

22 February 2023

DECISION

GREYHOUND RACING VICTORIA

and

ANTHONY EBAYER

Date of hearings: 17 October 2023 and 9 February 2023

Panel: Judge John Bowman (Chairperson) and Mr Greg Childs.

Appearances: Ms Yana Podolskaya appeared on behalf of the Stewards.
Mr Anthony Ebayer represented himself.

Charges and particulars:

Charge No. 1 of 2

Greyhounds Australasia Rule 104(6)(c) reads as follows:

Rule 104 Suitability, availability and restrictions on conduct of Stewards and officials

(6) An official officiating in a capacity that may have an affect on the result of an Event shall not-

(a) own, train or lease a greyhound in the Event;

(b) adjudicate on a matter in which he is involved in a personal as opposed to an official capacity; or

(c) directly or indirectly engage in any betting transaction on that event.

Particulars of Charge

1. Between 1 January 2021 and 30 September 2021 you directly or indirectly engaged in 5362 betting transactions in relation to the events identified in Schedule A held at Healesville Greyhound Racing Association (**the Events**).

2. You were an official for each of the Events.
3. You were officiating in a capacity that may have had an effect on the result of each of the Events, in that you were a:
 - (a) starter at the Events conducted on 3 January 2021, 6 January 2021, 19 January 2021, 24 January 2021, 26 January 2021, 2 February 2021, 7 February 2021, 12 February 2021, 14 February 2021, 19 February 2021, 21 February 2021, 23 February 2021, 26 February 2021, 2 March 2021, 6 March 2021, 7 March 2021, 9 March 2021, 12 March 2021, 14 March 2021, 16 March 2021, 21 March 2021, 23 March 2021, 30 March 2021, 6 April 2021, 9 April 2021, 11 April 2021, 13 April 2021, 18 April 2021, 20 April 2021, 23 April 2021, 25 April 2021, 27 April 2021, 2 May 2021, 4 May 2021, 9 May 2021, 11 May 2021, 14 May 2021, 16 May 2021, 18 May 2021, 21 May 2021, 25 May 2021, 28 May 2021, 30 May 2021, 1 June 2021, 4 June 2021, 6 June 2021, 8 June 2021, 11 June 2021, 13 June 2021, 15 June 2021, 18 June 2021, 20 June 2021, 22 June 2021, 25 June 2021, 28 June 2021, 29 June 2021, 2 July 2021, 6 July 2021, 9 July 2021, 11 July 2021, 13 July 2021, 16 July 2021, 18 July 2021, 20 July 2021, 23 July 2021, 25 July 2021, 27 July 2021, 30 July 2021, 1 August 2021, 3 August 2021, 6 August 2021, 8 August 2021, 10 August 2021, 15 August 2021, 17 August 2021, 22 August 2021, 24 August 2021, 26 August 2021, 29 August 2021, 30 August 2021, 2 September 2021, 3 September 2021, 5 September 2021, 7 September 2021, 10 September 2021, 12 September 2021, 19 September 2021, 21 September 2021, 24 September 2021, 26 September 2021 and 28 September 2021, each of which were Events on which you engaged in the betting transactions listed in Schedule A;
 - (b) kennel supervisor at the Events conducted on 17 January 2021, 31 January 2021, 5 February 2021, 19 March 2021, 26 March 2021, 7 May 2021 and 4 July 2021, each of which were Events on which you engaged in the betting transactions listed in Schedule A;

- (c) kennel attendant at the Events conducted on 19 January 2021, 22 January 2021, 31 January 2021, 2 February 2021, 5 February 2021, 9 February 2021, 21 February 2021, 9 March 2021, 16 April 2021, 18 April 2021, 27 April 2021, 28 June 2021 and 16 July 2021, each of which were Events on which you engaged in the betting transactions listed in Schedule A.

Charge No. 2 of 2

Greyhounds Australasia Rule 86(d) reads as follows:

Rule 86 A person (including an official) shall be guilty of an offence if the person-

(d) being an owner, trainer, attendant or person having official duties in relation to greyhound racing, makes a false or misleading statement in relation to an investigation, examination, test or inquiry, or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound.

Particulars of Charge

1. You are, and were at all relevant times, an owner licensed by Greyhound Racing Victoria (licence number 2186) and a person bound by the Greyhound Australasia Rules.
2. On 30 September 2021, Stewards opened an Inquiry with you regarding your wagering activity in respect of Events in which you were an official.
3. During this Inquiry, you made a false and misleading statement in relation to an investigation or inquiry, in that you denied placing bets on Events held at the Healesville Greyhound Racing Association on 28 September 2021 and:
 - (a) wagering data indicates you placed 85 bets on Events held at the Healesville Greyhound Racing Association on 28 September 2021; and
 - (b) you later stated to Stewards on 30 September 2021 that you placed bets on Events held at the Healesville Greyhound Racing Association on 28 September 2021.

Pleas: Guilty both charges

DECISION

Mr Anthony Ebeyer, you have been charged with a breach of GAR 104(6)(c) and of GAR 86(d). You have pleaded guilty to both offences.

The more serious offence is clearly the breach of GAR(6)(c) and we shall deal with it before turning to the other offences.

