

IN THE RACING APPEALS TRIBUNAL

GARRY THOMAS ALGIE
Appellant

v

GREYHOUND WELFARE AND INTEGRITY COMMISSION
Respondent

REASONS FOR DETERMINATION

Date of hearing **3 June 2026**

Date of determination **5 June 2026**

APPEARANCES

The Appellant appeared in person

Mr B Gillies for the Respondent

ORDERS

- 1. The appeal is upheld.**
- 2. The determination of the Respondent of 2 April 2026 to refuse the Appellant's application for registration as an Owner Trainer is quashed.**
- 3. The appeal deposit is to be refunded.**

For the avoidance of doubt, in making order [2] I have proceeded on the assumption that the Appellant will be issued with a licence as an Owner Trainer by the Respondent in the absence of any further order.

INTRODUCTION

1. Garry Thomas Algie (the Appellant) has appealed against the determination of the Greyhound Welfare and Integrity Commission (the Respondent) to refuse his application for registration as an Owner Trainer. The basis of that refusal was that the Appellant is not a fit and proper person to be registered.
2. A Tribunal Book (TB) prepared by the parties contains all relevant documentation.

FACTUAL BACKGROUND

The Appellant's history as an industry participant

3. The Appellant is 78 years of age. He has been a greyhound racing industry participant for approximately 50 years. He has previously been registered as an Owner, and in May 2013 became registered as an Attendant. That registration lapsed in August 2019.
4. In September 2020, the Appellant applied for registration as an Owner Attendant. For the purposes of assessing that application, the Respondent obtained a National Police Certificate in respect of the Appellant. The sole entries on that Certificate were the following:

COURT AND DATE	CHARGE	OUTCOME
Downing Centre District Court – 17 May 2019	Participate in a criminal group.	Taken into account on a Form 1.
Downing Centre District Court – 17 May 2019	Supply a prohibited drug in a large commercial quantity.	Imprisonment for 2 years and 6 months commencing on 17 May 2019 and expiring on 16 November 2021 with a non-parole period of 12 months.

5. I have not been provided with any Statement of Facts or similar document which sets out the circumstances of that offending.

6. The written submissions of the Respondent on the present appeal¹ make reference to the fact that the Appellant was interviewed in relation to those matters at the time of making his application in 2020 (when he was still on parole), at which time he informed the Respondent that:

1. He was arrested in 2015 and charged along with his son, Peter Algie, with the supply of synthetic cannabis.
2. He was aware that his son had been associated with an outlaw motorcycle gang, and had been engaged in the supply of synthetic cannabis.
3. He had understood that his son had been conducting a legitimate coffee business with which he had been assisting him at the time of his arrest.

7. It should be noted that the Appellant pleaded guilty to the offence of supply. Inherent in that plea was an acceptance that he had the requisite knowledge of the fact that what was being supplied was a prohibited drug. The only remaining observation which might be made is that it is obvious that the two offences which appear in the Appellant's criminal history arose from the one set of circumstances.

8. The Appellant's application for an Attendant's licence was granted in September 2020. He has held that licence continuously ever since.

The Appellant's application for an Owner Trainer Licence

9. In May 2025, the Appellant applied to the Respondent for registration as an Owner Trainer. The Respondent obtained a further Police Certificate which confirmed the previous entries, and which contained nothing further. However, on 28 August 2025, the Appellant withdrew his application.

¹ At [4].

10. The Appellant made a further application for registration as an Owner Trainer on 27 January 2026. The application was refused by the Respondent on 2 April 2026. In a letter of 8 April,² the Respondent advised the Appellant as follows:

The reasons for refusing your application for registration as a Greyhound Owner/Trainer under these criteria are:

Criteria (sic) 8 considers a circumstance where the “Applicant was previously convicted of a serious offence involving violence, dishonesty, drug offences or sexual offences” and states that in such circumstances the “Applicant may be asked for further information. Application may be refused, but the decision will take into account whether the offences occurred more than 10 years ago, and the penalty that was imposed.”

In making this determination, the Commission in this instance, considered all these matters and all documentation provided to them, the Commissioners recognise that the Commission’s Fit and Proper Person Framework operates as a guide and the governing instrument is the Greyhound Racing Act.

