

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

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| Matter for determination         | Decision dated 9 November 2023                                                                                                                                                                           |
| Applicant                        | Mr Mark Howard                                                                                                                                                                                           |
| Internal review decision date    | 14 December 2023                                                                                                                                                                                         |
| Internal review decision by      | Mr Brenton (Alby) Taylor, Chief Commissioner                                                                                                                                                             |
| Internal review decision summary | To confirm the decision of the Commission's Application Assessment Panel made on the 9 November 2023 to refuse the application of Mr Mark Howard for registration as a Greyhound Race Official (Starter) |

### REASONS FOR DECISION

1. These are the reasons for decision following an application by Mr Mark Howard for internal review under the *Greyhound Racing Act 2017* ("**Act**") of a decision of the Commission on 9 November 2023
2. The decision of the Commission was made by the Application Assessment Panel ("**Panel**"), who determined to reject Mr Howard's application for registration as a Greyhound Race Official (Starter).
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. Mr Howard is currently registered with the Commission as an Owner Trainer and as a Greyhound Race Official (Kennel and Track Attendant).
6. On 25 October 2023, Mr Howard applied to the Commission for registration as a Greyhound Race Official (Starter).
7. Mr Howard's application for registration was referred to the Commission's Application Assessment Panel. The Panel met on 2 November 2023 to consider Mr Howard's application.
8. When considering Mr Howard'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).”*

9. On 9 November 2023, the Commission advised Mr Howard that his 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.

### **The internal review application**

10. On 9 November 2023, Mr Howard lodged an application for internal review of the decision made that same day.
11. In his application, Mr Howard stated the following reasons for seeking an internal review:

*“I was given a final warning for betting while working which has made me think I have a gambling problem which I do. I have cut my betting down and have contacted G-Line and have had conversations with them. I feel bad even if I have a bet in a punters club. I wanna [sic] be a starter so I can keep learning about the industry.”*

### **Decision**

12. In reviewing Mr Howard’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.
13. 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.
14. In considering Mr Howard’s application the Panel had regard to what they referred to as his ‘disciplinary history’. This criterion referred to here is a criteria that would ordinarily apply to ‘disciplinary history’ from a controlling body in either the greyhound industry or another racing code. What the Panel were in fact considering was that they were aware that Mr Howard had been warned by a Club that employed him as a Kennel and Track Attendant for engaging in betting whilst working. Mr Howard, when making his internal review application, referred to this history.
15. I share the concerns of the decision makers regarding Mr Howard having previously engaged in betting whilst working as a race official.

16. I am perhaps more concerned that Mr Howard in his application, has admitted that he has a subsisting gambling problem that he is attempting to seek help for.
17. Rule 75(6) specifically prohibits Race Officials (and others who may be officiating an Event) from betting:
  - (6) A person officiating in a capacity that has the potential to affect the result of an Event must not:
    - ...
    - (c) engage in any betting transaction on that Event (and that prohibition includes causing a bet to be placed by or through another person or entity);
18. I commend Mr Howard for his honesty in acknowledging that he has a gambling problem, and for seeking support to address this. However, a Starter is a class of Race Official that requires a high degree of integrity. It is one of the few race official registrations that requires further scrutiny as part of the registration assessment process, including the provision of a National Police Certificate. The potential risk to the integrity of the industry to allow a person to work as a Starter when they have admitted to having a gambling problem is too great.
19. Additionally, I need to consider the potential reputation brand risk to the integrity of the sport of greyhound racing if it was the case, that a racing official was found to be betting on an event under their control.
20. For these reasons, I confirm the decision of the Panel to refuse Mr Howard's application for a Race Official (Starter), though I note the likely more appropriate criterion for refusal under the Fit and Proper Person test would be criterion 15 – being that the Commission refuses Mr Howard's registration as a Starter on the basis that it is in the best interests of the greyhound racing industry to do so.
21. Should he wish to, Mr Howard may apply for a registration as a Race Official (Starter) in twelve (12) months' time. If he wishes to do so, he would be encouraged to provide evidence of having completed a gambling addiction course, together with references that support his application. If that course transpires, the Commission will consider such an application on its merits, at that time.

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

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