17 November 2021

**RULING**

**GREYHOUND RACING VICTORIA**

**and**

**LUCKIE KARABITSAKOS**

**Date of hearing:** 17 November 2021

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Ms Sharn Coombes, instructed by Mr Marwan El-Asmar, appeared on behalf of the Stewards.

Mr Lynton Hogan represented Mr Luckie Karabitsakos.

Mr Luckie Karabitsakos attended the hearing.

**Charges:** Greyhounds Australasia Rule (“GAR”) 86(h)(i) states:

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

(h) prevents, attempts to prevent, interferes with or attempts to interfere with the carrying out of any identification, examination, test, autopsy, analysis, inquiry or investigation pursuant to these Rules;

(i) for the avoidance of doubt a test includes, but is not limited to, the collection of a sample pursuant to Rule 80.

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 79A(7) states:

If any substance or preparation that could give rise to an offence under this rule if administered to a greyhound at any time is found at any time at any premises used in relation to the training or racing of greyhounds then any registered person who owns, trains or races or is in charge of greyhounds at those premises is deemed to have the substance or preparation in their possession and such person shall be guilty of an offence and liable to penalty.

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, which, in the opinion of the Stewards or the Controlling Body is improper and constitutes misconduct.

**Particulars of charges: Charge 1: GAR 86(h)(i)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 12 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Race Stewards were conducting urine swab collection testing from greyhounds at the Cranbourne Greyhound Racing Club.
3. On 12 August 2021, you attended the Cranbourne Greyhound Racing Club with two (2) GRV registered unnamed greyhounds. You were advised by GRIU Stewards that a urine sample from one (1) of the unnamed greyhounds will be collected.
4. You became agitated and swore at GRIU Stewards, returned to your vehicle, and drove off from the Cranbourne Greyhound Racing Club, in doing so prevented GRIU Stewards from collecting a urine sample from either of the two (2) unnamed greyhounds.

 **Charge 2: GAR 86(f)(i)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 12 August 2021, you attended the Cranbourne Greyhound Racing Club with two (2) GRV registered unnamed greyhounds.
3. On 12 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Stewards engaged in a discussion with you in the carpark of the Cranbourne Greyhound Racing Club in relation to attempting to collect a urine sample from one (1) of the unnamed greyhounds.
4. During the discussion with GRIU Stewards, you engaged in improper, insulting and offensive language towards GRIU Stewards, in that you stated:
5. “This is fucking bullshit”.
6. “They are fucking twelve (12) month old pups”.
7. “You are being fucking stupid”.
8. “I don’t care if I lose my licence over this shit”.

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

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 14 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Stewards and Investigative Stewards attended your registered kennel address in Pearcedale, Victoria to conduct a property inspection and obtain Out of Competition (“OOCT”) swabs.
3. During the course of the property inspection, you became agitated and abusive towards GRIU Stewards and Investigative Stewards, where you stated:
4. “Fuck. I’m telling you now, get the fuck out of here”.
5. “I just want you to get your shit and disappear now. Fuck”.
6. As a result of your behaviour and your continued requests to get off your property, the Stewards left your premises.
7. You prevented the GRV stewards from collecting urine samples pursuant to these rules.

**Charge 4: GAR 86(f)(i)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 14 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Stewards and Investigative Stewards attended your registered kennel address in Pearcedale, Victoria to conduct a property inspection and obtain Out of Competition (“OOCT”) swabs.
3. On 14 August 2021, during the property inspection, you engaged in improper, insulting and offensive language towards GRIU Stewards, in that you stated:
4. “Fuck. I’m telling you now, get the fuck out of here”.
5. “I just want you to get your shit and disappear now. Fuck.”

**Charge 5: GAR 79A(7)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 14 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Stewards and Investigative Stewards attended your registered kennel address in Pearcedale, Victoria to conduct a property inspection and conduct Out of Competition (“OOCT”) swabs.
3. On 14 August 2021 during the property inspection, GRIU Investigative Stewards located and photographed a Permanently Banned Prohibited Substance, namely Cannabis, inside a clear plastic bag within a draw to a bench that was located inside your kennel area. This bench had a number of greyhound food bowls containing food in it at the time.
4. On 19 August 2021, during an inquiry you identified the contents of the bag by stating:

*Chairman: “Located in this photo in the bottom right-hand corner on display here or the bottom left-hand corner for your view is there a clear plastic bag containing green material which you have already identified on Saturday to me”?*

*Mr Karabitsakos: “Yes”.*

*Chairman: “Can you explain to me what that is”?*

*Mr Karabitsakos: “That is a prescribed medicine for my brother-in-law”.*

*Chairman: “So what is it”?*

*Mr Karabitsakos: “Cannabis”.*

**Charge 6: GAR 86(p)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 14 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Stewards and Investigative Stewards attended your registered kennel address in Pearcedale, Victoria to conduct a property inspection and conduct Out of Competition (“OOCT”) swabs.
3. On 14 August 2021 during the property inspection, GRIU Investigative Stewards issued you a verbal Lawful Direction to produce the Permanently Banned Prohibited Substance, namely Cannabis.
4. On 14 August 2021, you failed to comply with the lawful direction and stated:

*Chairman: “The second thing is I need to give you a lawful direction. What's the current time, 1336”.*

*Mr Karabitsakos: “Mm, mm”.*

*Chairman: “To produce the marijuana (Cannabis) that I saw for inspection”.*

*Mr Karabitsakos: “It's not - - no it's gone. It's flushed down the toilet, it's gone.”*

 **Charge 7: GAR 86(o)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 243118) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 14 August 2021, Greyhound Racing Integrity Unit (“GRIU”) Stewards and Investigative Stewards attended your registered kennel address in Pearcedale, Victoria to conduct a property inspection and conduct Out of Competition (“OOCT”) swabs.
3. On 14 August 2021 during the property inspection, GRIU Investigative Stewards located a Permanently Banned Prohibited Substance, namely Cannabis, inside a clear plastic bag within a draw that was located inside your kennel area that was removed during the property inspection without the knowledge of the GRIU Investigative Steward.
4. On 14 August 2021, during an inquiry at your registered kennel address, your partner, Ms Josephine Lardieri admitted to removing and allegedly disposing of the Permanently Banned Prohibited Substance, namely Cannabis, from your kennel area.
5. On 19 August 2021, during the inquiry held with you, you admitted to instructing Ms Lardieri to dispose of the Permanently Banned Prohibited Substance, namely Cannabis, and stated during the inquiry:

*Mr Karabitsakos: “ I told her to go and throw it out”.*

In the opinion of the stewards, you have, in relation to greyhound racing, engaged in conduct which was improper and constitutes misconduct.

**RULING**

A preliminary dispute has arisen in this matter, which involves a number of charges, some pursuant to Greyhounds Australasia Rule (“GAR”) 86(f) and 86(h). The dispute centres upon the fact that three relatively small redactions have been made by the Stewards from the transcript of the interviews conducted at the kennels of trainer, Mr Luckie Karabitsakos, on 14 August 2021.

Ms Sharn Coombes of counsel, appearing on behalf of the Stewards, has very properly admitted that the redactions have been made, but argues that they concern operational matters and are not relevant to the issues potentially in dispute or relied upon in order to make out the case against Mr Karabitsakos. Mr Lynton Hogan of counsel, appearing on behalf of Mr Karabitsakos, argues that he should be given access to the redacted material so that its relevance or importance can be assessed.

Ultimately, effectively, it was agreed that the redacted material should be forwarded to me and that I should determine whether it should be released to Mr Hogan and Mr Karabitsakos.

The material was forwarded to me. The total of it is a little over 18 lines. It could be described as concerning operational matters. My guess would be that it found its way onto the transcript because the Chairman, Mr Kirk Branton, whilst at the kennels had on his belt a recording device, but used his mobile phone to give a few instructions and report on progress to his colleagues. Hence, his end of these brief conversations was picked up by the belt recording device and appeared on the transcript.

The options appear to be that I reject Mr Hogan’s application at this stage and the Tribunal considers it subsequently during the conduct of the hearing, if it becomes apparent that the application should be so reconsidered, or that I order that the redacted material be released now to Mr Hogan.

This, hopefully, is a practical Tribunal. As stated, I have read the material. It seems to me to be completely harmless and containing no information that damages or enhances the case of either party. It seems to me to be irrelevant. Nor do I see how it could hamper or affect the *modus operandi* of the Stewards in other cases.

In those circumstances, it seems to me that the three items of redacted material should be released to Mr Hogan and Mr Karabitsakos for their consideration. That seems to me to be fair and reasonable and should also bring to an end the inevitable speculation that would otherwise arise as to the content of the edited material.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal