

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

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| Matter for determination | Decision dated 20 May 2021 by the Integrity Hearings Panel: A/Senior Legal Officer, Alice Stafford, Chief Inspector, David OShannessy and Director Race Day Operations (Chief Steward), Wade Birch under section 59 of the <i>Greyhound Racing Act 2017</i> to impose an interim suspension on Mr Toby Augustus Phillip Weekes pending the finalisation of the Commission’s inquiry, effective immediately |
| Internal review decision date | 9 June 2021 |
| Internal review decision by | Mr Chris Wheeler Commissioner |
| Internal review decision summary | Revoke the reviewable decision of 20 May 2021, by revoking the interim suspension imposed on Mr Weekes pending the finalisation of the Commission’s inquiry, effective immediately |

REASONS FOR DECISION

1. These are the reasons for decision arising out of consideration of an application by the legal representative for Mr Toby Augustus Phillip Weekes (“**Mr Weekes**”) for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a decision of the Integrity Hearings Panel: A/Senior Legal Officer, Alice Stafford, Chief Inspector, David OShannessy and Director Race Day Operations (Chief Steward), Wade Birch of the Greyhound Welfare & Integrity Commission (“**Commission**”). That decision was to interim suspend Mr Weekes, effective immediately, pending the finalisation of the Commission’s inquiry into allegations surrounding Mr Weekes’ conduct toward the greyhound ‘Kerrigan Bale’ on 30 and 31 March 2020.
2. This is a reviewable decision within the meaning of section 91(1) of the Act. As a person who was not substantially 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 9 March 2021, proceedings were commenced against Mr Weekes under the *Prevention of Cruelty to Animals Act 1979* (NSW), as the evidence before the Commission suggested Mr Weekes did not seek veterinary treatment for the greyhound ‘Kerrigan Bale’ from the time it was injured on 30 March 2020 until the next day, being 31 March 2020, and the greyhound was euthanased as a result of its injuries.

5. On 11 May 2021, Mr Weekes' legal representative appeared before the Orange Local Court and indicated a plea of guilt would be entered following the agreement of a statement of facts, requested a Sentencing Assessment Report and agreed for the matter to be listed for a Sentence hearing on 28 July 2021.
6. On 20 May 2021, the Commission imposed an interim suspension on Mr Weekes pursuant to Rule 92(5)(c) of the GWIC Greyhound Racing Rules ("**Rules**") pending the finalisation of the inquiry into the allegations surrounding Mr Weekes' conduct towards the greyhound 'Kerrigan Bale' on 30 and 31 March 2020.
7. On 26 May 2021, an application for internal review to the interim suspension under section 91(2) of the Act was lodged by Mr Weekes' legal representative.
8. On 9 June 2021, the Commission has communicated to the legal representative of Mr Weekes the following:
 - a. That the Commission, on review of the matter, considers that there is an irregularity in the Court Attendance Notice filed by the Commission against Mr Weekes in the proceedings commenced under the *Prevention of Cruelty to Animals Act 1979* (NSW); and
 - b. As a result of that irregularity, the Commission will seek to withdraw those proceedings against Mr Weekes.

This internal review application

9. On 26 May 2021, Mr Weekes' legal representative lodged an application for internal review of the original decision.
10. In undertaking this review, I have considered:
 - The submissions put forward by Mr Weekes' legal representative; and
 - That the Commission will be seeking to withdraw the proceedings against Mr Weekes under the *Prevention of Cruelty to Animals Act 1979* (NSW), which was a circumstance relevant to the decision to impose the interim suspension.

Decision

11. Having considered the Commissions' position in relation to the charges being withdrawn against Mr Weekes under the *Prevention of Cruelty to Animals Act 1979* (NSW) and the submissions contained in the Internal Review Application, I have decided the appropriate course is to revoke the interim suspension imposed upon Mr Weekes.
12. In accordance with section 91(7)(c) of the Act, I revoke the original decision, namely:

That an interim suspension be imposed on Mr Weekes pending the finalisation of the Commission's inquiry, effectively immediately.

Commissioner Chris Wheeler, PSM

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