

Racing Appeals & Disciplinary Board

Media Release

4 April 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Tuesday, 4 April 2017
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria
Panel: Mr. Shane Marshall (Chairman), Ms. Gail Owen (Deputy
Chairman), and Mr. Phillip Davies
Name of Person Charged: Mr. Craig Treherne
Town: Lara
Track: Ballarat
Date: 22 August 2016
GAR No: 83 (1A) and 83 (2)(3)

Offences Charged: (1) Mr. Craig Treherne administered or caused to be administered a prohibited substance to the greyhound 'Cosmic Goldie' at the Ballarat meeting held on 22 August 2016.

(2) Mr. Craig Treherne failed to present the greyhound 'Cosmic Goldie' free of any prohibited substance for an event at the Ballarat meeting held on 22 August 2016.

REPORT:

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of a pre-race urine sample taken from the greyhound 'Cosmic Goldie' at the Ballarat meeting held on 22 August 2016.

During the investigation, Stewards received evidence from registered trainer Mr. Craig Treherne, Mr. David Batty (Racing Analytical Services Laboratory) and Dr. Steven Karamatic (GRV Chief Veterinarian).

After considering the evidence, Stewards charged Mr. Treherne with breaches of Greyhounds Australasia Rule 83 (1A) and 83 (2)(3) as detailed above, given that the pre-race urine sample taken from the greyhound indicated the presence of the prohibited substance arsenic at a mass concentration of greater than 800 nanograms per millilitre.

Racing Appeals & Disciplinary Board

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules breaches of GAR83 (1A) and GAR83 (2)(3) constitute Serious Offences. As a result on Tuesday, 4 April 2017 this matter was heard before the Racing Appeals and Disciplinary Board in the first instance under Greyhound Local Racing Rule 47.3 and Sections 83C(b) and 83M(1) of the Racing Act.

Mr. Craig Treherne was represented by Mr. Vince Murphy of Murphy's Lawyers Sydney.

Ms. Jade Murphy GRV Senior Lawyer instructed by Mr. Marwan El-Asmar GRV Managing Principal Lawyer represented the Stewards Panel.

Mr. Craig Treherne pleaded guilty to charge 2, as a consequence the Stewards sought, and were granted with leave, to withdraw charge 1.

DECISION:

1. Mr. Craig Treherne is a registered greyhound trainer of greyhounds and the trainer of the greyhound, "Cosmic Goldie". Cosmic Goldie competed in race 8 at Ballarat on 22 August 2016. A pre-race urine sample taken from the greyhound detected arsenic at a mass concentration of greater than 800 nanograms per millilitre.
2. Stewards of Greyhound Racing Victoria ("GRV") have charged Mr. Treherne under Greyhound Australasia Rule ("GAR") 83 (1A) with administering a prohibited substance to a greyhound, given that arsenic was detected in a sample at greater than 800 nanograms per millilitre. Mr. Treherne has also been charged under GAR83 (2) and (3) with presenting a greyhound for an event while not being free of a prohibited substance.
3. On 1 July 2016, a new urinary threshold for arsenic was introduced into the GAR by the addition of GAR83 (11) which provides as follows:-

"Arsenic at or below a mass concentration of 800 nanograms per millilitre in a sample of urine taken from a greyhound will not breach the provisions of sub-rule (1A) or (2) of this rule".
4. Arsenic is a naturally occurring trace element which is usually present in greyhounds at low levels as a result of normal dietary intake. It is a "prohibited substance" under the definition of that term in GAR 1, as it is capable of affecting a greyhound by its action on the central or peripheral nervous system. It is also listed in Schedules 1 to 9 of the Standard for the Uniform Scheduling of Drugs and Poisons (Commonwealth).
5. While some arsenic containing substances are available "over the counter" like the substances referred to in category 1 of GRV's penalty guidelines document, as in Johnson (16 February 2017) we consider arsenic to be more appropriately in category 3 as it can be a stimulant and a depressant, depending on the dosage. As we said in Johnson, "the toxicity of arsenic also raises animal welfare issues".

The Racing Appeals & Disciplinary Board (RADB) is established under section 83B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

Racing Appeals & Disciplinary Board

6. According to GRV industry veterinarian Dr. Karamatic, “the chance of a greyhound exceeding 800ng/ml without the administration of arsenic is greater than 1 in 11,000.” The actual figure from a population study is 1 in 11,878.
7. The level of arsenic detected in the current case was nearly twice the threshold; being 1563 nanograms per millilitre.
8. In previous arsenic cases, Johnson, Partington (17 February 2017) and Keene (2 March 2017) we discussed the steps taken by GRV to publicise the introduction of the new arsenic threshold and to advise trainers not to administer products containing arsenic without taking veterinary advice. We don’t propose to repeat all those warnings here.
9. Mr. Treherne told a Stewards’ inquiry into the positive swab that he was not aware of warnings by GRV and Greyhounds Australasia about the use of arsenic containing products or the increased testing for arsenic by GRV. He said that he rarely went on the GRV website. The only explanation he could offer for the positive swab was that he suspected the greyhound chewed an area of treated pine at the front of his kennel. Treated pine has been shown to contain arsenic. So much was evident from Johnson where it was accepted that the greyhound had chewed treated pine in his kennel and that activity, in all likelihood, caused the high arsenic reading. Mr. Treherne first raised the issue of treated pine when advised by GRV of the positive swab of the B sample. We are satisfied that the ingestion of treated pine by Cosmic Goldie was the likely cause of the positive swab.
10. At the commencement of the hearing the Stewards with leave withdrew the administration charge. Mr. Treherne pleaded guilty to the presentation charge. Given the similarities between this matter and the Johnson case, Mr. Treherne’s guilty plea, excellent record and character and his co-operation with the Stewards, we consider the fairest course is to impose a six months’ disqualification but fully suspend that period pending no further breaches of GAR 83 in the next 12 months. In addition we impose a fine of \$1,000. Further, Cosmic Goldie is disqualified from race 8 at Ballarat on 22 August 2016. In assessing the penalty we have taken into account specific and general deterrence, the importance of maintaining a drug free level playing field and animal welfare considerations. We also have taken into account recent penalties in like matters.

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