

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

Matter for determination	Decision dated 30 May 2024 of the Greyhound Welfare and Integrity Commission’s Application Assessment Panel (“ Panel ”)
Internal review decision date	22 August 2024
Internal review decision by	Chief Commissioner Brenton (Alby) Taylor
Internal review decision summary	To confirm the decision of the Commission’s Application Assessment Panel made 30 May 2024 and refuse Mr Martin Frank CINI’s application for registration as an “Attendant” and a “Kennel & Track Attendant”.

REASONS FOR DECISION

1. These are the reasons for decision following an application by Mr Martin Frank CINI (“**Applicant**”) for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a decision of the Application Assessment Panel (“**Panel**”) of the Greyhound Welfare & Integrity Commission (“**Commission**” or “**GWIC**”). That decision was to refuse the Applicant’s application.
2. 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.
3. 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

4. The Applicant first registered as an “Attendant” on the 27 July 2021. This registration lapsed on the 17 April 2023 after not being renewed.
5. On 8 May 2024, the Applicant applied for registration as an “Attendant” and a “Kennel & Track Attendant”.
6. The registration application form at Question 2, requests information as to whether an applicant has previously been convicted of, or charged with, a criminal offence. The Applicant stated that he had and provided the details “Driving” and nothing further.

7. In accordance with standard procedure, the Commission requested a National Police Check in respect of the Applicant. The National Police Check revealed that the Applicant had previously been convicted of a number of offences including both 'Driving' offences and other matters of a criminal nature, unrelated to driving offences.
8. On 30 May 2024, the Applicant's application for registration was referred to the Panel for determination.
9. When considering Mr Cini's application, the Panel had reference to the Commission's '*Fit and Proper Person Framework*' ("**Framework**"), which provides guidance to both applicants and decision makers regarding the Commission's administration of the requirements of Section 47(1) of the Act.
10. On 6 July 2024, the Commission sent Mr Cini a Notice of the Panel's determination, which outlined that his application for registration had been refused based on the following:
 - Criteria 12 of the Framework - Applicant has previously been charged or convicted of a criminal offence but did not disclose this in their application.

The internal review application

11. On 26 July 2024, the Applicant lodged an application for internal review of the decision made on 30 May 2024. The Application provided written submissions in support of his application.

Decision

12. In reviewing this matter, I have firstly had reference to Section 47(1) of the Act which dictates that the Commission is:

"...to exercise its registration functions under this Division so as to ensure that any person registered by the Commission is a person who, in the opinion of the Commission, is a fit and proper person to be registered (having regard in particular to the need to protect the public interest as it relates to the greyhound racing industry)."

13. Additionally, I have considered the Commission's Framework. I note Criteria 12 states that where a participant has previously been charged or convicted of an offence but has not disclosed this on their application, the Applicant will be asked for further information and the application may be refused.
14. As previously noted, Mr Cini did not disclose all his previous convictions in his Application and the Panel has had regard to this failure to disclose these matters while making a determination in respect of Mr Cini's application.
15. There is no material before me that the Applicant was asked for further information.

16. In his submissions, Mr Cini indicated that when he was registered initially in 2021, his previous convictions existed, and yet he was registered nonetheless and the only reason he submitted a new application, the subject of this review, was due to a misunderstanding and a failure to renew his 2021 registration. Mr Cini further indicated that it has “*been almost 10 yrs since my last charge.*”
17. The Panel relied upon Criteria 12 of the Framework as the reason for refusing the Applicant’s registration.
18. On a closer examination of the entries disclosed on the National Police Check, it is evident there are two entries which relate to animal cruelty offences, specifically “Attempt Bestiality”.
19. Criteria 14 of the Framework states that where an applicant was previously convicted of criminal charges for an animal cruelty, the Application **will be refused.**” [emphasis added]
20. As previously noted, Mr Cini did not disclose his non-driving offences in his Application and the Panel had regard to this failure to disclose these matters in their deliberations on Mr Cini’s application.
21. The Panel’s consideration of Mr Cini’s driving matters on the National Police Certificate as a relevant factor in determining the Applicant’s fitness is not reflected within the Commission’s own framework. This is not to say that if a person had extensive and adverse traffic history that such a history could not be used in determining their fitness to hold a registration in certain circumstances, but rather it would be a matter of considering that traffic history and what weight should be applied to the number and nature of the adverse traffic entries. I note Mr Cini has three recent convictions for driving offences, including two convictions for ‘Driving a motor vehicle during disqualification period’. This to me indicates Mr Cini is a person who fails to recognise and adhere to directions and requirements.
22. Moreover, Mr Cini also has convictions for drug offences and offences against the person, all of which were undisclosed in his application.
23. However, it is the failure to disclose the animal cruelty (attempted bestiality) offences which concerns me the most, as these are a directly relevant consideration in contemplating his application for registration with the Commission.
24. As stated previously, Criteria 14 of the Commission’s framework states that where an applicant was previously convicted of criminal charges for an animal cruelty offence, the Application will be refused. I note the word “will” as opposed to the word “may”.
25. Whilst the Panel refused Mr Cini’s application because of Criteria 12, I am of the view, that more appropriately, they should have had reference to Criteria 14 in refusing the Application.
26. I am only required to review the appropriateness of the original decision by the Commission.

27. I note the convictions for offences against the person, are somewhat dated, but they exist and should have been declared, nonetheless. However, I again return to the animal cruelty offences which are less than a decade old and due to the existence of these convictions, Mr Cini's application must be refused.

28. In accordance with section 91(7)(a) of the Act, having reviewed all the material, for the reasons outlined, I have determined to confirm the original decision made by the Panel on 30 May 2024, albeit not for entirely the same reasons.

29. I refuse the Applicant's application for registration.

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

Chief Commissioner

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