

**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 Ryan Reginald Suttle
Internal review decision date	2 February 2024
Internal review decision by	Mr Alby Taylor, Chief Commissioner
Internal review decision summary	To confirm the decision of the Commission's Application Assessment Panel made 7 September 2023 and reject Mr Suttle's application for registration as an Owner Trainer.

REASONS FOR DECISION

1. These are the reasons for decision following an application by Mr Ryan Suttle ("**Applicant**") for internal review under the *Greyhound Racing Act 2017* ("**Act**") of a decision of the Commission on 7 September 2023.
2. The decision of the Commission was made by the Application Assessment Panel ("**Panel**"), which determined to reject the Applicant's application for registration as a greyhound Owner/Trainer.
3. 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.
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. The Applicant first registered, as an Attendant, in 2009. In 2017 he registered as an Owner/Trainer. His Owner/Trainer registration expired in 2019, though he subsequently registered as an Owner.
6. The Applicant's Owner registration expired on 30 June 2021. He has not been registered since.

7. On 30 June 2023 the Applicant applied for registration as an Owner/Trainer.
8. The registration application form requests information as to whether an applicant has previously been convicted of, or charged with, a criminal offence. The Applicant answered in the affirmative, stating he had previously been convicted of assault.
9. In accordance with standard procedure, the Commission requested a National Police Check in respect of the Applicant. The National Police Check revealed that in 2019 the Applicant was convicted of multiple serious offences.
10. The Applicant's application for registration was referred to the Panel, who met on 7 September 2023 to consider his application.
11. When considering Mr Suttle's application, the Panel had reference to the Commission's '*Fit and Proper Person Framework*' ("**Framework**"), which provides guidance to both applicants and decision makers regarding the Commission's administration of the requirements of Section 47(1) of the Act.
12. On 17 October 2023, the Commission advised the Applicant his application had been rejected on the following grounds:
 - Criteria 6 of the Framework - Applicant has convictions for repeated criminal offences.
 - Criteria 10 of the Framework - Applicant was previously convicted of a serious offence involving violence, dishonesty, drug or sexual offences.

The internal review application

13. On 13 November 2023, the Applicant lodged an application for internal review of the decision made on 7 September 2023.
14. The Applicant provided written submissions in support of his application, as well as three letters of support. I have read and considered all this material.
15. On 7 February 2024, Mr Suttle contacted the Commission and made additional verbal submissions. Mr Suttle provided further information about his current family circumstances, and requested that the decision makers have regard for these circumstances in their deliberations concerning his application.

Decision

16. In reviewing the Applicant's application for registration I have firstly had reference to Section 47(1) of the Act which dictates 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)."

17. Moreover, Section 47(2) states:

*"...a person is **not** to be registered if the person has a conviction and the Commission is of the opinion that the circumstances of the offence concerned are such as to render the person unfit to be registered."* [emphasis added]

18. Additionally, I have considered the Commission's Framework. I note Criteria 6 states that where a participant has convictions for repeated criminal offences, an application is likely to be refused, but may be approved, if the applicant can demonstrate at least 5 years with no offending.

19. In its deliberations, the Panel had regard to the Applicant's National Police (Criminal History) Check which indicates that the Applicant served a significant custodial sentence following his conviction on multiple offences.

20. In his written submissions, the Applicant maintains his offending was not repeated but rather, constituted a cluster of offences within a specific period that has not been repeated. This distinction is, in my view, immaterial but is arguably an inaccurate description. The fact is the Applicant was convicted of many offences which, while they may have been committed within a specific period, clearly arose from more than one incident and indeed involved multiple victims.

21. These offences were serious in nature and were all offences against multiple persons. The Panel clearly considered that, given the nature of the Applicant's previous offending, he constituted an unacceptable risk.

22. In his submissions, the Applicant maintains he is a fit and proper person to be registered as a participant in the greyhound racing industry. In summary, the Applicant emphasises:

- he was previously registered as a participant and was never subject to disciplinary action;
- his offending was out of character;
- while incarcerated he completed all available rehabilitation programs; and
- he is currently under supervision and attends greyhound racetracks without issue.

23. The Applicant's efforts to rehabilitate himself are commendable. The references provided in support of his application are very positive and indicate he is making genuine efforts to meet his responsibilities and make a positive contribution to his family and the community more broadly. In his submissions, Mr Suttle also emphasised his desire to assist his family in caring for their greyhounds.
24. However, I am mindful not only of the seriousness of the Applicant's previous offending but the fact the convictions were recorded in 2019. The Commission's Framework provides that where a person has been convicted of a serious offence, but can demonstrate five years with no offending, an application for registration will be considered. At this time, the Applicant is unable to demonstrate a sustained period of no offending, bearing in mind that he was serving a custodial sentence until recently.
25. I recognise that the Commission's Framework operates as a guide and the governing instrument is the Act. Section 47(2) is very clear. It states if the Commission is of the opinion that the circumstances of the offence/s concerned are such as to render the person unfit to be registered, then the person is not to be registered. It is my opinion that due to:
- the seriousness of the charges involved;
 - the circumstances and nature of the offences;
 - the recent nature of the matters;
 - the number of offences committed; and,
 - the fact the offences involved multiple victims.

the Applicant is not a fit and proper person to be registered.

26. Section 49(3) of the Act states:

"The Commission may refuse to register a person as a greyhound racing industry participant if it is of the opinion that it would be in the best interests of the greyhound racing industry to do so."

27. It is my view, that registering the Applicant, at this time, would not be in the best interests of the greyhound racing industry and, in fact, could negatively impact participation in the industry.
28. In considering the interests of the Applicant against the '*best interests of the greyhound racing industry*', I have formed the opinion that it is more appropriate for me to refuse to register the Applicant.
29. I note the submissions concerning the Applicant's current unfortunate family circumstances which are not recorded here for privacy reasons. Whilst I sympathise with the Applicant and his family, the submissions proffered do not override the substantial considerations described above.

30. Finally, in his submissions the Applicant disclosed that he is currently on parole. Criterion 8 of the Commission's Framework states unequivocally that an application from a person who is on parole will be refused. Whilst I have had regard for this criterion in considering this matter, my decision making has been based on all the factors listed above.

31. For all these reasons, I have determined to confirm the decision of the Panel and refuse the Applicant's application for registration.

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

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