

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

Matter for determination	Decision dated 14 May 2021 by the Integrity Hearings Panel: A/Senior Legal Officer, Alice Stafford, Chief Inspector, David OShannessy and Senior Steward, Dean Degan under section 59 of the <i>Greyhound Racing Act 2017</i> to impose a suspension on Mr Roese’s registration for a period of 6 months, with four months conditionally suspended, effective immediately
Internal review decision date	11 June 2021
Internal review decision by	Mr Alan Brown Chief Commissioner Mr Peter Collins Commissioner
Internal review decision summary	Confirm the decision of 14 May 2021 to suspend Mr Roese for a period of 6 months, with 4 months conditionally suspended.

REASONS FOR DECISION

1. These are the reasons for decision following an application by Mr Garth Deon Roese (“**Mr Roese**”) for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a decision of the Integrity Hearings Panel: A/Senior Legal Officer, Alice Stafford, Chief Inspector, David OShannessy and Senior Steward, Dean Degan of the Greyhound Welfare & Integrity Commission (“**Commission**”). That decision was to suspend Mr Roese’s registration for a period of six months, with four months conditionally suspended effective from 14 May 2021.
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 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 19 April 2021 Mr Roese was issued with a Notice of Proposed Disciplinary Action, charging Mr Roese with 10 charges under Rule 104(6)(c) of the Greyhound Racing Rules (“**Rules**”). Rule 104(6)(c) provides as follows:
 - (6) An official officiating in a capacity that may have an affect on the result of an Event shall not-
 - (c) directly or indirectly engage in any betting transaction on that event.

The charges particularised that on 10 separate race dates, between 15 September 2020 and 9 February 2021, Mr Roese engaged in betting transactions on races for which he officiated as a judge. Mr Roese promptly pleaded guilty to all 10 charges. The disciplinary action was conducted in writing as elected by Mr Roese, with detailed written submissions provided by Mr Roese.

5. Having considered all the evidence and submissions, the Integrity Hearings Panel imposed a suspension on Mr Roese's registration for a period of 6 months, with 4-months conditionally suspended. In determining the matter, the Integrity Hearings Panel considered that exceptional circumstances could be found to effectively suspend only a portion of Mr Roese's registration, the portion being the part that allows him to work as a Race Official. By doing this, the Integrity Hearings Panel determined that Mr Roese's Owner Trainer registration should not be suspended.
6. The net effect of the penalty determination by the Integrity Hearings Panel was that for a period of 2 months, Mr Roese would be suspended from engaging in activities as a race official, which includes acting as a judge. Further, he would have the remaining 4 months suspension conditionally suspended for a period of 12 months.

This internal review application

7. To the above decision, Mr Roese lodged an internal review application on 21 May 2021. The internal review application has been conducted in writing in accordance with Mr Roese's request. The internal review sought by Mr Roese was on the severity of penalty only.
8. Mr Roese's main submission on the internal review application is that, in Mr Roese's view, the Integrity Hearings Panel did not take into account a period of approximately 11 weeks when Mr Roese had been stood down by his employer, the Greyhound Breeders Owners and Trainers Association ("**GBOTA**").
9. Mr Roese contended that the 11-week period he was stood down from his employer was not reflected in the penalty imposed by the Integrity Hearings Panel.
10. Mr Roese also submitted that the period that he was stood down by his employer and the period he has served so far on suspension has resulted in a financial loss through loss of wages, in that he cannot perform rostered work as a judge at either Maitland or Gosford.
11. Mr Roese referred to other matters in his internal review application, such as delay of some 11 weeks which caused him anguish and anxiety. Mr Roese submitted that the combination of being stood down by his employer and the effective 2-month suspension imposed by the Integrity Hearings Panel was excessive.

