

21 November 2024

DECISION

GREYHOUND RACING VICTORIA

and

STEVEN WALTERS

- Date of hearing:** 11 November 2024
- Date of decision:** 21 November 2024
- Date of reasons:** 21 November 2024
- Panel:** Judge John Bowman (Chairperson), Dr June Smith and Ms Judy Bourke.
- Appearances:** Mr Steven Brnovic, instructed by Ms Yana Podolskaya, appeared on behalf of the Stewards.
Mr Steven Walters did not attend the hearing.
Ms Ellisa Franklin appeared as a witness.
Mr Chris Gawne appeared as a witness.
- Charges:** Greyhounds Australasia Rule ("GAR") 156(v) states:
An offence is committed if a person (including an official):
(v) in the opinion of the Controlling Body or its Stewards, is guilty of neglect or any dishonest, corrupt or improper act or practice in connection with the breeding, registration, sale or transfer of greyhounds, or has attempted such an act or practice
- GAR 156(d) states:
An offence is committed if a person (including an official):
(d) attempts or conspires with another person to commit a breach of the Rules.

GAR 164(b) states:

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

(b) refuses or fails to attend or to give evidence at an inquiry (or at any other disciplinary process, hearing or appeal proceeding) or produce a document or other thing in relation to an investigation, examination, test or inquiry (or other disciplinary process, hearing or appeal proceeding) pursuant to the Rules when directed by a Controlling Body, the Stewards, or another authorised person.

Particulars:

Charge 1: GAR 156(v)

1. On 8 October 2022, you lodged an application with Greyhound Racing Victoria (GRV) (Member No. 329473) to be registered as a trainer.
2. On or about 20 October 2022, you purchased the greyhound "Gai Water Star", and had its ownership placed in the name of GRV participant John Pizanis.
3. On 24 January 2023, your application for registration as a trainer lapsed.
4. To enable Gai Water Star to be eligible to race, you have continued to have John Pizanis as the registered owner of the greyhound.
5. In the opinion of the Stewards, you have engaged in a dishonest and/or improper act and/or practice in connection with the registration, sale, or transfer of the greyhound Gai Water Star.

Charge 2: GAR 156(d)

1. On 8 October 2022, you lodged an application with Greyhound Racing Victoria (GRV) (Member No. 329473) to be registered as a trainer.

2. On or about 20 October 2022, you purchased the greyhound “Gai Water Star”, and had its ownership placed in the name of GRV participant John Pizanis.
3. On 24 January 2023, your application for registration as a trainer lapsed.
4. To enable Gai Water Star to be eligible to race, you have continued to have John Pizanis as the registered owner of the greyhound.
5. You conspired with another person, being John Pizanis to commit a breach Greyhounds Australasia Rule (GAR) 156(v).

Charge 3: GAR 164(b)

1. On 8 October 2022, you lodged an application with Greyhound Racing Victoria (GRV) (Member No. 329473) to be registered as a trainer.
2. On or about 20 October 2022, you purchased the greyhound “Gai Water Star”, and had its ownership placed in the name of GRV participant John Pizanis.
3. On 24 January 2023, your application for registration as a trainer lapsed.
4. To enable Gai Water Star to be eligible to race, you have continued to have John Pizanis as the registered owner of the greyhound.
5. On 11 October 2023, you were served a “Notice of Inquiry” for you to attend an inquiry on 17 October 2023 into the ownership of Gai Water Star.
6. You failed to attend the inquiry as required by the Notice of Inquiry.

Pleas: Not Guilty

DECISION

Mr Steven Walters did not appear for the hearing of the charges against him on 11 November 2024. The Assistant Registrar dialled Mr Walters into the Microsoft Teams audio link immediately prior to the hearing to ascertain if he intended to participate in the hearing. Mr Walters advised that he would take no part in the proceedings. This is consistent with his earlier behaviour in relation to the three charges which he faces.

In those circumstances, the case proceeded in his absence. We treated his pleas as being pleas of “not guilty” and required the Stewards to discharge the burden of proof – that is, to establish his guilt to our comfortable satisfaction.

The Stewards’ case was presented in a very thorough fashion by Mr Steven Brnovic of counsel. Evidence was received from Steward, Mr Chris Gawne and from Ms Ellisa Franklin, licensed industry participant. Helpful submissions were made by Mr Brnovic.

Mr Walters is facing three charges.

Charge 1 is pursuant to Greyhounds Australasia Rule (“GAR”) 156(v) – essentially engaging in a corrupt practice relating to the registration, transfer and the like of greyhounds. It is a charge which we are comfortably satisfied has been proven. It concerns the greyhound, “Gai Water Star”. Mr Walters purchased the dog on or about 20 October 2022. At the time, he was not a registered trainer. He had lodged an application to be so licensed on 8 October 2022. That application lapsed on 24 January 2023.

Mr Walters had placed the ownership of the dog in the name of Greyhound Racing Victoria (“GRV”) participant, Mr John Pizanis. We would add that Mr Pizanis has also faced charges, which were dealt with by the Tribunal differently constituted and no details of the evidence from that hearing were placed before us.

In any event, whilst Mr Walters was in fact the owner of Gai Water Star, it was placed in the name of Mr Pizanis. It in fact raced some 16 times whilst this illegal practice continued, with Mr Walters being the true owner of the dog and Mr Pizanis being listed as the registered owner.

Clearly, GAR 156(v) was breached. We are comfortably satisfied that Charge 1 has been proven.

Charge 2 is pursuant to GAR 156(d). It refers to conspiracy with another person to commit a breach of the Rules. Thus, it has much the same factual basis as Charge 1. We are comfortably satisfied that Charge 2 has been proven.

Charge 3 is pursuant to GAR 164(b) – refusing or failing to give evidence in a relevant procedure before the Stewards when required to do so. It is alleged in the charge that, on 11 October 2023, Mr Walters was served with a “Notice of Inquiry” in relation to such an inquiry being conducted on 17 October 2023, and that he failed to attend such inquiry.

We are not comfortably satisfied that this charge has been made out. GRV Stewards served the Notice of Inquiry on Mr Walters via email on 16 October 2023 at 8.11pm with the Inquiry to take place on 17 October 2023 at 11.00am. The relevant Notice was not served on Mr Walters on 11 October 2023 as alleged in the particulars of Charge 3. That is now admitted.

The inquiry was conducted over the telephone on the morning of 17 October 2023 and without the participation of Mr Walters. We are not of the view that basic principles of fairness have been observed. The charge is substantially wrong.

It contains a basic and important error. We are not comfortably satisfied that it has been made out. It is dismissed.

We turn now to the question of the appropriate penalties.

It was very fairly and properly stated by Mr Brnovic that the circumstances of the two charges considerably overlap and therefore the penalties imposed should be concurrent. We agree. He also put forward the view that the penalties imposed should be financial. Mr Walters remains, and always has been, an unlicensed person, so that penalties of suspension or disqualification may not have any great impact upon him.

In our opinion, a fine of \$5,000 should be imposed in relation to Charge 1. What he engaged in was a calculated deceit repeated many times during the relevant period. We are satisfied that that he was the instigator of this deceit. It had the capacity to reflect poorly upon the integrity of the industry.

A similar penalty is imposed in relation to Charge 2, but we agree with counsel for the Stewards that it should be concurrent with the penalty for Charge 1. The facts and circumstances are largely identical.

Thus, the following orders are made: -

On Charge 1, Mr Walters is fined \$5,000.

On Charge 2, Mr Walters is fined \$5,000, but this is concurrent with, rather than cumulative upon, the penalty on Charge 1.

Charge 3 is dismissed.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal