomes from our matters are – if they're – if they have an outcome that says they've been charged and found guilty of something, it'll be available on our – on our website. We can't make – we can't have – like, we can't have an outcome that is, "Yes. This person has done whatever it is, that's been the outcome of their inquiry." That has to be public knowledge and on the Public Register. Because, all Government Agencies are funded by taxpayers. So, they have a right to know. So, this is come out recently.*

*But, it is from last year. It's from the 18th of August, 2023. And, I'm really concerned if you're saying you have no knowledge of these proceedings.*

A67 ***I have no knowledge of that.*** [emphasis added]

Q68 *Okay. And there's nothing that you can think of since you were working with the buses that would relate to...*

A68 ***No.*** [emphasis added]

12. Ms Loader is very clear in enunciating her replies to questions, that she has no knowledge of an investigation in relation to a 'Banning Order' being made against her under the provisions of the *National Disability Insurance Scheme Act, 2013*.

13. It is worth noting that before that interview was concluded, at Question 83 Ms Loader was reminded of the following:

Q83 *And, I do need to let you know that if what you've described to me today – any of the information is false or misleading, under Section 82 Part B of the Racing Act, that is a serious offence as well. And, it could end up with other compliance enforcement.*

A83 *Yep.*

14. Ms Loader was further interviewed by Officers of the Commission on 1 May 2024. During that interview Ms Loader was asked the following questions and provided the following answers:

Q13 *So, the information that we've now received from police and NDIS, is that you were caring for [words redacted].*

A13 ***Yes.*** [emphasis added]

Q14 *Okay. So, why did you choose not to explain that, when I asked you about...*

A14 ***Because, it's not gone to court.*** *There's no charges, no crimes, no criminals, no nothing, been involved and no nothing's been charged.* [emphasis added]

Q15 *So, there's no criminal charges?*

A15 *There's no criminal charges. There's no charges at all, that's been made.*

Q16 *However, it's that situation, that NDIS has done their own investigation on and, there's*

A16 *It's just - - -*

Q17 *Yep?*

A17 *It's just a five year AVO ban.*

Q18 *Right. Which is – that is what we were talking about, when I last spoke to you and, you said you had no idea about any concerns, from NDIS.*

...

Q22 *So, when I've asked you about this, in the last interview, you denied having any knowledge, of why you have been...*

A22 ***Because – because I didn't know, at the time and, then I realised that I've gone back to emails and, there's two years gone, already, almost.*** [emphasis added]

Q23 *So, the – the outcome was finalised in August, last year.*

A23 *Yeah.*

Q24 *So, that's not a year, yet.*

A24 *Almost a year.*

### **The internal review application**

15. Ms Loader was disqualified for five (5) months as a result of been found guilty of making a false and misleading statement and on 29 July 2024, Ms Loader lodged an application for internal review. The internal review was conducted on the papers.

### **Findings**

16. It is clear that Ms Loader by omission, did not answer the questions of Commission officers honestly in her interview on the 19 March 2024.
17. It is appropriate for me to record at this point that in considering this matter, I have confined my deliberations to the specific question of whether Ms Loader made a false statement to an officer of a Controlling Body and no other matter.
18. It is clear Ms Loader in denying she was aware of a banning order made against her on the 10 August 2023 under section 73ZN(2)(a)(iii) of the *National Disability Insurance Scheme Act*, for a period of five years, effective from 31 August 2023 was being dishonest.
19. The Commission considers the elevated status of a race official to be one which creates a higher 'fitness and proprietary' and it was in this context that Ms Loader was asked questions about a matter that, on the face of it, appeared to be relevant to the Commission's inquiry about her fitness to maintain her race official registration.
20. The registration held by Ms Loader, is one where the person operates as a race official. Due to the nature of this specific role, it carries with it a higher status than many other registrations in that, a race official has responsibilities at race meetings that have a strong integrity element.
21. For context to this matter, and it must be noted that this is not a 'fit and proper' person disciplinary matter but is a disciplinary matter where a participant was found in breach of the rules by lying to Commission Officers.

22. It must be noted that the assessment of a participant's fitness and propriety to be a participant is an important function of the Commission. As part of these processes the Commission is required to undertake a range of inquiries. The possible existence of a Banning Order under the National Disability Insurance Scheme Act is a relevant line of inquiry for the Commission to make in order to properly assess a person's fitness. It is incumbent on a person to answer these lines of inquiry with truthfulness and candour – for should a person not, this by itself goes to the person's honesty and candour – and in turn affects their fitness to be a participant. This is even putting aside the circumstances that lead to the Banning Order under the NDIS Act. It was on this basis that Commission staff made their inquiries and it was during these inquiries that the misleading statements were made. The conduct however that I am concerned about in this review is the fact that Ms Loader made false and misleading statements as part of her interview.
23. Ms Loader was dishonest in her answers to the questions about a matter that may have had a bearing on her fitness to hold the registration as a race official. It is this conduct that I am mindful of, rather than deciding about her fitness to hold her registration. As is the case with all people who reapply for registration after a period of disqualification, Ms Loader may be asked certain questions about relevant matters as part of her reapplication process. Her fitness to be registered will no doubt be assessed at this point.
24. The Commission has dealt with many cases where a participant will make false and misleading statements. Each matter will turn on their own facts. In the present case, Ms Loader made a deliberately false statement about a legitimate and serious line of inquiry that was put to her. The reasons she gives as to why she made the false statements are wholly unpersuasive and demonstrate no insight into the conduct.

## Decision

25. In considering this internal review, I have had regard to all the material including the following:
- Loader's application for Internal Review which includes submissions;
  - A letter dated 18 August 2023 from the NDIS Quality and Safeguards Commission;
  - Transcript of a record of interview between representatives the Commission and Loader on 19 March 2024;
  - Transcript of a record of interview between representatives the Commission and Loader on 1 May 2024;
  - A Banning Order under Section 73ZS National Disability Insurance Scheme Act 2013;
  - Various other emails and documents.
26. I note that a significant number of pages of the file submitted were either completely or partially redacted.

27. In accordance with section 91(7)(a) of the Act, having reviewed all the material, I confirm the original decision made by the decision makers on 23 July 2024.
28. That decision being, to impose a disqualification for a period of five (5) months commencing on Friday, 30 August 2024 and expiring on Thursday, 30 January 2025.

Brenton (Alby) Taylor, MPPA, Dip Law (LPAB), GDLP, GCAM, GAICD  
**Chief Commissioner**