

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

INTEGRITY HEARINGS PANEL

Date of decision:	28 July 2021
Decision-makers:	Director Compliance & Legal Services, Matthew Tutt, Chief Inspector, David OShannessy and Senior Steward, Dean Degan
Name of relevant person:	Miss Donna Grech
Track:	N/A – non meeting
Date:	24 March 2020; 19 January 2021
Rule no.:	Rule 86(x) (x2)
Charges:	(1) On or about 24 March 2020, Miss Grech made a false statement in an application for registration; (2) On or about 19 January 2021, Miss Grech made a false statement in an application for registration
Disciplinary action taken:	Served concurrently: Charge 1: 9-month disqualification; Charge 2: 9-month disqualification to be served concurrently.

DECISION:

1. In 2015 Miss Grech was charged with animal cruelty offences under the *Prevention of Cruelty towards Animals Act 1979* (NSW) (“**POCTAA**”).
2. On 27 February 2020, the charges brought against Miss Grech were withdrawn by the Director of Public Prosecutions (NSW).
3. On 24 March 2020, GWIC received a *Registration Application Form* (hardcopy) in which Miss Grech sought to be registered with GWIC as an Owner Trainer (“**2020 Application**”).
4. In the Questionnaire on page 3 of the 2020 Application, Miss Grech selected ‘no’ to the following question:
 2. Have you ever been charged or convicted of any criminal offence (including under the Prevention of Cruelty to Animals Act 1979)?

5. On page 4 of the 2020 Application, Miss Grech signed and dated the document underneath the following declaration:

I declare that all information I have provided in this application is true and correct. I understand disciplinary action may be taken against me and/or proceedings under the Crimes Act 1900 if I provide information to the GWIC that is false, misleading or incomplete...I will advise GWIC if there is any change to the particulars in this form.
6. On 3 April 2020, Miss Grech was granted an Owner Trainer registration.
7. On 18 September 2020, GWIC took disciplinary action against Miss Grech to warn Miss Grech off for a total period of 9 weeks for offences under Rule 28(4) of the GWIC Greyhound Racing Rules (“**Rules**”) relating to Miss Grech handling greyhounds at trials without holding the appropriate registration.
8. The period of warning off expired at on 20 November 2020 and Miss Grech was required to reapply to hold any registrations with GWIC.
9. On 19 January 2021, GWIC received a *Registration Application Form* (online submission) in which Miss Grech sought to be registered with GWIC as an Owner Trainer (“**2021 Application**”).
10. In the Questionnaire on page 4 of the 2021 Application, Miss Grech selected ‘no’ to the following question:

2. Have you ever been charged or convicted of any criminal offence?
11. In the Questionnaire on page 4 of the 2021 Application, Miss Grech selected ‘no’ to the following question:

3. Have you ever been charged or convicted of an offence under the Prevention of Cruelty to Animals Act 1979?
12. On page 7 of the 2021 Application, Miss Grech ticked the boxes affirming:

I declare that all information provided in this form is:

 - (a) Complete in all material respects; and
 - (b) True and correct to the best of my knowledge.
13. On page 8 of the 2021 Application, Miss Grech ticked the boxes affirming:

I understand, acknowledge and agree that:

...

 - (c) If the Commission later determines that information I have provided in this form is incomplete, incorrect or deliberately false, disciplinary action may be taken against me, which could include suspension or disqualification of my registration or a warning off;
 - (d) I will immediately advise the Commission if there is any change to the particulars or information I have provided in this form;
14. On 2 February 2021, GWIC granted Miss Grech an Owner Trainer registration on the basis of the information then contained in the application form provided by Ms Grech.

15. On 17 February 2021, an investigation was commenced and a greyhound trained by Miss Grech, drawn to compete in race at Richmond on 17 February 2021 was scratched pursuant to Rule 20(4)(b) of the Rules.
16. On 25 February 2021, Miss Grech was made subject to an interim suspension on the basis that an investigation was to be finalised in relation to information provided to the Commission by Ms Grech on her application/s for registration.
17. Following an investigation, the Commission charged Miss Grech with two breaches of Rule 86(x), which reads:

Rule 86(x), Rules

A person (including an official) shall be guilty of an offence if the person-

...

(x) makes any statement which to his/her knowledge is false either by oral, by print, in writing, by electronic means or by any combination thereof to a member of the Controlling Body, an officer of the Controlling Body, any employee of the Controlling Body, a veterinary surgeon or an official in the execution of his/her duty

18. Miss Grech was legally represented, had written submissions provided on her behalf and elected to have the disciplinary proceeding conducted in writing.
19. The Commission found the charges proven and took the following disciplinary action against Miss Grech:

Charge 1 (Rule 86(x)):	To disqualify Miss Grech for 9-months;
Charge 2 (Rule 86(x)):	To disqualify Miss Grech for 9-months,

with the penalties to be served concurrently and time served under the interim suspension was taken into account.

REASONS

20. The Commission found that Miss Grech's actions in completing the first application form in March 2020, being the making of a false statement during the application process, caused or may have caused the Commission's registration application process to be miscarried. All applications with the Commission require applicants to answer all questions honestly. Had Miss Grech provided details in relation to the criminal charges she had faced (noting that these charges were later withdrawn), further information could have been sought by the Commission as part of the application process.
21. The criminal charges being withdrawn would have been relevant to a proper consideration of Miss Grech's registration application. The criminal charges related to animal cruelty offences, with a significant nexus to the greyhound racing industry. It is noted that these charges were withdrawn by the Director of Public Prosecutions in

February 2020 and Miss Grech's first application was in March 2020, only a short period later.

22. The Commission's registration application processes require truthful responses. Disclosure of Miss Grech's previous charges were particularly important as the criminal charges, having been withdrawn, would not have otherwise been disclosed in the criminal history check that is routinely undertaken by the Commission for registration applications.
23. Specific reference to the *Prevention of Cruelty to Animals Act 1979* (NSW) ("POCTAA") is made in the application form, with the question being whether an applicant has been charged or convicted of a criminal offence, including an offence under POCTAA. It is the view of the decision makers that it remains important for the Commission's registration process to have complete information relating to the criminal history of its applicants.

.....End.....