

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

Matter for determination	Decision dated 2 August 2024 of the Commission's Application Assessment Panel (" AAP ")
Internal review decision date	7 November 2024
Internal review decision by	Chief Commissioner Brenton (Alby) Taylor
Internal review decision summary	To revoke the decision of AAP to refuse the Applicant's application for registration as a Breeder Owner.

REASONS FOR DECISION

1. These are the reasons for my decision following an application by Samantha-Jade Rathbone ("**Applicant**") for internal review under the *Greyhound Racing Act 2017* ("**Act**") of a decision of the AAP of the Greyhound Welfare & Integrity Commission ("**Commission**" or "**GWIC**"). That decision was to refuse the Applicant's application for registration as a Owner Breeder under Criterion 12 of the Commission's fit and proper person framework.
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. On 22 July 2024, the Applicant applied to the Commission to be registered as an 'Owner Breeder'.
5. The AAP considered the Applicant's application and refused it on the basis that the Applicant had failed to disclose on her registration application that she had previously been charged and convicted of a criminal offence.
6. In making its determination, the AAP had regard to the Commission's 'fit and proper person' framework, specifically Criterion 12 – which states that an "*Applicant may be refused [a registration], where the applicant has been charged or convicted of any criminal offence but did not disclose this on their application*".
7. This decision-making process occurred after a National Police Certificate ("**NPC**"), which was requested by the Commission as a part of its normal processes, disclosed the Applicant had criminal convictions recorded against her, with the details being, in summary:
 - a. A conviction from 13 September 2012 at Penrith Local Court, for which she was sentenced to a section 9 bond and 2 years supervision;

- b. A conviction from 15 January 2019 at Katoomba Local Court, for which she was sentenced to a Community Corrections Order for 12 months, concluding on 14 January 2020.
8. Whilst the Applicant did disclose her 2019 conviction in her application, she failed to disclose her 2012 conviction.
9. The Applicant has been registered in various forms with the Commission since March 2021. During the Applicant's involvement in the industry, the Commission's records indicate the Applicant has been associated with some ten (10) greyhounds. Over this period, the Applicant has been found to have only breached the Greyhound Racing Rules on three occasions, which were minor race day related offences.

The internal review application

10. On 22 October 2024, the Applicant lodged an application for internal review. The internal review has been conducted on the papers.

Decision

11. In considering this internal review, I have had regard to the fact that any criminal conviction/s of a prospective greyhound racing industry participant must be regarded as serious, and the offences on the Applicant's history are certainly both serious in nature.
12. The Commission relies upon the honesty and truthfulness of greyhound industry participants in assisting the Commission to undertake its functions. If any participant is less than truthful in making their declarations to the Commission, the systems the Commission has in place may fail, and this could impact and diminish the public's confidence in the greyhound racing industry.
13. I note there is no information before me that the Applicant was asked for further information by the AAP in relation to failing to disclose her 2012 conviction which the Commission's fit and proper person framework indicates is required.
14. Moreover, Criterion 5 of the Commission's fit and proper person framework states where an:
- "Applicant has convictions for repeated criminal offences of any nature..."*
- "Application is likely to be refused but may be approved if applicant can demonstrate at least 5 years of no offending."*
15. I note the Applicant's undisclosed conviction from 2012 was over twelve (12) years ago. Moreover, her conviction from 2019, which she did disclose, was more than five (5) years ago. Whilst having regard for these convictions, I note the Applicant has not offended for a period of over five years.
16. When considering whether the decision to refuse the Applicant's application for registration was appropriate, I have had reference to the following:
- The Applicant's submissions provided with her Application for Internal Review, in particular her reasons for failing to disclose her 2012 conviction stating in her application that the conviction occurred "...12 years ago..." and that the failure to

disclose “...*was an honest mistake...*”. She went on to submit that she “...*forgot to write it down...*” and that she “...*made this genuine honest mistake for a charge that was 12 years ago.*”;

- The Appellant’s National Police Certificate; and
- The Appellant’s Registration and disciplinary history within the greyhound racing industry.

17. Registration within the greyhound racing industry is a privilege and not a right. I find that:

- a. The 2012 conviction is dated and her most recent conviction is from 2019, demonstrating a period of no offending during the last five (5) years;
- b. Although her participation is not lengthy, she has a disciplinary history within the greyhound racing industry which only includes some very minor matters, which is to her credit;
- c. She holds a number of roles at the Richmond Race Club which demonstrate her commitment and contribution to the industry.

18. I implore the Applicant to seize the opportunity her registration will provide and to ensure, moving forward, she is always completely honest and compliant in all necessary and required communications with the Commission.

19. In accordance with section 91(7)(a) of the Act, having reviewed all the material provided to me, I revoke the original decision made by the Commission’s AAP on 2 August 2024 and grant the Applicant’s application for an Owner Breeder registration.

Brenton (Alby) Taylor

Chief Commissioner

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