



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Warning: This report contains language which some readers may find offensive.

- Date of decision:** 11 June 2021
- Decision-makers:** Chief Commissioner, Alan Brown & Commissioner, Peter Collins
- Name of relevant person:** Mr Mitchell Tubinas
- Date:** 23 October 2020, 6 November 2020, 13 November 2020
- Rule no.:** Rule 86(f)(iii) (x4)
- Charges:**
- (1) Mr Tubinas engaged in the use of contemptuous, unseemly, improper, insulting or offensive language towards or in relation to the Commission on 23 October 2020 in breach of rule 86(f)(iii);
 - (2) Mr Tubinas engaged in the use of contemptuous, unseemly, improper, insulting or offensive language towards or in relation to an Inspector on 6 November 2020 in breach of rule 86(f)(iii);
 - (3) Mr Tubinas engaged in the use of contemptuous, unseemly, improper, insulting or offensive language towards or in relation to the Commission on 13 November 2020 in breach of rule 86(f)(iii);
 - (4) Mr Tubinas engaged in the use of contemptuous, unseemly, improper, insulting or offensive language towards or in relation to the Commission on 13 November 2020 in breach of rule 86(f)(iii)
- Disciplinary action taken:** Served concurrently:
- Charge 1: 6-months warning off;
 - Charge 2: 4-months warning off;
 - Charge 3: 6-months warning off;
 - Charge 4: 18-months warning off.

DECISION:

1. For a previous matter dealt with by the Commission against him on 2 June 2020, Mr Tubinas was issued the following penalties for individual breaches of Rule 86(f)(iv) and 86(f)(iii):

Charge 1: 9 months suspension, with 5 months suspended for 18 months conditionally;

Charge 2: 6 months suspension, with 3 months suspended for 18 months conditionally;

Charge 3: 4 months disqualification;

Charge 4: 6 months disqualification;

Activated from previous Disciplinary History: 3 months suspension, with all penalties to be served concurrently.

2. On 5 November 2020 the Commission received a complaint about posts that had been made on the greyhound knowledge forum under the name of Mitchell Tubinas.
3. On 6 November 2020 Mr Tubinas was contacted by a Commission Inspector to discuss the posts that had been made in his name. During that telephone conversation Mr Tubinas disputed that he had been issued with a disqualification on 2 June 2020 and called the Commission Inspector a 'dickhead'.
4. On 13 November 2020, Mr Tubinas called the Commission's Customer Service Hotline. He left a voicemail recording that alleged corruption within the greyhound racing industry in NSW. He also used offensive and abusive language during the voicemail.
5. Later that same day, , Mr Tubinas again called the Commission's Customer Service Hotline and left a voicemail. During that voicemail Mr Tubinas used inappropriate language which included ::

...

... fuck this, youse want to bring it, well you reckon youse have something on me obviously, well bring it out, bring it out you fucking spastics cause I'll bring out what I have. I've dearest had enough of you cunts thinking

...

Youse are fucked. Youse have absolutely no care whatsoever its all about the fucking dollar. If you don't follow this up, I fucking will. Right you bunch of cunts, you got that...

Look into the bullshit and sort out your fucking organisation, sort out the greyhounds in Australia, or I will fucking sort out the fucking lot of you cunts out and no one will have a job. I'm sick of this shit right, it is not fair, it is not fucking even close.

I know you fucking cunts have come round to my house and do shit to my dogs usually on a weekend when you thin I'm going to the pub or going out...

Keep it up you fucking spastic cunts. This isn't the last you'll hear so you know you're better off looking for me you fucking bunch of spastics.

6. The Commission charged Mr Tubinas with four (4) offences under Rule 86(f)(iii), which reads:

Rule 86(f)(iii)

A person (including an official) shall be guilty of an offence if the person-

...

(f) engages in, publishes or causes to be published, broadcasts or causes to be broadcast, the use of any contemptuous, unseemly, improper, insulting, or offensive language, conduct or behaviour in any manner or form towards, or in relation to-

...

(iii) a Controlling Body, or a member of the Controlling Body

7. Mr Tubinas was notified of the charges in writing. Mr Tubinas elected to have the disciplinary proceeding conducted in writing.
8. Accordingly, for the current matters the Commission, after considering all available material, found the charges proven and took the following disciplinary action against Mr Tubinas:

Charge 1 (23 October 2020):	To warn Mr Tubinas off for a period of 6 months;
Charge 2 (6 November 2020):	To warn Mr Tubinas off for a period of 4 months;
Charge 3 (13 November 2020):	To warn Mr Tubinas off for a period of 6 months;
Charge 4 (13 November 2020):	To warn Mr Tubinas off for a period of 18 months,

with the periods of suspension to be served concurrently.

9. In taking this disciplinary action, the Commission considered all evidence, including:
- The objective seriousness of Mr Tubinas' conduct which was consider towards at the higher end;
 - The continued offending of Mr Tubinas even after having been issued with disciplinary action for similar types of behaviour which was an aggravating factor in imposing the lengthy periods of warning off;
 - Mr Tubinas' disciplinary history including recent penalties for similar type offending;
 - The submissions made by Mr Tubinas in mitigation of penalty .

.....End.....