

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

Matter for determination	Decision provided 6 August 2024 of the Commission’s Application Assessment Panel (AAP)
Internal review decision date	10 September 2024
Internal review decision by	Chief Commissioner Brenton (Alby) Taylor
Internal review decision summary	To revoke the decision of APP to refuse the Applicant’s application for registration as a Greyhound Owner Trainer and Breeder Whelper.

REASONS FOR DECISION

1. These are the reasons for decision following an application by Grant Nathan HOOGENBOOM (**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 Greyhound Owner Trainer and Breeder Whelper under Criteria 12 of the 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 the 27 September 2023, the Applicant applied to the Commission to be registered as a participant. Specifically, the Applicant sought to be registered as a Greyhound Owner Trainer and Breeder Whelper.
5. The AAP considered the Applicant’s application and refused it on the basis the Applicant failed to disclose on his registration application that he 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 Criteria 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 occurred after a National Police Certificate disclosed, which was requested by the Commission as a part of its normal processes, disclosed that the Applicant had the following criminal conviction recorded against his name:

Date:	12 December 2013
Court:	Penrith Local Court
Offence:	Common Assault (dv) – t2
Outcome:	H53640668: Fine \$1500. Bond S9: 18 months to comply with the AVO

8. The National Police Certificate did not reveal any additional and importantly, any further offending or more recent convictions.
9. Having said that, the Applicant did disclose to the Commission a further conviction for “Drink Driving” in 2006, which curiously, does not appear on the Applicant’s National Police Certificate.
10. The Applicant has a history and connection to the Greyhound Racing industry in NSW. He was first registered as an “Owner” on the 16 November 1999. That registration expired on the 22 June 2000, on which date, he was registered as an Owner Trainer. He held this registration for a period of eleven years before it expired on the 31 July 2011.
11. The Applicant was again registered as an “Owner” on the 14 February 2012, a registration he currently holds and is enduring until the 1 March 2025.
12. During the Applicant’s total period of registrations, the Commission’s records indicate the Applicant has been associated with some 93 greyhounds.
13. Over this period, the Applicant has been found to have breach the rules of racing on three (3) occasions. Based upon the nature of the small monetary fines imposed (on each occasion), these breaches would appear to be minor in nature.

Findings

14. I note that there is no information before me that the Applicant was asked for further information in relation to failing to disclose his conviction as the Commission’s Fit and Proper Person framework indicates is required to occur.
15. I note the Applicant acknowledges he has a conviction for “Drink Driving” in 2006. I further note his conviction for “Common Assault (dv) – t2” in 2013. I am unaware of the facts and details specific to both convictions.

The internal review application

16. On 10 August 2024, the Applicant lodged an application for internal review. The internal review was conducted on the papers.

Decision

17. In considering this internal review, I make the following points:

- Any criminal conviction must be regarded as serious, and committing an offence against another person by assaulting them is certainly serious in nature.
- Whilst having regard for this conviction, I note that the Applicant is a man aged 47 years. I note the conviction is dated and the Applicant has not offended for over 10 years.

18. When considering whether the decision to refuse the Applicant's application for registration was appropriate, I have had reference to the Applicant's:

- Submissions within his Application for Internal Review;
- National Police Certificate;
- Registration and History within the Greyhound Racing industry;
- Significant and noteworthy investment (based on photographs provided) in building a kennelling and whelping facility, which I note has been inspected by the Commission and found to be compliant.

19. I have also had regard for references provided on behalf of the Applicant by:

- The President of the Dubbo Greyhound Racing Club, Mr Shane Stiff; and
- Mr Tony Brett;

20. In closing, I remind the Applicant, that registration within the Greyhound Racing industry is a privilege and not a right.

21. The decision of the AAP to refuse his application following the Applicant's failure to disclose a previous criminal conviction was a legitimate determination and a decision which could have easily stood. However, I believe the more appropriate decision is to grant the Applicant a registration for the following reasons:

- He has one conviction which is dated and no reoffending;
- He has a long association with a disciplinary history within the greyhound racing industry which only includes some very minor matters, which is to his credit;
- He has presented references as to his good character; and

- It is apparent that he has made a significant investment in infrastructure which indicates to me his commitment to the industry. Whilst this may not always be a relevant factor in this case it is.

22. Having said that, I note the Applicant failed to disclose his conviction to the Commission. 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 and attestations to the Commission, inevitably the systems the Commission has in place will fail, and this will impact and diminish the Community's faith in the Greyhound Racing industry.

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

24. 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.

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

Chief Commissioner

~~~~~