

**GREYHOUND WELFARE & INTEGRITY COMMISSION
SUMMARY OF DISCIPLINARY ACTION DECISION**

Date of decision:	12 February 2020
Decision-maker:	Chief Executive Officer, Judith Lind
Name of relevant person:	Mr Leighton Winter
Track:	N/A – Non-meeting
Rule no:	Rule 86B(1)(b), Rule 86A, R79A(7), R84(2)
Disciplinary action taken:	Disqualification periods served concurrently:
	Charge 1 (Rule 86B(1)(b)): 12 months disqualification suspended after serving 6 months for a period of 2 years, with the head penalty expiring 6 months from 31 October 2019
	Charge 2 (Rule 86B(1)(b)): 12 months disqualification suspended after serving 6 months for a period of 2 years, with the head penalty expiring 6 months from 31 October 2019
	Charge 3 (Rule 86A): No further penalty imposed
	Charge 4 (Rule 86A): No further penalty imposed
	Charge 5 (Rule 79A(7)): 6 months disqualification
	Charge 6 (Rule 84(2)): Formal warning/ reprimand
	Charge 7 (Rule 84(2)): Formal warning/ reprimand
	Charge 8 (Rule 84(2)): Formal warning/ reprimand
	Charge 9 (Rule 84(2)): Formal warning/ reprimand

REPORT:

Charges 1-4:

During an inspection of the kennels registered to Mr Winter, Commission Inspectors located two lures on the property were suspected to be derived of animal materials. The lures were surrendered and sent to the Taronga Wildlife Hospital for further testing.

Analysis of the two lures was conducted and the final report of Veterinary Pathologist and Registered Veterinarian Dr Lydia Tong confirmed that the first lure contained both synthetic and animal materials, and the second lure consisted of a large single piece of animal tissue.

After considering the evidence the Commission charged Mr Winter with breaches of Rule 86B(1)(b) and further breaches of Rule 86A of the Commission's Greyhound Racing Rules ("Rules") for each lure located.

Charges 5-9:

Later Commission Inspectors also located a number of prohibited substances, including one permanently banned prohibited substance. These items were surrendered to the Inspectors.

After considering the evidence in relation to these further matters, the Commission charged Mr Winter with breaches of Rule 79A(7) and 84(2) of the Rules in respect of each of the items found.

Mr Winter admitted charges 1, 2, 5, 6, 7, 8, and 9 at the earliest opportunity.

The disciplinary action for all charges was conducted in writing in accordance with the participant's election.

DECISION:

1. Mr Winter, at the material time being 17 October 2019, was a registered Public Trainer.
2. On 17 October 2019, Commission Inspectors attended at Mr Winter's registered address to conduct an inspection of the registered kennels.
3. During the inspection Inspectors discovered two lures, located on the ground near the main residence fence line of the registered address. It was determined that the lures looked to be made of animal product. The lures were surrendered to Inspectors.
4. The surrendered lures were examined by Dr Lydia Tong of the Taronga Wildlife Hospital. It was confirmed that:
 - the first lure contained both synthetic and animal materials, and the animal materials were mummified skin and hair highly consistent with being of equid origin; and
 - the second lure was a large single piece of animal tissue consisting of mummified skin and hair and was highly consistent with being of equid origin.
5. The Commission charged Mr Winter under Rule 86B(1)(b) for each lure. The Commission further charged Mr Winter under Rule 86A for each lure.
6. Later during the course of the inspection of the kennels, Commission Inspectors located in Mr Winter's possession and seized:

- (a) Two 5mL bottles of Fertagyl;
 - (b) Two 5mL bottles labelled 'Toe Repair';
 - (c) One blister pack of Noroclav Tablets;
 - (d) One 20mL brown bottle of Merolin; and
 - (e) One 50mL bottle of Voren corticosteroid therapy.
7. The Commission charged Mr Winter under Rule 79A(7) with respect of having possession of the Fertagyl, which is a permanently banned prohibited substance.
 8. The Commission charged Mr Winter with breaches of Rule 84(2) with respect of the other prohibited substances located and seized during the inspection.
 9. Mr Winter admitted the charges 1, 2, 5, 6, 7, 8, and 9, provided written submissions and elected to have the disciplinary proceeding conducted in writing.
 10. The Commission found the charges 3 and 4 proven.
 11. The Commission consequently took the following disciplinary action against Mr Winter:

Charge 1 (Rule 86B(1)(b)): 12 months disqualification, with 6 months suspended for a period of 2 years on the condition that he does not breach Rule 86B(1)(b) in that 2 year period, pursuant to rule 95(3) of the Rules;

Charge 2 (Rule 86(1)(b)): 12 months disqualification, with 6 months suspended for a period of 2 years on the condition that he does not breach Rule 86B(1)(b) in that 2 year period, pursuant to rule 95(3) of the Rules;

Charge 3 (Rule 86A): To not impose any additional penalty;

Charge 4 (Rule 86A): To not impose any additional penalty;

Charge 5 (Rule 79A(7)): 6 months disqualification pursuant to section 59(1)(d) of the Act;

Charge 6 (Rule 84(2)): Formal warning/reprimand;

Charge 7 (Rule 84(2)): Formal warning/reprimand;

Charge 8 (Rule 84(2)): Formal warning/reprimand; and

Charge 9 (Rule 84(2)): Formal warning/reprimand,

with:

- the period of interim suspension served taken into account as time served; and

- the periods of disqualification to be served concurrently.

Special Circumstances

12. The provisions of Rule 86B require a minimum penalty of disqualification for a period of not less than 10 years unless there is a finding that special circumstances exist, whereupon a penalty less than the minimum can be imposed.

13. Mr Winter provided detailed submissions in seeking to establish the existence of special circumstances. These submissions included:

- Mr Winter's significant record of 40 years as a registered trainer with the greyhound racing industry;
- Mr Winter's guilty plea at the earliest opportunity in respect of charges 1, 2, 5, 6, 7, 8, and 9, and cooperation with the inquiry;
- Mr Winter has suffered adverse financial hardship consequences as a result of the imposition of the interim suspension;
- Mr Winter's significant contribution to the industry, particularly in relation to Dubbo Greyhound Club as an ongoing committee member and volunteer;
- That the lures had been acquired at a time in which it was not a breach of the rules to possess, however he remained in possession of the lures and had not been used since they had become illegal;
- That the offending behaviour was at the lower end of the spectrum of the range of behaviour captured by the relevant Rules.

14. The totality of the matters in mitigation gave rise to a finding that special circumstances exist and that a penalty less than the 10 year minimum mandatory period could be imposed.

.....End.....