

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

Matter for determination	Decision dated 25 October 2023
Applicant	Ms Amanda Azzopardi
Internal review decision date	13 December 2023
Internal review decision by	Mr Brenton (Alby) Taylor, Chief Commissioner
Internal review decision summary	To vary the decision of the Commission's Application Assessment Panel made on the 25 October 2023 and approve Ms Azzopardi's application for registration as an Attendant.

REASONS FOR DECISION

1. These are the reasons for decision following an application by Ms Amanda Azzopardi for internal review under the *Greyhound Racing Act 2017* ("**Act**") of a decision of the Commission on 25 October 2023.
2. The decision of the Commission was made by the Application Assessment Panel ("**Panel**"), who determined to reject Ms Azzopardi's application for registration as a greyhound Owner and Attendant.
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. Ms Azzopardi was previously registered as an Owner Trainer. On 5 December 2022, Ms Azzopardi was disqualified by the Commission for a period of twelve (12) months in respect of seven (7) charges.
6. Ms Azzopardi also faced an additional four (4) charges, but these charges were found to not be proven and were withdrawn by the Commission.
7. Another participant, Mr Ballantine, who resided at the same premises was also disqualified in respect of a number of breaches of the Greyhound Racing Rules and Standards of the NSW Greyhound Welfare Code of Practice that occurred at the same premises and arose out of the same investigation. That participant was disqualified for a period of three (3) years.

8. Taking into account a period of interim suspension, Ms Azzopardi's twelve (12) month period of disqualification expired on 21 July 2023.
9. On 6 August 2023, Ms Azzopardi applied to the Commission for registration as an Owner and Attendant.
10. Ms Azzopardi's application for registration was referred to the Commission's Application Assessment Panel. The Panel met on 25 September 2023 to consider Ms Azzopardi's application.
11. When considering Ms Azzopardi's application, the Panel had reference to the Commission's Fit and Proper Person 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. Section 47(1) outlines 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)."

12. On 25 October 2023, the Commission advised Ms Azzopardi that her application had been rejected on the following grounds:
 - Criteria 16 of the Fit and Proper Person Framework - Applicant has a disciplinary history within the greyhound, thoroughbred or harness racing industry.
 - Criteria 15 of the Fit and Proper Person Framework – Industry Interest Consideration - section 49(3) of the *Greyhound Racing Act* – The Commission may refuse to register a person as a greyhound racing industry participant if it is of the opinion that it would in the best interests of the greyhound racing industry to do so.

The internal review application

13. On 31 October 2023, Ms Azzopardi lodged an application for internal review of the decision made on 25 October 2023.
14. In her application, Ms Azzopardi advised that Mr Ballantine no longer resided at the premises with her. This information was not available to the Panel at the time that they considered Ms Azzopardi's application.

Decision

15. In reviewing Ms Azzopardi's application for registration in light of the Commission's Fit and Proper Person Framework, I note that criteria 16 states that where a participant has a disciplinary history, an application for registration may be refused, approved or approved with conditions.

16. The purpose of criteria 16, as with other criteria in the Framework, is to ensure that persons who register as participants are fit and proper persons to do so. The fitness of persons that have a history of rule breaches must be carefully considered but the criterion is not intended to operate as a rule. Indeed, the Framework clearly states that applications will be considered on a case by case basis.
17. In considering Ms Azzopardi's application the Panel rightly had regard to the seriousness of the charges that were found proven against Ms Azzopardi in December 2022. These included:
 - engaging in breeding activities whilst not registered to do so;
 - failing to comply with the lawful order of a GWIC Inspector; and
 - failing to maintain clean and sanitary kennels.
18. The Panel further determined, in reference to criteria 15 of the Framework, that it would be against the interests of the greyhound racing industry to allow a participant found guilty of such breaches to return to the industry.
19. I share the concerns of the decision makers regarding the risk of further animal welfare breaches. However, I am cognisant that Ms Azzopardi is not seeking registration as a Trainer as she previously held, but rather just as an Owner and Attendant, where the risk of such breaches is therefore lower.
20. For these reasons, I vary the decision of the Panel and in its place approve Ms Azzopardi's application for registration as an Attendant for a period of 12 months.
21. It is my view that granting Ms Azzopardi an Attendant registration for 12 months will allow her the opportunity to re-enter the industry and display to the Commission and the industry more broadly, her commitment to self-improvement and a genuine desire to be part of the industry again. To put it simply, this will afford Ms Azzopardi the opportunity through her own actions to demonstrate, she is a person deserving of the privilege of holding a registration with a higher level of commitment and responsibility.
22. Should she wish to, Ms Azzopardi may apply for a registration as a greyhound Owner or Trainer in twelve (12) months' time. If that course transpires, the Commission will consider such an application on its merits, at that time, provided Ms Azzopardi has not engaged in any further rule breaches in the intervening period.

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

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