At all relevant times for the purposes of GAR 104(6)(c) you were an official, officiating at the Healesville Greyhound Association track. Between 1 January 2021 and 30 September 2021, you engaged in 5,362 betting transactions in relation to events at that track.

For the majority of the occasions on which you placed such bets, you were acting in the capacity of starter. There is no suggestion that on any of the occasions, whether you were the starter or otherwise you engaged in any activity that in any way affected the outcome of a race or affected the performance of a dog.

The reason for the staggeringly large number of bets was that you were engaged in “system betting”. An acquaintance introduced you to this, and it obviously became something of an obsession. It consumed hours of your time. Apparently, you did run at a profit, which is more than can be said of most “systems”, but you became somewhat obsessed with it, and, as said, it took a large amount of your time. You have since made an attempt to get away from this obsession, and you seem to have been successful in so doing.

That is not to excuse what you did. The role of starter is an important one. As stated, there is no suggestion that at any time your betting affected your work. In addition, the safeguard which the Stewards have in place, and for which they are to be congratulated, are thorough and the chances of a starter being able to affect the outcome of a race are slim indeed. However, officials betting on the racing industry in which they are engaged is a very bad look indeed. Further, your betting was not a “one off” affair. It was more like a business, with thousands of bets involved.

In relation to your personal background, you have been registered as a greyhound owner since 1 October 1985 and were still so registered at the time of these offences. Indeed, your current registration does not expire until 30 June 2027. You also completed four competency visits as a breeder. Either in your own name or other name of a syndicate, you are currently registered as an owner or part owner of some 33 greyhounds. You are a keen breeder and it is as an

owner and breeder that you have been involved in the industry apart from your employment at Healesville. You obviously love the dogs and the industry.

There is no suggestion of you having previously infringed any Rule or committed any offence. In other words, you have an excellent record.

As we understand it, you have retired from your previous full-time employment. You are 64 years of age. You live on a 27 acre property in Seville. Your wife also lives on the property. It was formerly some kind of health institution and has upon it three houses. You and your wife live in one of the houses, and the others are not occupied on a full-time basis. The kennels, facilities, a small track and the like are approximately 100-120 metres from your residence. You breed greyhounds and give them some early training. Your son, Mitchell, is also a licensed person and visits regularly, assisting with the work with the greyhounds. On occasions he and his partner may stay on the property, but they normally reside elsewhere.

We have gone into details of the set-up at your property because we have made no secret of the fact that you are looking at a period of disqualification. If that be so, the question of whether you could continue to live at the property, or alternatively whether the dogs, kennels and the like can continue there, potentially is a live issue. Because of this, we delayed our decision until the decision in the VCAT appeal of *Greyhound Racing Victoria v Divirgilio* was handed down. That certainly had some bearing on our decision.

Following the handing down of that decision on 7 December 2022, we completed the hearing of your case. In *Divirgilio*, the Tribunal's power to permit a disqualified person to remain on registered premises was relied upon. VCAT upheld the power of the Tribunal to permit a disqualified person to continue to reside at registered premises where greyhounds also resided. In fact, Mr Divirgilio was permitted to carry out some very minor duties involving greyhounds which were kennelled on the premises, but were trained by his partner, who was also a registered trainer.

Insofar as this issue may involve a question of law, it is decision of the chairperson, with the assistance of Mr Childs, but determined entirely solely by the chairperson.

The decision of VCAT affirming the decision of this Tribunal seems to be correct and will be followed. We can attach some terms to the disqualification. Accordingly, we will permit Mr Ebeyer to continue to reside at his present property. The greyhounds need not be removed and can continue to be prepared for a racing career at the property. This can be done by Mr Mitchell Ebeyer or another duly licensed person. However, you, Mr Anthony Ebeyer, can play no part in this. The greyhounds can continue to reside and undergo preliminary training on the property. That must be by a licensed person, but not by you. Only in the event of an emergency, such as a fire, can you have any personal contact with the dogs.

Accordingly, our decision is this. On Charge 1, you are disqualified for a period of twelve months. Bearing in mind the penalties imposed in other cases, both in the greyhound and equine industries, this seems to us to be a fair and just outcome. We repeat that you have an excellent record and there is no suggestion that your betting activities in any way impacted upon your duties as a starter or general employee or on the way in which you carried out your duties. However, a period of disqualification of this nature and for 12 months is certainly warranted.

You are also charged with a breach of GAR 86(d). During the Stewards inquiry, you made a false and misleading statement to them.

Initially, you denied making any bets on events at Healesville on 28 September 2021, and on events in which you were an official. Wagering data in fact revealed that you had 85 bets. Later on the same day you admitted that you had placed such bets.

The Stewards have enough to do without having to waste time as a result of being misled. In the present case, you righted the situation by admitting that you had lied and made that admission on the same day, namely 30 September 2021.

Accordingly, not much of the time of the Stewards was wasted as might otherwise have been the case. Nevertheless, you did mislead them and did give them false information concerning a quite complicated and serious matter.

In all the circumstances, on Charge 2, you are fined the sum of \$500. In summary, you are disqualified for a period of 12 months, but you are permitted to continue to reside at your present residence. You are not permitted to have any contact – with the dogs kennelled on the property – that is, you cannot take any active role in their maintenance or training during the period of disqualification. You are also fined the sum of \$500.

Mark Howard
Registrar, Victorian Racing Tribunal