

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

Matter for determination	Decision dated 26 October 2023
Applicant	Mr Edward Sanchez
Internal review decision date	18 December 2023
Internal review decision by	Mr Brenton (Alby) Taylor, Chief Commissioner
Internal review decision summary	To revoke the decision of the Commission's Application Assessment Panel made 26 October 2023 and approve Mr Sanchez's application for registration as an Owner Trainer.

REASONS FOR DECISION

1. These are the reasons for decision following an application by Mr Edward Sanchez for internal review under the *Greyhound Racing Act 2017* ("**Act**") of a decision of the Commission on 26 October 2023.
2. The decision of the Commission was made by the Application Assessment Panel ("**Panel**"), which determined to reject Mr Sanchez's application for registration as a greyhound Race Official.
3. This is a reviewable decision within the meaning of section 91(1) of the Act. As I was not substantially 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 Sanchez was registered between 1992 and 2023, first as an Owner Trainer and then as a Public Trainer.
6. Mr Sanchez's registration expired on 16 July 2023, and he chose not to renew it.
7. On 2 October 2023, Mr Sanchez applied for registration as an Owner Trainer.
8. On his application, Mr Sanchez declared that he had never been disqualified, suspended, warned off or listed as a defaulter in any racing code. This was not correct.
9. Mr Sanchez's application for registration was referred to the Commission's Application Assessment Panel. The Panel met on 26 October 2023 to consider the application.

10. When considering Mr Sanchez'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 requirement 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)."

11. On 9 November 2023 the Commission advised Mr Sanchez that his application had been rejected on the following grounds:

- Criteria 11 of the Fit and Proper Person Framework - Applicant was a participant in the greyhound racing industry previously and had been suspended or disqualified. However, in their application they state they have never been subject to disciplinary action.
- Criteria 16 of the Fit and Proper Person Framework – Applicant has a disciplinary history within the greyhound, thoroughbred or harness racing industry.
- On his application to register as a greyhound Owner Trainer, Mr Sanchez did not declare that he had been suspended for four months, with the suspension wholly and conditionally suspended for a period of 12 months.

The internal review application

12. On 14 November 2023, Mr Sanchez lodged an application for internal review of the decision made on 26 October 2023.

Decision

13. In reviewing Mr Sanchez's application for registration in light of the Commission's Fit and Proper Person Framework, I note that criterion 11 states that where an applicant has a history of disciplinary action but states that they have not, the application may be refused.
14. In assessing Mr Sanchez's application, the Panel clearly had regard to his failure to declare his previous suspension, specifically referring to this in their letter to him.
15. The Commission views such lack of candour very seriously. The integrity of the greyhound racing industry is reliant upon the integrity of its participants. This requirement for integrity applies in the application process, as it does throughout the industry across many other matters and procedures.
16. In his submissions made when applying for an internal review, Mr Sanchez explained that, as he kept racing during the period of his suspension (which was wholly and conditionally suspended), he did not realise that he was required to declare it. I am prepared to accept

that he did not understand that all disciplinary action is to be declared. I accept Mr Sanchez' explanation that this failure was an inadvertent mistake rather than him having an intention to deceive the Commission.

17. The Panel also had regard to Criterion 16, which provides that where an applicant has a disciplinary history an application for registration may be refused, or approved with conditions.
18. The purpose of Criterion 16 is to protect the industry by ensuring that participants with a history of very serious rule breaches will have their applications closely scrutinised and, if appropriate, rejected. Mr Sanchez's disciplinary history is not of a nature that would exclude him from participation in the sport.
19. For these reasons, I have determined to revoke the decision of the Panel and in its place approve Mr Sanchez's application for registration.

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

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