



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 5 December 2022
Decision-makers: Deputy Chief Steward, Troy Vassallo, Stewards Jason Hodder and Geoff Page
Name of relevant person: Mr John McDonald
Track: N/A
Date: 22 February 2022
Rule no.: Rule 86B(1)(a), Rule 86B(1)(b)
Charge(s): **Charge 1 (Rule 86B(1)(a))**

During a kennel inspection conducted at Mr McDonald's kennel premises on 22 February 2022, he made an admission to having used a lure, and the under layer, which upon examination, detected the presence of fibres that are natural in origin and are from a prepared animal skin. Such lure being used in connection with greyhound training.

Charge 2 (Rule 86B(1)(b))

During a kennel inspection conducted on 22 February 2022 at Mr McDonald's kennel premises, he was found to be in possession of a lure that was part made of fibres natural in origin and from a prepared animal skin.

Disciplinary action taken: (1) Charge withdrawn; and
(2) To suspend Mr McDonald for a period of 8 months, with 4 months partially and conditionally suspended for a period of 12-months subject to him not breaching this rule or any like rule in this period.

DECISION:

1. Mr McDonald is a registered Attendant. On 22 February 2022, GWIC Inspectors attended Mr McDonald's premises and confiscated a lure that appeared to be made of a non-synthetic material.
2. On 28 April 2022 the lure was presented to the Australian Centre for Wildlife Genomics for examination to determine if the fibres from the lure were of synthetic or natural

origin. The report found:

- Examination of the lure determined that two separate materials were present on the lure; AM374_01 (under layer) and AM374_02 (top layer);
 - Under layer - under microscopic examination, scales were identified on the fibres examined from the AM374_01 sub-section. The presence of these structures indicated these fibres are natural in origin and are from a prepared animal skin; and
 - Top layer - under microscopic examination the uniform nature of these fibres suggests the fibres taken from AM374_02 are synthetic in origin.
3. The report concluded that the under layer of the lure was found to be natural in origin and from a prepared animal skin.
 4. It is an offence to have possession of a lure that is made from any part of an animal under Rule 86B(1)(b) of the Greyhound Racing Rules ("**Rules**").
 5. On 14 October 2022 Mr McDonald was issued with a notice of charge and proposed disciplinary action ("**Notice**") in relation to the charges. The Notice also provided a brief of evidence for the charges.
 6. In the Notice issued on 14 October 2022 the decision makers charged Mr McDonald with two charges under Rule 86B(1)(a) and Rule 86B(1)(b). The relevant Rules read:

Rule 86B(1)(a)

(1) A person who, in the opinion of the Stewards or Controlling Body-

(a) uses in connection with greyhound training, education or preparation to race, or racing, any live animal, animal carcass or any part of an animal whether as bait, quarry or lure, or to entice, excite or encourage a greyhound to pursue it or otherwise

Rule 86B(1)(b)

1) A person who, in the opinion of the Stewards or Controlling Body-

(b) attempts to possess, or has possession of, or brings onto, any grounds, premises or within the boundaries of any property where greyhounds are, or are to be trained, kept or raced, any live animal, animal carcass or any part of an animal for the purpose of being, or which might reasonably be capable of being, or likely to be, used as bait, quarry or lure to entice or excite or encourage a greyhound to pursue it.

7. On 24 October 2022 Mr McDonald and his legal representative Mr Glenn Walters attended a hearing in relation to the matter. At the hearing, the decision makers withdrew Charge 1 as they were not comfortably satisfied on the evidence that the charge should be sustained and therefore proceeded with only Charge 2 to be determined.
8. The decision makers informed Mr McDonald and his legal representative that as

outlined in Rule 86B(1) a period of disqualification of not less than 10 years shall be imposed unless there is a finding that special circumstances exists, whereupon a penalty less than the minimum penalty may be imposed.

9. Following submission on behalf of Mr McDonald, the decision makers were satisfied that special circumstances existed and proposed a penalty of a 12-month disqualification. The special circumstances that were found were:

- The offending was at the lower end of the spectrum for offences involving part of an animal, including that the item seized was a manufactured 'skin';
- Mr McDonald's lack of relevant disciplinary history and his involvement and contribution to the industry over 26 years;
- A plea of guilty entered at an early stage; and
- There was no evidence of the item being used.

10. Following the plea of guilty the matter was adjourned for Mr McDonald to provide further submissions in relation to penalty.

11. On 28 November 2022 further submissions were made and evidence was given from a number of witnesses on Mr McDonald's behalf.

12. The decision makers adjourned the hearing to consider the evidence and submissions and determined to hand down the penalty in writing.

13. Following consideration of the material and submissions, the decision makers found the charge proven and take the following disciplinary action against Mr McDonald:

Charge 1 (Rule 86B(1)(a)): Withdrawn; and

Charge 2 (Rule 86B(1)(b)): To suspend Mr McDonald for a period of 8 months; with 4 months conditionally suspended for a period of 12-months subject to him not breaching this rule or any like rule in this period.

14. In taking this disciplinary action, the decision makers considered all evidence, including:

- Mr McDonald and his legal representative were able to prove that special circumstances existed in this case and therefore a 12-month disqualification was the appropriate starting point.
- The length of time Mr McDonald has held a registration in varying capacities, a period of approximately twenty-six (26) years;
- Having regard to penalty precedents and all the factors in the mitigation the decision-makers considered that the 12-month disqualification should be reduced to a suspension;
- Mr McDonald's exemplary disciplinary history, this being his first offence;

- Mr McDonald volunteered the lure to the Inspectors;
- Mr McDonald's guilty plea at the earliest opportunity which afforded him a reduction of penalty of 25%. A 25% discount on penalty was applied, reducing the penalty from a 12-month suspension to a penalty of a 9-month suspension; and
- The submissions made on Mr McDonald's behalf, including the significant financial impact a period of suspension will have on Mr McDonald, noting that this is his sole form of income. The decision makers determined that a further 1-month reduction should be applied due to this submission, resulting in a total suspension period of 8 months.

15. Decision makers determined that the penalty would commence on Tuesday 6 December 2022. Accordingly, it will expire on 5 April 2023.

.....End.....