

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 25 November 2020
Decision-maker: Interim Chief Executive Officer, Steven Griffin
Name of relevant person: Mr Simon Gafa
Track: N/A – non meeting
Date: 26 October 2019
Rule no.: Rule 86(a)
Charge(s): (1) Mr Gafa bred from the greyhound, 'Zipping Rose' without obtaining the required breeding exemption under Rules 127(10) and 127(11).
Disciplinary action taken: 12-week suspension (wholly and conditionally suspended)

DECISION:

1. Mr Gafa was at all material times a registered greyhound breeder and the part-owner and custodian of the greyhound, 'Zipping Rose' ("**Greyhound**").
2. On 30 June 2019, Mr Gafa lodged an *Application to Breed Female Over Eight Years of Age & / or Breed Over Three Litters* seeking an exemption under Rules 127(10) and 127(11) to breed the Greyhound which was over eight (8) years of age and had had three (3) previous litters ("**Application**").
3. On 3 July 2019, Mr Gafa was advised by GWIC registration staff on two (2) separate occasions that he had not provided the required a *Greyhound Breeding Female – Breeding Health and Fitness Certificate* and evidence that the Greyhound had received a C5 vaccination in order to allow the Application to be considered.
4. On 26 October 2019, the Greyhound was served by artificial insemination using the fresh semen of 'Aussie Infrared' ("**Service**"), without meeting the requirements under Rules 127(10) and 127(11).
5. On 25 December 2019, four (4) puppies were whelped as a result of the Service.

6. After considering the evidence following the completion of the Commission's investigation, the Commission charged Mr Gafa with a breach of Rule 86(a) (specifically relating to Rules 127(10) and 127(11)), which read:

Rule 86(a)

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

- (a) contravenes any of these Rules

Rules 127(10) & 127(11)

(10) The owner of a breeding female, or the person with authority to breed that female, shall not cause her to be mated if that breeding female is over eight (8) years of age without prior veterinary certification of appropriate health and fitness, and the approval of the Controlling Body in writing. The approval granted by the Controlling Body under this sub-rule will be to allow one (1) service/insemination only, irrespective of the result of said service/ insemination. The veterinary certification must be obtained within 120 days prior to the date of the additional service.

(11) A breeding female cannot be used for breeding more than three (3) litters without prior veterinary certification of appropriate health and fitness for further litters, and the approval of the Controlling Body in writing. The approval granted by the Controlling Body under this sub-rule will be to allow one (1) additional service/insemination only, irrespective of the result of said service/ insemination. The veterinary certification must be obtained within 120 days prior to the date of the additional service.

7. Mr Gafa admitted the charge, provided submissions and elected to have the disciplinary proceeding conducted in writing.
8. It was also alleged that Mr Gafa made false statements in an interview with a Commission investigator on 29 November 2019, however after considering the evidence this charge under Rule 86(x) was found not proven.
9. Mr Griffin, Interim CEO, took over as decision-maker of the matter in November 2020, partway through the proceedings, having provided Mr Gafa a reasonable opportunity to object to this change.
10. The Commission found the charge proven and took the following disciplinary action against Mr Gafa:

To suspend his registration for a period of 12 weeks, wholly suspended for a period of 12 months on the condition that Mr Gafa does not breach Rule 86(a) or any similar rules in that 12-month period.

11. In taking this disciplinary action, the Commission considered all evidence, including:
 - Greyhound racing penalty precedents – in NSW and other racing jurisdictions;
 - Mr Gafa has held a breeder registration for approximately 5 years;
 - Mr Gafa has no history of like matters;
 - Mr Gafa's admission of the charge at the earliest opportunity;

- Mr Gafa's submissions in mitigation of penalty, including in relation to his good character and record, his personal circumstances and his remorse.

.....End.....