

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

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

Date of decision: 2 June 2020

Decision-maker: Director Legal Services, Matthew Tutt

Name of relevant person: Mr Mitchell Tubinas

Track: N/A – non meeting

Date: 26 December 2019; 15 February 2020; 11 April 2020; 14 April 2020

Rule no.: Rule 86(f)(iv); Rule 86(f)(iii) x3

Charge(s):

(1) Mr Tubinas engaged in the use of contemptuous, unseemly, improper, insulting or offensive language towards or in relation to an official on 26 December 2019 in breach of Rule 86(f)(iv);

(2) Mr Tubinas engaged in the use of contemptuous, unseemly, improper, insulting or offensive language towards or in relation to members of GRNSW and GWIC on 15 February 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 members of GWIC on 11 April 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 members of GWIC on 14 April 2020 in breach of Rule 86(f)(iii).

Disciplinary action taken: Served concurrently:

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 Action: 3 months suspension

DECISION:

1. Mr Tubinas was at all material times, a registered greyhound trainer.
2. On 26 December 2019, Mr Tubinas sent several text messages to a GWIC Steward.
3. In these text messages he alleged corruption by both the Commission and Greyhound Racing New South Wales ("**GRNSW**").
4. In that same text message exchange he made a comment regarding race day official stating:

"Do I have to bash the fucken cunt or pay off some other steward to get left alone or what."

5. On 15 February 2020 Mr Tubinas sent a scratching request through the OzChase portal, received by the graders at GRNSW and GWIC Stewards requesting that the greyhound 'Hear Me Knocking' be scratched from the race scheduled for 16 February 2020 at Richmond.
6. Within that email request Mr Tubinas made several statements alleging corruption within the greyhound racing industry in NSW.
7. On 11 April 2020, Mr Tubinas called the Commission's Customer Service Hotline at 8:44pm. He left a voicemail recording of 1 minute and 40 seconds.
8. On 14 April 2020, Mr Tubinas again called the Commission's Customer Service Hotline at 9:52pm. He left a further voicemail recording of 3 minutes and 35 seconds.
9. In both recordings of 11 and 14 April 2020 Mr Tubinas alleged corruption within the greyhound racing industry in NSW. He used offensive and abusive language throughout the duration of both voicemail messages.
10. After considering the evidence following the completion of the Commission's investigation, the Commission charged Mr Tubinas with a single breach of Rule 86(f)(iv) and three (3) breaches of Rule 86(f)(iii), which read:

Rule 86(f) (iii) and (iv)

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

...

(iv) any other person having official duties in relation to greyhound racing

11. Mr Tubinas admitted the charges, provided submissions and elected to have the disciplinary proceeding conducted in writing.

12. The Commission found the charge proven and took the following disciplinary action against Mr Tubinas:

Charge 1 (R86(f)(iv)) – 26 December 2019: To suspend his registration for a period of 9 months, with 5 months suspended for 18 months on the condition that Mr Tubinas does not breach Rule 86(f) or any similar rules during that 18 month period;

Charge 2 (R86(f)(iii)) – 15 February 2020: To suspend his registration for a period of 6 months, with 3 months suspended for 18 months on the condition that Mr Tubinas does not breach Rule 86(f) or any similar rules during that 18 month period;

Charge 3 (R86(f)(iii)) – 11 April 2020: To disqualify his registration for a period of 4 months;

Charge 4 (R86(f)(iii)) – 14 April 2020: To disqualify his registration for a period of 6 months;

Disciplinary Action of 19 September 2019: To suspend his registration for a period of 3 months,

with:

- All penalties are served concurrently;
- 3 months and 1 week suspended due to the period of interim suspension served; and
- The remaining period of disqualification to be served, commencing on 2 June 2020.

13. In taking this disciplinary action, the Commission considered all evidence, including:

- Mr Tubinas has been a registered participant in the greyhound racing industry for approximately 21 years;
- The conduct of Mr Tubinas displayed an escalation of offending of similar behaviour over a short period of time, including conduct while interim suspended;
- Mr Tubinas' disciplinary history – including one prior disciplinary matter that is similar in a nature for which he was on a suspended penalty at the time of this offending;

- The period served under an interim suspension: being 26 February 2020 to 1 June 2020;
- NSW greyhound racing penalty precedents;
- Mr Tubinas' admission of the charges at the earliest opportunity;
- Mr Tubinas' written submissions in mitigation of penalty, including indication to is remorse and personal circumstances.

.....End.....