

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

Matter for determination	Decision dated 8 August 2024 of the Commission’s Application Assessment Panel (“ <b>AAP</b> ”)
Internal review decision date	19 September 2024
Internal review decision by	Chief Commissioner Brenton (Alby) Taylor
Internal review decision summary	Confirm decision of 8 August 2024 to refuse the Applicant’s application.

**REASONS FOR DECISION**

1. These are the reasons for my decision following an application by Mr Ricky James McKenzie (“**Applicant**”) for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a decision of Application Assessment Panel (“**AAP**”) of the Greyhound Welfare & Integrity Commission (“**Commission**” or “**GWIC**”).
2. That decision was to refuse the application of the Applicant for registration as a Greyhound Attendant and a Greyhound Owner Trainer under **Criteria 10** of the Commission’s *Fit and Proper Person* Framework.
3. 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.
4. 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**

5. On 15 July 2024 the Applicant applied to the Commission to be registered as an Owner Trainer. On 1 August 2024, the Applicant applied to the Commission to be registered as an Attendant (“**the Application**”).
6. The AAP considered the Application and during the process, the Applicant’s National Police Certificate was obtained which disclosed multiple court matters.
7. The AAP considered the Applicant’s application and refused it on the basis the Applicant had been previously convicted of serious criminal offences involving violence and dishonesty.

## Findings of the AAP

8. In making its determination, the AAP had regard to the Commission's 'fit and proper person' framework, specifically Criterion 10 – which states:

*'Applicant was previously convicted of a serious offence involving violence, dishonesty, drug offences and sexual offences,'*

and the

*'Application may be refused, but the decision will take into account whether the offences occurred more than 5 years ago, and the penalty that was imposed.'*

9. I note that the notification of refusal dated 23 August 2024 from the Commission to the Applicant on Page 2, states that:

*"In making this determination, a new application for a greyhound registration will not be considered by the Commission until the applicant can demonstrate 5 years of no offending."*

10. This statement by the AAP to the Applicant, clearly indicates the AAP considered the most recent conviction of the Applicant, which occurred on 16 March 2023, in determining the Application.
11. Moreover, it appears that the AAP had regard for the fact that this conviction was recorded less than eighteen (18) months ago, and the Applicant only completed the sentence, being a 12-month Community Correction Order on 15 March 2024 less than six (6) months prior to this application.

## The Internal Review Application

12. On 27 August 2024, the Applicant lodged an application for internal review. The internal review was conducted on the papers.

## Decision

13. When considering whether the decision to refuse the Applicant's application for registration was appropriate, I have had reference to the Applicant's:

- Submissions within his Application for Internal Review;
- National Police Certificate;
- Registration and history within the greyhound racing industry;

14. In considering this internal review, I have had regard for Criterion 10 of the Commission's '*Fit and Proper*' person test for registration. It is clear the architects of Criterion 10 were firmly of the view that where a person has been convicted of a serious criminal offence, then unless the convictions were dated, specifically, older than five years, then a positive presumption arises to refuse the registration application.

15. The Applicant's criminal history is lengthy, extending back some 23 years and includes convictions on numerous occasions. Moreover, it contains convictions for offences which clearly fall within the broad categories (as referenced in Criterion 10) of "violence" and "dishonesty" of which there are many.
16. In his submissions, the Applicant maintains he is a fit and proper person to be registered as a participant in the greyhound racing industry.
17. However, I am mindful, not only of the seriousness of the Applicant's previous offending, but of the fact that his most recent conviction was recorded in 2023. The Commission's Framework provides that where a person has been convicted of a serious offence, but can demonstrate five years with no offending, an application for registration will be considered. At present, the Applicant is unable to demonstrate a sustained period of no offending.
18. I recognise the Commission's Framework operates as a guide and the governing instrument is the *Greyhound Racing Act 2017*. Section 47(2) is very clear. It states if the Commission is of the opinion that the circumstances of the offence/s concerned are such as to render the person unfit to be registered, then the person is not to be registered.
19. It is my opinion that due to:
- the seriousness of the charges involved;
  - the diversity of the offences;
  - the recency of one conviction; and
  - the number of offences committed in total;
- that the Applicant is not a fit and proper person to be registered.
20. Section 49(3) of the Act states:
- "The Commission may refuse to register a person as a greyhound racing industry participant if it is of the opinion that it would be in the best interests of the greyhound racing industry to do so."*
21. It is my view, that registering the Applicant, at this time, would not be in the best interests of the greyhound racing industry.
22. In considering the interests of the Applicant against the 'best interests of the greyhound racing industry', I have formed the opinion that it is more appropriate for me to refuse to register the Applicant.
23. For all these reasons, I have determined to confirm the decision of the Panel and refuse the Applicant's application for registration.

24. For all these reasons, in accordance with section 91(7)(a) of the Act, having reviewed all the material, I confirm the original decision made by the Commission's AAP on 8 August 2024 and refuse the Applicant's application for registration.

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

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