Section 47(2) of the Act 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 the Commissioners (sic) opinion that due to:

- *the seriousness of the conviction involved; and*
- *the recent nature of the matter (sic).*

11. Three matters should be noted about what appear to have been the bases of the Respondent’s determination.

12. Firstly, the determination was made by reference to the Respondent’s *Fit and Proper Person Framework* (the Framework) by which I am not bound. Specifically the determination cited Criterion 8 of the Framework which is in the following terms:

² TB 26 – 27.

CRIMINAL HISTORY OR BACKGROUND OF APPLICANT	RESPONDENT'S LIKELY POSITION GIVEN THE HISTORY AND BACKGROUND OF APPLICANT
8. Applicant was previously convicted of a serious offence involving violence, dishonesty, drug offences or sexual offences.	Applicant may be asked for further information. Application may be refused, but the decision will take into account whether the offences occurred more than 10 years ago, and the penalty that was imposed.

13. As I have noted in previous determinations, the 10 year time period appears to be largely, if not entirely, arbitrary. In any event, if one applies the criterion in its terms, it mandates that consideration will be given to whether the offending occurred more than 10 years ago. In the present case, the offending occurred in 2015, and thus ***more than 10 years before*** the Appellant's application was considered and determined. That would seemingly be factor weighing in favour of ***granting*** the application, rather than refusing it.

14. Secondly, one of the stated bases of refusing the application was said to be the "*recent nature of the matter*", which is presumably a reference to the offending. As I have noted, the offending occurred 11 years ago. Even on the most liberal interpretation, an event which occurred 11 years ago is hardly "*recent*".

15. Thirdly, the only other factor cited by the Respondent was what was described as "*the seriousness of the conviction*". I am left to conclude that this was the primary factor upon which the Respondent's determination was based. I have addressed that matter further below.³

THE APPELLANT'S CASE ON APPEAL

16. In support of his appeal, the Appellant filed a statement which was in the following terms:⁴

³ At [27].

⁴ TB 6.

In support of my appeal against being refused an owner-trainer licence I submit the following information.

I have held an attendants licence for the past 6 years since returning from my 1 year period of incarceration. The attendants licence was granted to me to assist with my rehabilitation which gave me a pathway to a better life and hope for the future whilst holding this licence I have been working with trainer Kenneth Markham.

Prior to my working with Ken at his property at 2289 Canyonleigh Road Canyonleigh NSW 2577 Ken allowed me to continue to assist him and allowed me to live on his property once my attendants licence was approved.

During my time at Canyonleigh I have taken the opportunity to gain the necessary skill set of the trade of care, feeding, grooming, welfare, health, trialling, fitness and race day preparation, race day kennelling, boxing greyhounds, catching and post-race treatments including vet checks, swabbing procedures when required.

During my learning process I have been given the responsibility by Christopher Tilley (trainer located at Sale in Victoria) as well as Ken Markham of taking greyhounds interstate for racing at Sandown, Bendigo, Shepparton and in NSW Goulburn, Bulli, Dapto, Nowra, Temora, Wentworth Park, Dubbo, and Potts Park. Other training undertaken includes RSPCA Open Paw Levels 1,2,3 for proficiency in dog training programs. I have been able to be incorporate this in every day activities of dog care and obedience training.

As trainer Ken Markham does not reside at Canyonleigh he has entrusted me to the role of caretaker of the property which at the moment caters for the care, rearing, training and whelping of litters, of which there are currently 70 dogs – 25 in training, 25 pups aged between 4 to 7 months and the rest are retired greyhounds. As you can see my reason for applying for an owner-trainer licence is simply a next step in caring for and racing greyhounds, the opportunity to train and race greyhounds which I own to grow a greater sense of achievement as well as a little beneficial income.

I acknowledge the reason for refusal of my application the GWIC consider me not a fit and proper person to hold a licence. I am asking the Tribunal to look past my period of incarceration as the major reason and consider the efforts and achievements I have made since completion of my sentence.

I am currently part owner of 5 retired greyhounds and 8 juvenile greyhounds just beginning their racing careers. I thank the members of the Tribunal for their time and effort in considering this appeal.

17. Mr Markham, to whom the Appellant referred in that letter, provided a testimonial in the following terms:⁵

⁵ TB 17.

I submit to the Tribunal that Garry Algie is a fit and proper person with regards to obtaining a trainers licence.

Garry has been living at Canyonleigh for the last 7 years where he is the caretaker of the property. He is currently an owner within a syndicate "We Got The Lot" and has also had his handlers licence during this time. Within this scope Garry is required to assist me to trial and race my greyhounds frequently. Garry is widely known throughout the industry and has not come under any GWIC stewarding issues. He has handled for me interstate in such races as the Launching Pad, Bendigo Prospector, Pink Diamond and also handled Wentworth Park winners and the Bankstown City Cup at Potts Park in my absence.