Findings

12. Upon review of all the evidence and submissions, the Integrity Hearings Panel, in imposing penalty that it did, took into account the following factors:

- The objective seriousness of Mr Roese’s conduct – betting on races in which Mr Roese performed in an official capacity is a serious breach of the Rules and poses a significant integrity issue for the greyhound racing industry;
 - The value of the bets placed by Mr Roese were small;
 - The length of time Mr Roese has held a registration in the greyhound racing industry, being from 2001 to 2009 and from 2011 to date;
 - Mr Roese’s disciplinary history – Mr Roese has no relevant prior matters on his record;
 - Mr Roese’s admission of the charges at the earliest opportunity;
 - The time that Mr Roese had been stood down by GBOTA from his race official duties, being since 23 February 2021;
 - That the requirement to be registered as a Race Official is a relatively new registration type in the NSW greyhound racing industry, having been introduced in September 2019, however the position of a judge and the responsibilities associated with being a judge are not new and the conduct of betting whilst undertaking this official role is clearly something that should have been known to any person acting as a judge;
 - That this is the first time that GWIC has pursued this type of conduct as a breach of the Rules; and
 - The submissions made by Mr Roese in mitigation of penalty, including his personal and financial circumstances, his good record, his remorse and that he ensure that this conduct will never happen again.
13. The Integrity Hearings Panel also found that there were exceptional circumstances to provide Mr Roese with the ability to maintain his Owner Trainer registration, notwithstanding the imposition of a suspension. Mr Roese’s effective suspension was for a period of 2 months from engaging in activities as a Race Official, including as a judge, with, as is referred to above, the remaining four months suspended for a period of 12 months.
14. Relevantly, on 7 May 2021 when the Integrity Hearings Panel proposed the penalties upon Mr Roese following his admission of the charges, it was stated that the disciplinary action proposed took into account *“the time that you have been stood down by GBOTA from your race official duties, being since 23 February 2021”*. This was again contained in the final decision as a relevant factor taken into account by the Integrity Hearings Panel in coming to the conclusion that the 6-month suspension with 4 months conditionally suspended was appropriate.
15. It is clear on the material that the period in which Mr Roese was stood down by his employer was a significant factor that the Integrity Hearings Panel had regard to when coming to the penalty imposed.
16. In addition to that, there were other mitigating factors that were considered by the Integrity Hearings Panel, including Mr Roese’s remorse and good record.

Summary

17. The Integrity Hearings Panel in their published decision made the following statement:
- “The Commission has imposed penalties having regard to the fact that these are the first matters dealt with by the Commission. The publication of these decisions should serve as a very clear warning to greyhound racing participants who undertake roles as officials in the industry that the Commission will take disciplinary action against anyone who contravenes the Rules. For this reason, the Commission considers that future penalties for any official found guilty of breaching the Rules that deal with betting whilst working as an official must be met with more significant penalties.”*
18. Having considered Mr Roese’s application and all the material available in this matter, we find that the Integrity Hearings Panel took into account all relevant factors, including the matters in Mr Roese’s mitigation, such as the length of time he was stood down by his employer before the suspension was imposed by the Integrity Hearings Panel.
19. Balancing all the mitigating factors we consider that Mr Roese was dealt with appropriately and on one view, with some leniency. What cannot be overlooked when a balancing consideration is made is that engaging in betting on races as a race official, particularly as a judge, is a matter of significant seriousness.
20. Whilst the Integrity Hearings Panel found that there was no evidence of any impropriety in relation to the results that were judged by Mr Roese, his conduct has the potential to strike at the heart of integrity. Noting, as the Integrity Hearings Panel did, that because Mr Roese was amongst the first officials to be dealt with for this type of conduct by the Commission, penalties for this type of conduct in the future for any judge found guilty of contravening these rules will be met with more significant penalties.
21. In accordance with section 91(7)(a) of the Act, we confirm the original decision, namely:
- That Mr Roese’s registrations be suspended for a period of 6-months (with 4-months conditionally suspended) and that exceptional circumstances under LR99B(4) existed to allow for an exemption to be granted to allow Mr Roese to continue to act as, and have the privileges attached to the registration of, an Owner Trainer. The effect of the suspension was applied only to his Race Official registration.

Chief Commissioner Alan Brown

Commissioner Peter Collins

~~~~~