

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

Matter for determination	Decision dated 25 March 2020 by Ms Judy Lind, Chief Executive Officer, under section 59 of the <i>Greyhound Racing Act 2017</i> ('Act') to warn off Mr Bruce Albert Carr for varying periods ranging from three months to two years, effective from 1 April 2020
Internal review decision date	10 September 2020
Internal review decision by	Mr Peter Collins Commissioner
Internal review decision summary	Confirm the decision of 25 March 2020 by warning off Mr Carr for 24 months, effective from 1 April 2020

REASONS FOR DECISION

1. These are the reasons following an application by Mr Bruce Carr ('**Mr Carr**') for internal review under the *Greyhound Racing Act 2017* ('Act') of a decision of the Chief Executive Officer of the Greyhound Welfare & Integrity Commission ('**Commission**') to warn off Mr Carr for varying periods of time ranging from three months to two years, effective from 1 April 2020.
2. This is a reviewable decision within the meaning of section 91(1) of the Act. As a person who was not substantially involved in making the reviewable decision, I have been directed by the Commission to deal 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 11 April 2019, 16 April 2019, 2 May 2019 and 7 May 2019, Mr Carr was observed to have handled greyhounds that had been presented for trial races at the Richmond Greyhound Racing Club.
5. Mr Carr was not entitled to handle greyhounds because he was not registered as a greyhound owner, a trainer or an attendant, and was not otherwise authorised by the stewards to handle a greyhound at the trials.
6. On 27 April 2019, Mr Carr communicated to a registered participant via text message his willingness to accept two greyhounds for education despite not being a registered trainer.
7. On 6 December 2019, the Commission commenced disciplinary action against Mr Carr under section 58(1)(a) of the Act for a contravention of the Greyhound Racing Rules ('**Rules**'), specifically Rules 28(4) and 86(l).

8. Section 58(1) provides:

- (1) *The Commission may take disciplinary action under this Division against or in respect of a relevant person if the Commission is of the opinion that the person—*
- (a) *has contravened a provision of this Act, the regulations, the code of practice or the greyhound racing rules, or*
 - (b) *is not 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).*

9. Rule 28(4) is as follows:

- (4) *A person shall not handle a greyhound presented for an Event unless he is an owner, trainer, attendant or a registered person authorised by the Stewards to handle a greyhound for the Event.*

10. Rule 86(l) is as follows:

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

...

- (l) *being a person who is not registered with a Controlling Body or an approved Registration Controlling Body as an owner or trainer, acts or holds himself out as the owner or trainer of a greyhound entitled or intended to compete in an Event...*

11. On 24 January 2020, Mr Carr made brief submissions via telephone. He admitted the five charges and informed the Commission that he did not intend to make any further submissions.

12. The original decision-maker determined the disciplinary action on 25 March 2020. The written decision records that all evidence was considered, including:

- The objective seriousness and nature of the offences involving participation in the greyhound racing industry without being registered by the Commission
- Mr Carr's admission of the charges at an early opportunity
- Mr Carr's registration and disciplinary history during the period he had previously held a trainer registration, having previously held a trainer registration between 1988 and 2015 with predecessors of the Commission – he does not have any like matters on his record.

13. The need for specific and general deterrence was also considered a significant factor in determining the appropriate penalty.

14. The original decision-maker found the charges proven and took the following disciplinary action against Mr Carr:

Charge	Rule breached	Breach date	Consequence of breach	Duration
1	28(4)	11/04/2019	Warning off	3 months
2	28(4)	16/04/2019	Warning off	3 months
3	28(4)	2/05/2019	Warning off	3 months
4	28(4)	2/05/2019	Warning off	3 months
5	28(4)	7/05/2019	Warning off	3 months
6	86(l)	27/04/2019	Warning off	9 months
7	86(l)	11/04/2019 to 7/05/2019	Warning off	24 months

15. These periods of warning off were to be served concurrently, commencing from 1 April 2020.

This internal review application

16. On 16 April 2020, Mr Carr lodged an application for internal review of the original decision-maker's decision.

17. In undertaking this review, I have:

- Considered the submissions put forward by Mr Carr in support of his application dated 16 April 2020
- Reviewed the brief of evidence relied upon by the Commission in proving the charges.

Whether the penalty imposed by the original decision-maker is appropriate

18. In determining whether the overall penalty imposed by the original decision-maker is appropriate in the circumstances I have considered all relevant factors, including:

- The objective seriousness and nature of the offences involving participation in the greyhound racing industry without being registered by the Commission
- Mr Carr's admission of the charges at an early opportunity
- Mr Carr's registration and disciplinary history during the period he had previously held a trainer registration, having previously held a trainer registration between 1988 and 2015 with predecessors of the Commission – he does not have any like matters on his record
- The submissions provided by Mr Carr as part of the application for internal review.

19. The need for specific and general deterrence was also considered a significant factor in determining the appropriate penalty.

20. I find that an unregistered person training greyhounds at a registered racecourse and/or a race club, and holding himself out as a registered trainer, strikes at the heart of proper regulatory process.

21. The Commission, as regulator for the greyhound racing industry, is responsible for ensuring participants who undertake greyhound racing activities, are registered.

22. This is a requirement of the legislation under which greyhound racing is authorised to be conducted.

Decision

23. I find that the outlined conduct occurred in breach of the Act and the Rules.

24. I find that the original penalties are appropriate in the circumstances.

25. In accordance with section 91(7)(a) of the Act, I confirm the original decision, namely:

That Mr Carr be warned off from participation in the greyhound racing industry for the following periods of time:

Charge 1 (Rule 28(4)) 3 months

Charge 2 (Rule 28(4)) 3 months

Charge 3 (Rule 28(4)) 3 months

Charge 4 (Rule 28(4)) 3 months

Charge 5 (Rule 28(4)) 3 months

Charge 6 (Rule 86(l)) 9 months

Charge 7 (Rule 86(l)) 24 months

with the periods of warning off to be served concurrently and to commence on 1 April 2020.

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