

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

Matter for determination	Decision dated 25 September 2023
Applicant	Mr Daniel Dennis
Internal review decision date	18 December 2023
Internal review decision by	Mr Brenton (Alby) Taylor, Chief Commissioner
Internal review decision summary	To revoke the decision of the Commission's Application Assessment Panel made on the 25 September 2023 and approve Mr Dennis's application for registration as a Race Official, subject to conditions.

REASONS FOR DECISION

1. These are the reasons for decision following an application by Mr Daniel Dennis for internal review under the *Greyhound Racing Act 2017* ("**Act**") of a decision of the Commission on 25 September 2023.
2. The decision of the Commission was made by the Application Assessment Panel ("**Panel**"), which determined to reject Mr Dennis's application for registration as a greyhound Race Official (Kennel and Track Attendant).
3. This is a reviewable decision within the meaning of section 91(1) of the Act. As I was not substantially involved in making the reviewable decision, I have dealt with this application.
4. 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

5. On 12 September 2023, Mr Dennis applied for registration as a greyhound Race Official (Kennel & Track Attendant). He has not previously been registered with the Commission.
6. In his application, Mr Dennis declared that he had previously been convicted of criminal offences.
7. In accordance with its standard procedures, the Commission sought a National Police Check in respect of Mr Dennis's application. The National Police Check detailed a significant number of offences of which Mr Dennis has been convicted, dating between 2012 and 2021. Mr Dennis completed an Intensive Corrections Order on 3 September 2023.

8. Mr Dennis' application for registration was referred to the Commission's Application Assessment Panel. The Panel met on 25 September 2023 to consider Mr Dennis's application.
9. When considering Mr Dennis's application, the Panel had reference to the Commission's Fit and Proper Person Framework, which provides guidance to both applicants and decision makers regarding the Commission's administration of the requirement of section 47 (1) of the Act. Section 47(1) outlines 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)."

10. On 9 November 2023 the Commission advised Mr Dennis that his application had been rejected on the following grounds:
 - Criteria 6 of the Fit and Proper Person Framework - Applicant has convictions for repeated criminal offences of any nature.
 - Criteria 10 of the Fit and Proper Person Framework – Applicant was previously convicted of a serious offence involving violence.

The internal review application

11. On 13 November 2023, Mr Dennis lodged an application for internal review of the decision made on 25 September 2023.
12. In support of his application, Mr Dennis provided two character references, a copy of his prior email correspondence to the Commission, a copy of a recent diploma he obtained through TAFE NSW, and a personal letter explaining his circumstances.
13. On 7 December 2023 Mr Dennis attended a hearing conducted via Microsoft Teams. At the hearing, Mr Dennis expanded on his written submissions, emphasising the following:
 - That he was grateful for the opportunity to be heard;
 - That he acknowledged his history of offending and appreciated that it reflects poorly on him;
 - That his last criminal charge occurred in 2019, and gave him time to pause to consider the circumstances that led to his offending, and he personally resolved to change his behaviour;
 - That he has not used drugs or alcohol for a period of almost five years and is 'clean' from his previous addictions;

- That he has worked hard to understand his past behaviour, having completed a Diploma of Alcohol and Other Drugs and a Diploma of Community Services, and was also successful in gaining a Working with Children Check;
- That he is in a stable relationship and his partner is expecting their second child; and,
- That he is currently employed at Richmond Race Club and aspires to progress in the industry.

Decision

14. In reviewing Mr Dennis's application for registration in light of the Commission's Fit and Proper Person Framework, I note that criterion 6 states that where an applicant has a history of repeated criminal offences, an application for registration is likely to be refused but may be approved if the applicant can demonstrate at least five years of no offending. Similarly, criterion 10 states that where an applicant was previously convicted of a serious offence involving violence, dishonesty or drug offences, an application is likely to be refused but the decision will take into account whether the offending occurred more than five years ago and the penalty that was imposed.
15. The purpose of criteria 6 and 10 is to ensure that persons who register as participants are fit and proper persons to do so. The fitness of persons that have a history of criminal offending must be carefully considered.
16. In considering Mr Dennis's application, the Panel rightly had regard to his criminal history which includes a significant number of offences, including offences involving drugs and violence. I share those concerns.
17. The criteria in the Fit and Proper Person Framework are not intended to operate as rules. Indeed, the Framework clearly states that applications will be considered on a case-by-case basis. In applications such as this, decision makers are required to balance a range of different factors in reaching a decision that takes into account the interests of the applicant as well as protecting the industry as a whole.
18. At the hearing, Mr Dennis was forthright in his evidence and did not seek to deny, minimise or trivialise his previous offending. Rather, he emphasised that he has worked hard to turn his life around. Most importantly, Mr Dennis showed an awareness of the risks of lapsing into addiction and explained how he is working to actively manage these risks.
19. I was greatly assisted by the detailed and forthright submissions made by Mr Dennis. I note that his last offence was almost five (5) years ago. Mr Dennis was able to explain to me what efforts he has gone to in the last five (5) years to turn his life around. The panel who initially refused his registration did not have the advantage that I had when I heard directly from Mr Dennis. The submissions made by Mr Dennis were in my view, very persuasive and genuine.

20. For these reasons, I revoke the decision of the Panel and in its place approve Mr Dennis's application for registration as a Race Official (Kennel and Track Attendant).

21. It is my view that granting Mr Dennis a Race Official (Kennel and Track Attendant) registration will provide him an opportunity to demonstrate his stated commitment to responsibility and integrity, as well as to gain further experience in the industry.

22. In granting Mr Dennis his registration, I have determined that it is appropriate to review his registration in six months, and I intend to meet with Mr Dennis in June 2024 to ascertain how his involvement in the industry is progressing.



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

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