

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

Matter for determination	Disciplinary decision dated 6 May 2022 of Director Compliance, Policy & Legal Mr Matthew Tutt and Director Race Day Operations & Integrity, Mr Wade Birch
Internal review decision date	15 June 2022
Internal review decision by	Acting Chief Commissioner Chris Wheeler Commissioner Peter Collins
Internal review decision summary	Vary the decision of 6 May 2022 and impose a 6-month warning off per charge, with the penalties to run concurrently.

REASONS FOR DECISION

1. These are the reasons for decision following an application by Mr Christopher Edwards for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a disciplinary decision of the Commission’s Director Compliance, Policy & Legal Mr Matthew Tutt, and Director Race Day Operations & Integrity Mr Wade Birch.
2. This is a reviewable decision within the meaning of section 91(1) of the Act. As we were not involved in making the reviewable decision, we 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. Mr Edwards does not hold any registrations with the Commission.
5. On 3 September 2021 GWIC Inspectors attended Mr Edwards property following allegations that an unregistered participant was raising greyhound puppies for other participants, as well as having custody of a number of older greyhounds.
6. During the attendance of GWIC Inspectors at Mr Edwards property, he participated in a recorded interview.
7. As a result of that investigation, Mr Edwards was issued with a Notice on 11 April 2022 that issued four charges. These charges were:

Charge One: Breach of Local Rule 125(1);

Charge Two: Breach of Rule 105(2);

Charge Three: Breach of Rule 86(ac); and

Charge Four: Breach of Rule 86(ac).

8. The Notice invited Mr Edwards to attend a hearing before the decision makers on 27 April 2022.
9. Mr Edwards declined to attend the hearing, and instead entered a guilty plea in writing and requested that the matter be finalised on the papers.
10. The decision makers met on 27 April 2022 to consider the matter. Both charges were found proven and a determination on penalty made. On 6 May 2022 the decision makers issued their decision to Mr Edwards, being:

Charge One: six-month warning off;

Charge Two: six-month warning off;

Charge Three: eight-month warning off;

Charge Four: eight-month warning off;

- with the penalties for Charges 1 and 2 to be served concurrently;
- with the penalties for Charge 3 and 4 to be served concurrently;
- with 6 months of Charges 3 and 4 to be cumulative with the concurrence of Charges 1 and 2; and
- with the net penalty to be served by Mr Edwards being a 12-month warning off.

The internal review application

11. On 16 May 2022 Mr Edwards lodged an application for internal review of the decision imposed on 6 May 2022.
12. In his application, Mr Edwards confirmed his plea of guilty but submitted that a warning off period of 12 months was too severe.
13. Mr Edwards made submissions in the application that he was in contact with the Commission when greyhounds came into his care, and noted that he provided emails, photographs and videos to members of the Commission to allow for Commission staff to ensure the welfare of the greyhounds and pups in his care was sufficient.
14. Mr Edwards sought to have the internal review heard via an in-person meeting. On 14 June 2022 the matter was heard via audio-visual conferencing software between Mr Edwards and the internal reviewers.

Decision

15. As the internal reviewers, we have reviewed all of the material considered as part of the original decision, as well as having regard to:

- the internal review application lodged 16 May 2022, together with the supporting documents;
 - the submissions made verbally by Mr Edwards on 14 June 2022; and
 - additional material provided by Mr Edwards on 14 June 2022, including correspondence between himself and various Commission staff members.
16. In particular, we have had regard to Mr Edwards submission that the Commission was first made aware that he was intending to house greyhounds at his property on or around 18 May 2021, and that this information was self-reported by Mr Edwards.
17. Mr Edwards submitted that he remained in regular communication with Commission employees in relation to the greyhounds that came into his custody from that date in May 2021 until the greyhounds were seized in September 2021. This included both telephone and email communication, as well as photographs and videos of the greyhounds and pups. Mr Edwards further submitted that he was not visited by Commission inspectors until early September 2021.
18. It is this submission that we place emphasis upon when varying the decision imposed by the original decision makers on 6 May 2022. If Mr Edwards had made these submissions to the original decision makers, we have no doubt that it would have been a factor that was taken into consideration in their decision-making process also. Nonetheless, it is armed with these further submissions that we vary the decision of 6 May 2022.
19. We take this opportunity note that Mr Edwards was an unregistered person with custody of greyhounds of various ages. Importantly, Mr Edwards had custody of a greyhound, owned by another participant, that whelped a litter whilst in Mr Edwards custody. We note that there is no suggestion that Mr Edwards did anything other than ensuring the welfare of the greyhound and its pups were paramount, but nonetheless, he is an unregistered person. The Commission reminds participants to be diligent in ensuring that, if you seek to place a greyhound that you own or train in the custody of another person, it is your responsibility to ensure that they have the appropriate registrations to undertake the care of that greyhound.
20. In accordance with section 91(7)(a) of the Act, having reviewed all of the material, we vary the original decision of 6 May 2022, and impose instead a period of warning off of six (6) months in respect of all charges. The periods of warning off will run concurrently. The net effect is that Mr Edwards will be warned off for a period of 6 months, backdated to 27 April 2022, being the date of the hearing of the original decision.

Acting Chief Commissioner Chris Wheeler

Commissioner Peter Collins

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