He was recently denied a trainers licence due to being incarcerated over 6 years ago. He has never hidden that fact and continued to be involved within the industry without issue. Due to recent kennel inspections GWIC suggested he gain his licence as it would ensure a licenced person is present on the farm at any time.

I am at a loss as to why Garry was knocked back. I worked for 35 years at Juvenile Justice and learned that people can and are willing to rehabilitate back into the community and in this case the greyhound community. I am also mindful that Garry is experiencing double jeopardy in the sense that he has served his time and just wants to get on with life and enjoy racing his greyhounds and not be thwarted in his endeavour to train a dog he owns.

I have been in the industry for some 40 years and have placed significant faith in the man to help feed trial and race my dogs. I hope you consider giving him a chance to gain his trainers licence.

18. A second testimonial was provided by Mr Plumb, the Kennel Supervisor at the Goulburn Race Club,⁶ who spoke positively of his interactions with the Appellant in that capacity.

19. In the course of the hearing the Appellant made a number of statements regarding his appeal. I was impressed with the sincerity with which he expressed his position. The matters that he relied upon included the following:

1. He undertook rehabilitative courses whilst in custody.⁷
2. He was discharged from parole supervision shortly after his release because he was assessed as being at a low risk of re-offending.⁸

⁶ TB 19.

⁷ Transcript 4.32 – 4.35.

⁸ Transcript 4.44 – 4.47.

3. He has, since that time, continued to engage in what might be described as self-rehabilitation, which revolves (at least in part) around the opportunities provided to him by Mr Markham.⁹
4. He views his rehabilitation as a “*continuing journey*”.¹⁰
5. He is, as a consequence, careful of those with whom he associates, and most of his acquaintances are people within the greyhound industry.¹¹
6. He regards his involvement in the industry as being conducive to his ongoing rehabilitation.¹²

20. With commendable candour, and a considerable degree of self-awareness, the Appellant also said this:¹³

My rehabilitation will never end. It's an ongoing process that I have to do for the rest of my life.

SUBMISSIONS OF THE PARTIES

Submissions of the Appellant

21. The Appellant's submissions are encapsulated in his letter to the Tribunal, and the statements summarised above.

Submissions of the Respondent

22. The submissions of the Respondent may be summarised as follows:

1. Section 47(1) of the *Greyhound Racing Act 2017* (NSW) imposes an obligation on the Respondent to ensure that all those seeking registration are fit and proper persons.¹⁴
2. The nature of the registration sought by the Appellant, namely that of an Owner Trainer, imposes a high threshold of propriety.¹⁵

⁹ Transcript 5.4 – 5.35.

¹⁰ Transcript 5.37 – 6.6.

¹¹ Transcript 6.8 – 6.13.

¹² Transcript 7.16 – 7.32.

¹³ Transcript 8.22 – 8.24.

¹⁴ At [16].

¹⁵ At [20].

3. Although the Appellant's criminal history is limited to the two entries set out above, the primary offending (i.e. the supply of a prohibited drug) was objectively serious, as indicated by the fact that a term of imprisonment was imposed. That is a factor which is deserving of significant weight.¹⁶
4. Whilst it was conceded that the Appellant had the requisite knowledge and skill to be registered as an Owner Trainer, his conviction nevertheless raised questions of his reputation and character, such that the appropriate outcome was to refuse the application.¹⁷
5. Even if the conclusion were reached that the Appellant is a fit and proper person, it would nonetheless be contrary to maintaining public confidence in the industry if the appeal were allowed.¹⁸

CONSIDERATION

23. In exercising its registration functions under s 49 of the *Greyhound Racing Act 2017* (NSW), the Respondent must act in what it considers to be the best interests of the industry, and in a manner which is conducive to meeting the objects of the Act. Those objects include protecting the interests, and ensuring the integrity, of the industry.¹⁹ For all intents and purposes, I stand in the shoes of the Respondent when determining this appeal. In those circumstances, I must also bear s 49 firmly in mind.

24. The principles which govern a determination of whether an applicant for registration is a fit and proper person have been set out in a number of previous decisions, a number of which are quite recent.²⁰ In those circumstances, it is not necessary for me to set them out again.

25. The application of those principles to the present case leads to the following conclusions.

¹⁶ At [23] – [27].

