

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

Matter for determination	Decision dated 2 December 2021 of the Integrity Hearings Panel being Chief Inspector, David OShannessy, Senior Steward, Dean Degan and Acting Senior Legal Officer, Alice Stafford under section 59 of the Greyhound Racing Act to impose a 4-month disqualification for Charge One
Internal review decision date	25 January 2022
Internal review decision by	Mr Wade Birch, Director Race Day Operations & Integrity Mr Matthew Tutt, Director Compliance, Policy & Legal Services
Internal review decision summary	Vary the decision of 2 December 2021 and impose a disqualification of three months in respect of Charge One

REASONS FOR DECISION

1. These are the reasons for decision following an application by Mr Garth Roesse for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a decision of the Commission’s Integrity Hearings Panel (comprising Mr David OShannessy, Chief Inspector, Ms Alice Stafford, A/g Senior Legal Officer, and Mr Dean Degan, Senior Steward) on 2 December 2021.
2. The Integrity Hearings Panel made the following decision:
 - Charge One – Breach of R86 (x) of the Greyhound Racing Rules (“**Rules**”) – Mr Roesse to be disqualified for four (4) months;
 - Charge Two – Breach of clause 10 of *Greyhound Racing Regulation 2019* (“**Regulation**”) – Mr Roesse to be fined \$200.
3. Mr Roesse did not seek an Internal Review in relation to Charge Two.
4. This is a reviewable decision within the meaning of section 91(1) of the Act. As we were not substantially involved in making the reviewable decision, we 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. Mr Roese was the owner of the greyhound 'Off to Monaco' ("the Greyhound"). On 21 January 2021 he entered into a breeding lease agreement with a registered Breeder in relation to the Greyhound.
7. The Breeding Lease Authority Form specified the registered premises at which the Greyhound would reside. This address was further confirmed on the Breeding Female Registration Application form.
8. Sometime prior to 4 April 2021 the Greyhound was relocated to the premises of a second registered Breeder and left in that breeder's care.
9. Mr Roese did not advise the Commission that the Greyhound had been relocated to the new premises and into the second Breeder's care as he was required to do under clause 10 of the Regulation.
10. On 4 April 2021 the Greyhound whelped a litter of 8 pups whilst under the care of the second Breeder. The Greyhound and resulting litter remained under the care of that second Breeder.
11. On 18 April 2021 a Whelping Notice was lodged with the Commission in relation to the Greyhound and the resulting litter, advising that the Greyhounds were located at the original premises under the care of the Breeder originally nominated.
12. On 11 May 2021 a GWIC Inspector conducted an interview with Mr Roese during which he stated that the litter had been whelped at the original premises under the care of the originally nominated Breeder.
13. On 3 June 2021 in a further interview with the GWIC Inspector Mr Roese made admissions that he had lied in the previous interview, and that the litter had been whelped at the new premises under the care of the second Breeder.
14. Mr Roese was charged with a breach of R86 (x) of the Rules (making a false statement) and a breach of clause 10 of the Regulation (failure to notify information relating to a greyhound).
15. Mr Roese pleaded guilty to the first charge and not guilty to the second charge.
16. The Integrity Hearings Panel found both charges proven and on 2 December issued its decision, being to issue a four-month disqualification for Charge One, and a \$200 fine in respect of Charge Two.

The internal review application

17. On 14 December 2021, Mr Roese lodged an application for internal review of the decision made on 2 December 2021.

18. In his application, Mr Roesse submitted the penalty imposed was excessive and submitted the following:

- That another participant involved in the matter received a lesser penalty;
- That the brief of evidence contained errors and omissions;
- That he did not receive any financial benefit from the offences;
- His long history in, and commitment to, the greyhound racing industry;
- The impact that disqualification will have on his employment as a Race Official.

19. Mr Roesse made further submissions at an oral hearing on 25 January 2022, via teleconference with the internal reviewers.

Decision

20. As the internal reviewers, we have reviewed all of the material provided, as well as having regard to the submissions made verbally by Mr Roesse on 25 January 2022.

21. In particular, we had regard to Mr Roesse's long experience in, and commitment to, the industry.

22. We note that in making its decision the Integrity Hearings Panel considered, among other factors, the engagement by Mr Roesse in 10 breaches of Rule 104 (6)¹.

23. The Commission's decision in respect of Mr Roesse's breaches of R104 (6) was made after the breaches at issue in this matter and was therefore not strictly relevant and that any weight placed on this should reduce the overall penalty.

24. In accordance with section 91(7)(a) of the Act, having reviewed all of the material, we vary the original decision of 2 December 2021, and impose instead a period of disqualification of three (3) months in respect of Charge One. The penalty in respect of Charge Two is not to be varied as it was not subject to the internal review.

Mr Wade Birch, **Director Race Day Operations & Integrity**

Mr Matthew Tutt, **Director Compliance, Policy & Legal Services**

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<sup>1</sup> Greyhound Welfare Integrity Commission decision of Mr Garth Roesse, 14 May 2021.