27 August 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**KATHRYN MEDCRAFT**

**Date of hearing:** 9 August 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Dr June Smith.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mrs Kathryn Medcraft did not attend the hearing.

**Charge:** Greyhounds Australasia Rule (“GAR”) 86(p) states:

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

(p) disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing.

GAR 86(o) states:

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

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct.

GAR 86(f)(i) states:

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-

(i) a Steward.

GAR 86(e) states:

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

(e) being an owner, trainer, attendant or a person having official duties in relation to greyhound racing, refuses or fails to attend or to give evidence at an inquiry, or produce a document or other thing in relation to an investigation, examination, test or inquiry pursuant to these Rules when directed by the Controlling Body, Stewards or the committee of a club to do so.

**Particulars of charge: Charge 1: GAR 86(p)**

You, being a person registered with Greyhound Racing Victoria, disobeyed or failed to comply with the lawful order of a person having official duties in relation to greyhound racing, in that:

1. You were, at all relevant times, a trainer/breeder registered with Greyhound Racing Victoria (GRV) (Member No. 164570) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 11 December 2019, you were presented with a written direction (lawful order) to hand over your mobile phone for examination as part of an investigation.
3. You disobeyed or failed to comply with the written direction (lawful order).

**Charge 2: GAR 86(o)**

You, being a person registered with Greyhound Racing Victoria, done a thing, which, in the opinion of the Stewards, was improper and/or constitutes misconduct, in that:

1. You were, at all relevant times, a trainer/breeder registered with Greyhound Racing Victoria (GRV) (Member No. 164570) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 11 December 2019, during the course of an inquiry, you engaged in behaviour which in the opinion of the Investigative Stewards was improper and/or constituted misconduct. This behaviour included the following statement directed at the Stewards:
* *“Do you want to see dick pics too?”*
* *“I’ll hand you my GRV licence and use can piss off.”*
* *“If you’re worried about him getting violent you want to worry about me.”*
* *“Have a look at all the fanny and dick pics on there.”*
* *“That’s the baton he’s going to hit me with, but apparently it’s a microchip scanner.”*
* *“There’s no fucking firearm, go and look.”*

**Charge 3: GAR 86(f)(i)**

You, being a person registered with Greyhound Racing Victoria, did publish or cause to be published the use of contemptuous, improper, insulting or offensive language in relation to a Steward, in that:

1. You were, at all relevant times, a trainer/breeder registered with Greyhound Racing Victoria (GRV) (Member No. 164570) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 11 December 2019, you published on a social media platform known as Facebook a photograph of two (2) Investigative Stewards accompanied by the following statement:
* *“These are the two fucking grv grub rocked up to my house [registration number omitted] number plate grv you are grubs”*

**Charge 4: GAR 86(p)**

You, being a person registered with Greyhound Racing Victoria, disobeyed or failed to comply with the lawful order of a person having official duties in relation to greyhound racing, in that:

1. You were, at all relevant times, a trainer/breeder registered with Greyhound Racing Victoria (GRV) (Member No. 164570) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 16 December 2019, you were served with a written direction (lawful order) to remove offensive photographs and comments published on your Facebook page towards Investigate Stewards (as per the direction).
3. You disobeyed or failed to comply with the Lawful Order.

**Charge 5: GAR 86(e)**

You, being a person registered with Greyhound Racing Victoria, failed to attend an inquiry in relation to an investigation when directed by Stewards, in that:

1. You were, at all relevant times, a trainer/breeder registered with Greyhound Racing Victoria (GRV) (Member No. 164570) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 30 January 2020, you were sent via registered post, a Notice of Inquiry scheduled for 19 February 2020.
3. You did not make any attempt to contact Investigative Stewards in relation to your attendance at this inquiry.
4. On 18 February 2020, a follow up email was sent to you requesting your attendance at the inquiry, no response was received.
5. You failed to attend the scheduled inquiry on 19 February 2020 as directed by a Steward.

**Plea:** Not guilty to all charges

**PENALTY**

1. Mrs Kathryn Medcraft is a registered greyhound trainer and breeder. Her registration has been suspended since 12 December 2019, as a result of a Stewards investigation into certain conduct of hers pending the hearing and determination of charges against her.
2. Mrs Medcraft, on 24 March 2021, was found guilty by the Tribunal of three charges under Greyhounds Australasia Rule (“GAR”) 86(p), 86(f)(i) and 86(e) respectively.
3. Our reasons for decision on the appropriate penalties to be imposed for those offences should be read together with the decision of 24 March 2021.
4. In setting penalties, we take into account the seriousness of the offences. Failure to comply with a lawful order of the Stewards undermines the integrity of greyhound racing. The same applies to behaviour which is insulting to the Stewards, whose roles are integral to maintain a level playing field in the industry.
5. We also take into account general deterrence and the importance of participants treating Stewards respectfully. We further take into account recent penalties in like matters.
6. On the charge under GAR 86(p), we take into account that Mrs Medcraft had initially complied with the request of the Stewards to hand over her mobile phone until her partner snatched the phone from the Stewards. As with the other charges, we also take into account her lack of remorse and lack of any insight into her wrongdoing.
7. On the charge under GAR 86(f)(i), Mrs Medcraft’s conduct was appalling. Her disrespectful treatment of the Stewards on social media was something that should never be seen in the industry and brings discredit on it. Further, Mrs Medcraft admitted to making a scandalous post, but pleaded not guilty. We also take into account Mrs Medcraft’s previous offence in 2010 for derogatory comments of the Stewards published on Facebook.
8. On the charge under GAR 86(e), we take into account Mrs Medcraft’s supposed lack of availability to attend a Stewards’ inquiry. An aggravating factor is her failure to advise the Stewards of that fact and cooperate in attending at a time which did suit her.
9. In all the circumstances, we impose the following penalties:

Charge 1: GAR 86(p) – six months disqualification, to be served concurrently with the penalty imposed on charge 5.

Charge 3: GAR 86(f)(i) – two years disqualification.

Charge 5: GAR 86(e) – 12 months disqualification, to be served cumulatively with the penalty imposed on charge 3.

1. A total penalty of three years disqualification is imposed on Mrs Medcraft, with effect from 12 December 2019.
2. An opportunity was provided for Mrs Medcraft to participate in the penalty hearing, but she declined to do so. That was an action against her own interests.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal