10 January 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**LORENZO CARBONE**

**Date of hearing:** 20 December2023

**Panel:** Judge John Bowman (Chairperson), Ms Maree Payne and Ms Melissa Mahady.

**Appearances:** Ms Amara Hughes, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.

Mr Lynton Hogan represented Mr Lorenzo Carbone.

**Charges:** Greyhounds Australasia Rule (“GAR”) 34(1) states:

(1) Except in the circumstance stated in subrule (7) of this rule or unless permission is granted otherwise by a Controlling Body, a greyhound must at all times be kept at the registered address of its trainer or owner.

GAR 156(f)(ii) states:

An offence is committed if a person (including an official):

(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:

(ii) constitutes misconduct or is negligent or improper;

GAR 165(a) states:

An offence is committed if a person (including an official):

(a) commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

**Particulars: Charge 1: GAR 34(1)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 42858) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 1 March 2023, you attended the offices of GRV for the purposes of an inquiry conducted by Investigative Stewards, where it was established that;

(a) You were at all relevant times the person responsible for the greyhound “Rock Lily” (NEBNS);

(b) From on or about 9 January 2023 Rock Lily was not being kept at the registered address of its trainer or owner;

(c) Permission had not been granted otherwise by the Controlling Body (GRV).

**Charge 2: GAR 156(f)(ii)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 42858) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You have, in relation to a greyhound or greyhound racing, omitted to do something, which, in the opinion of the Stewards was negligent, in that;

(a) You were at all relevant times the person responsible for the greyhound “Rock Lily” (NEBNS);

(b) On 25 January 2023, you arranged and facilitated the care and custody of Rock Lily to that of a non-participant third party, Ms Ida Luppino;

(c) You did not inspect Rock Lily prior to it being re-located to the care and custody of Ms Luppino;

(d) You did not visit the premises of Ms Luppino to ensure it was compliant with the welfare requirements of the keeping of greyhounds prior to relocating Rock Lily to that location.

**Charge 3: GAR 165(a)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 42858) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You engaged in conduct which is detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing, in that;

(a) You were at all relevant times the person responsible for the greyhound “Rock Lily” (NEBNS);

(b) On 25 January 2023, you arranged and facilitated the care and custody of Rock Lily to that of a non-participant third party, Ms Ida Luppino;

(c) You did not inspect Rock Lily prior to it being re-located to the care and custody of Ms Luppino;

(d) You did not visit the premises of Ms Luppino to ensure it was compliant with the welfare requirements of the keeping of greyhounds prior to relocating Rock Lily to that location;

(e) On 27 January 2023, Rock Lily died in unknown circumstances when in the care and custody of Ms Luppino.

**Charge 4: GAR 34(1)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 42858) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 1 March 2023, you attended the offices of GRV for the purposes of an inquiry conducted by Investigative Stewards, where it was established that:

(a) You were at all relevant times the owner and the person responsible for the greyhound “Fernando Bubbles” (NIDWS);

(b) From on or about 23 November 2022 Fernando Bubbles was not being kept at the registered address of its trainer or owner;

(c) Permission had not been granted otherwise by the Controlling Body (GRV).

**Charge 5: GAR 156(f)(ii)**

1. You were, at all relevant times, a trainer, owner and breeder registered with Greyhound Racing Victoria (GRV) (Member No. 42858) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You have, in relation to a greyhound or greyhound racing, done something which, in the opinion of the Stewards was negligent, in that:

(a) You were at all relevant times the owner and the person responsible for the greyhound “Fernando Bubbles” (NIDWS);

(b) From on or about 23 November 2022 Fernando Bubbles was not being kept at the registered address of its trainer or owner, but in the care of Mr Kenneth Buxton and Ms Bianca Reed, without permission from the Controlling Body (GRV);

(c) On 19 December 2023, you completed a Transfer Key (since expired) transferring Fernando Bubbles to Ms Leanne Reed (326577), another third party, you had not known nor ever met;

(d) The attempt to transfer the ownership of Fernando Bubbles was negligent.

**Charge 6: GAR 165(a)**

1. You were, at all relevant times, a trainer, owner and breeder registered with Greyhound Racing Victoria (GRV) (Member No. 42858) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You engaged in conduct which is detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing, in that:

(a) You were at all relevant times the owner and the person responsible for the greyhound “Fernando Bubbles” (NIDWS);

(b) From on or about 23 November 2022 Fernando Bubbles was not being kept at the registered address of its trainer or owner, but in the care of Mr Kenneth Buxton and Ms Bianca Reed, without permission from the Controlling Body (GRV);

(c) You failed to ensure that the property where ‘Fernando Bubbles’ was being kept was compliant with the welfare requirements of the keeping of greyhounds;

(d) On 5 February 2023, Fernando Bubbles was euthanised by a GRV Veterinarian due to poor health and condition.

**Pleas:** Guilty

**DECISION**

Mr Lorenzo Carbone has pleaded guilty to a total of six charges. Three charges relate to the dog “Rock Lily”, three to the dog, “Fernando Bubbles”.

We say at the outset that in this case there has been agreement between the parties as to the total penalty to be imposed and substantial agreement as to the breakdown of the individual penalties.

Of course, the ultimate penalties are matter for us to decide. However, when parties agree upon the penalties and the parties are represented by counsel as experienced as Ms Hughes, on behalf of the Stewards, and Mr Hogan, on behalf of Mr Carbone, we give earnest consideration to the suggested penalties.

The charges concerning Rock Lily involve Greyhounds Australasia Rule (“GAR”) 34(1), 156(f)(ii) and 165(a). In essence, Mr Carbone failed at all times to keep the dog at his address as the trainer. Secondly, he housed the dog with a non-participant. Thirdly, whilst the dog was with the non-participant, it died in unknown circumstances. We would add that there is no suggestion that the death of the dog was directly attributable to the behaviour of Mr Carbone.

The charges involving Fernando Bubbles are similar. Again, the charges are pursuant to 34(1), 156(f)(ii) and 165(a). It is asserted that the dog was not kept at all times at the registered address of Mr Carbone as its trainer. For the relevant period, the dog was kept in the care of other persons. The transfer was negligent. Ultimately, the dog was euthanised on 2 February 2023 due to its poor health and condition.

We accept that no relevant prior offences are alleged against Mr Carbone. We also accept that he is of good character and some powerful references to that effect were placed before us. We note that he is a hobby trainer, being in full time employment outside the industry. He has been a hobby trainer for a few years. He is not as familiar with the Rules and procedures as he should have been. We accept that normally he looks after his dogs well, and there are reports from two veterinary surgeons to that effect. Unfortunately, the charges flowed from his ignorance of or non-compliance with the Rules.

As there are upcoming hearings concerning some other persons involved in the sequence of events, we will not go into the details of these charges in greater lengths.

We turn now to the penalties as we find them and these are in accordance with the suggestion of Ms Hughes, on behalf of the Stewards. They are as follows.

Charge 1: one month suspension, wholly concurrent with the penalty imposed on Charge 6.

Charge 2: two month suspension, wholly concurrent with the penalty imposed on Charge 6.

Charge 3: three month suspension, wholly concurrent with the penalty imposed on Charge 6.

Charge 4: one month suspension, wholly concurrent with the penalty imposed on Charge 6.

Charge 5: two month suspension, wholly concurrent with the penalty imposed on Charge 6.

Charge 6: six month suspension.

Thus, the bottom line is suspension for a period of six months. Mr Hogan, on behalf of Mr Carbone, agreed with these penalties, save that he questioned whether the penalty for Charge 6 should be the sole principal penalty. Ultimately, he had no real disagreement with the proposed penalties.

We consider them to be fair and appropriate. Thus, Mr Carbone is suspended for a period of six months.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal