

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

Matter for determination	Decision dated 11 May 2022 of the Applications Assessment Panel (“ AAP ”) (comprising Mr David OShannessy, Chief Inspector, Dr Juliet Corish, Senior Manager Policy and Registration, and Ms Jenn Arnold, A/g Manager, Registration) under section 49 (3) of the <i>Greyhound Racing Act 2017</i> , to refuse an application for registration by Mr Rodney Haime as a Greyhound Owner.
Internal review decision date	19 July 2022
Internal review decision by	Mr Chris Wheeler Acting Chief Commissioner Mr Peter Collins Commissioner
Internal review decision summary	The Commissioners resolved to revoke the decision of 11 May 2022 to refuse an application for registration, and instead approved the application.

REASONS FOR DECISION

1. These are the reasons for decision following an application by Mr Rodney Haime (“**Mr Haime**”) for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a decision of the Commission’s Application Assessment Panel (“**AAP**”). That decision was to refuse Mr Haime’s application for registration as an Owner.
2. 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 the internal review 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 24 March 2022 Mr Haime lodged an application for registration as a greyhound Owner with the Commission.
5. In his application for registration, Mr Haime responded “yes” to the question of “*have you ever been charged with any criminal offence?*”. In answering “yes” to this question, he was

required to provide further details. Mr Haime provided further information that he had a '*clear record for over 5 years, previous offences for small quantity cultivate cannabis and basic assault charge*'.

6. As part of its assessment processes, the Commission requested a National Police Check in respect of Mr Haime's application. The National Police Check indicated that on 16 April 2019 Mr Haime was convicted of cultivating a prohibited plant.
7. In addition, the National Police Check indicated that between 1986 and 2013 Mr Haime had been convicted on a number of occasions.

The Commission's decision

8. On 11 May 2022, Mr Haime's application was considered by the AAP.
9. The AAP was cognisant of the Commission's obligation under section 47 (1) of the Act to exercise its registration functions to ensure that any person registered by the Commission is, in the opinion of the Commission, a fit and proper person to be registered.
10. The AAP had regard to the Commission's Fit and Proper Person Framework ("Framework") which provides guidance regarding the Commission's administration of the statutory fit and proper person test.
11. The AAP noted that Mr Haime had been convicted of a number of offences between 1986 and 2013 and that Mr Haime had failed to disclose these offences in his application.
12. The AAP had particular regard to criterion 12 of the Framework which states that where an applicant has previously been charged or convicted of any criminal offence but did not disclose this on their application, their application may be refused.
13. The AAP also had regard to criterion 10 of the Framework, which states that where an applicant has, within the previous five years, been convicted of a serious offence involving violence, dishonesty, drugs or sexual offences, the application is likely to be refused.
14. Having regard to the above considerations, the AAP concluded that Mr Haime was not a fit and proper person to be registered and determined to refuse his application.
15. On 19 May 2022 the Acting Manager Registration & Welfare wrote to Mr Haime and advised him of the outcome of his application.

The internal review application

16. On 16 June 2022, Mr Haime submitted an application for internal review of the AAP's decision of 11 May 2022.

17. In support of his application, Mr Haime apologised for his error regarding the date of his most recent conviction in 2019. He also explained that he has been granted full custody of his grandson and expressed the view that this provided evidence of his good character. Mr Haime also emphasised his love for all animals, including greyhounds.

Decision

18. As the internal reviewers, we have had regard to all the material provided as part of the Commission's original decision, as well as having regard to the submissions made verbally by Mr Haime on 20 July 2022.
19. We noted Mr Haime's apology for his error regarding the date of his last conviction. Mr Haime explained that his memory is imperfect and emphasised that he had no intention to deceive in regard to his previous convictions, being aware that the Commission would seek further information, such as the National Police Certificate, which would outline in full his criminal history.
20. We further noted that the offence in question, being a 2019 conviction for cultivating a prohibited plant, was dealt with summarily. In our view, this did not constitute a serious offence as referred to in Criterion 12 of the Framework and it is open to the Commission to provide further guidance as to what constitutes a serious offence.
21. In respect of Mr Haime's failure to disclose convictions recorded prior to 2019, we note that he was truthful on his application in that he did indicate that he had previously been charged or convicted of an offence. This is not a case like previous matters dealt with by the Commission where an applicant may have ticked 'No' to the question '*Have you ever been charged with a criminal offence?*'. It is clear is that Mr Haime made disclosures to the Commission of his previous criminal offending. He disclosed that he had been dealt with for cultivating cannabis.
22. The AAP also took issue with the declaration that this disclosure also contained the words '*over 5 years ago*' whereas on a closer examination of the National Police Certificate the cultivation charge was approximately three years ago. This clarification was provided to us in verbal submissions and we accept Mr Haime's explanation.
23. We note the convictions recorded against Mr Haime between 1986 and 2013. Despite a minor offence in 2019, he has demonstrated since that time his ability to establish and maintain a clear record.
24. Accordingly, we consider Mr Haime a fit and proper person to be registered as a greyhound Owner.

Summary

25. In accordance with section 91(7) of the Act, having reviewed all of the material and considering the verbal submissions made by Mr Haime on 20 July 2022, we revoke the original decision of 19 July 2022. In revoking the decision, we have determined to re-consider Mr Haime's application for registration, and on the basis that he is a fit and proper person to be registered, have determined to grant him a registration as an Owner with the Commission.

Commissioner Peter Collins

Commissioner Chris Wheeler PSM

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