¹⁷ At [37].

¹⁸ At [38] – [41].

¹⁹ Section 3A(b) and (d).

²⁰ See for example *Chaker v Greyhound Welfare and Integrity Commission*, 18 May 2026 at [31].

26. Firstly, the Respondent accepts that the Appellant has the requisite knowledge and practical skill to carry out the duties of an Owner Trainer. It follows that there is no issue as to his fitness.
27. Secondly, and bearing in mind the weight which the Respondent appears to have attached to the Appellant's conviction, it is necessary to emphasise that although a conviction is obviously relevant, it is not determinative of whether the Appellant is a fit and proper person. I would agree that when viewed objectively, the offending of which the Appellant was convicted was serious. However, two factors must be balanced against that.
28. The first, is that the offending occurred 11 years ago. The authorities make it clear that the passage of time which has elapsed since an offence was committed is an important consideration, and is one which will favour a person in the Appellant's position, particularly if there has not been any further offending in the intervening period. Indeed, the Respondent's own Framework is to a similar effect.
29. The second, is that the maximum penalty for supplying a prohibited drug in a large commercial quantity is life imprisonment.²¹ The fact that the Appellant was sentenced to imprisonment for 2 years and 6 months indicates that the sentencing Judge took the view that his criminality fell very much at the lowest end of the scale. That is so, even allowing for the fact that an additional offence on a Form 1 was taken into account.
30. The third, is that whilst I acknowledge that a long passage of time without a transgression is not conclusive, I am satisfied in the present case that it is indicative of a change in the Appellant's character since the offending. There are two relevant observations to be made in that context. Firstly, but for a conviction recorded 20 years ago (a fact which the Appellant honestly volunteered²² during

²¹ *Drug Misuse and Trafficking Act 1985* (NSW) s 33(3).

²² Transcript 2.29.

the hearing of the appeal when it was not previously known) the offending committed in 2015 is his only breach of the criminal law in circumstances where, as I have noted, he is now 78 years of age. He has, therefore, led a largely blemish-free life. Secondly, there is no suggestion that the Appellant has come under any adverse notice by any authority (including, importantly, the Respondent) since obtaining his Attendant's licence in 2020. In all of these circumstances it is open to view the offending committed in 2015 as an aberration, albeit a significant one.

31. Fourthly, the evidence satisfies me that the Appellant has undergone, and continues to undergo, significant rehabilitation. Quite apart from the fact that he was discharged from parole supervision at an early stage on account of being assessed at a low risk of re-offending, it is clear that the Appellant has undertaken his own rehabilitation, of which his involvement in the industry constitutes a significant part. The statements made by the Appellant during the course of the hearing, the veracity of which I accept, demonstrate that he has significant insight to his situation. That insight is accompanied by a recognition of the fact that rehabilitation is very much an ongoing process. Those matters are generally consistent with the testimonial material, particularly that of Mr Markham. The whole of the evidence supports a conclusion that the Appellant's rehabilitation has been, and continues to be, successful.

32. Fifthly, and whilst this appeal proceeds as a hearing *de novo*, it is relevant to note that the Respondent's determination to refuse the Appellant's application appears (in the absence of any substantive statement of reasons) to have been based on two considerations. The first was the fact of a conviction for a serious offence. As I have pointed out, concentrating on that fact to the exclusion of contextual and related considerations reflects an erroneous approach. The second, was what was said to be the fact that the offending was "*recent*". For the reasons I have given, the offending is not properly regarded as recent at all. In fact, it occurred outside the arbitrary 10 year "preclusion period" imposed by the Respondent as part of its **own** guideline.

33. Finally, I am conscious of the fact that the registration sought by the Appellant carries a substantially higher level of responsibility than that which attaches to his present registration as an Attendant. However, the matters to which I have referred above persuade me that the Applicant is a fit and proper person to be granted registration as an Owner Trainer.

CONCLUSION AND ORDERS

34. For the reasons stated, I am satisfied that the Appellant should succeed on the appeal. Accordingly, I make the following orders:

1. The appeal is upheld.
2. The determination of the Respondent of 2 April 2026 to refuse the Appellant's application for registration as an Owner Trainer is quashed.
3. The appeal deposit is to be refunded.

35. For the avoidance of doubt, in making order [2] I have proceeded on the assumption that the Appellant will be issued with a licence as an Owner Trainer by the Respondent in the absence of any further order.

THE HONOURABLE G J BELLEW AM SC
5 June 2026