

Racing Appeals & Disciplinary Board

Media Release

12 January 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Thursday, 12 January 2017
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria
Panel: Mr. Shane Marshall (Chairman), Mr. Terry O'Connor (Deputy
Chairman), and Mr. David Gleeson
Name of Person Charged: Mr. Brian Brown
Town: Axedale
Track: The Meadows
Date: Wednesday, 24 August 2016
GAR No: 83 (2)(3)
Offence Charged: Mr. Brian Brown failed to present the greyhound 'Shout Out Loud'
free of any prohibited substance for an event at the Meadows
meeting held on Wednesday, 24 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 'Shout Out Loud' at the Meadows meeting held on Wednesday, 24 August 2016.

During the investigation, Stewards received evidence from registered trainer Mr. Brian Brown, Ms. Naomi Selvadurai (Racing Analytical Services Laboratory) and Dr. Steven Karamatic (GRV Chief Veterinarian).

After considering the evidence, Stewards charged Mr. Brown with a breach of Greyhounds Australasia Rule 83(2)(3) in that he failed to present the greyhound 'Shout Out Loud' free of any prohibited substance for an event at the Meadows meeting held on Wednesday, 24 August 2016 given that the pre-race urine sample taken from the greyhound indicated the presence of the prohibited substance procaine.

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules a breach of GAR83 (2)(3) constitutes a Serious Offence. As a result on Thursday, 12 January 2017 this matter was

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.

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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. Brian Brown represented himself.

Mr. Adam Purton Barrister instructed by Mr. Andrew Cusumano Solicitor Greyhound Racing Victoria represented the Stewards Panel.

Mr. Brian Brown pleaded guilty to the charge.

DECISION:

1. Mr. Brown is a registered greyhound trainer and the trainer of the greyhound "Shout Out Loud". Shout Out Loud competed in race 9 at the Meadows on 24 August 2016. A pre-race sample taken from Shout Out Loud was analyzed and indicated the presence of Procaine. Procaine is a category 2 substance under the penalty guidelines document issued by Greyhound Racing Victoria ("GRV").
2. Stewards of GRV have charged Mr. Brown under Greyhound Australasia Rule ("GAR") 83 (2)(3), with presenting a greyhound for an event whilst not being free of a prohibited substance.
3. Procaine is a prohibited substance under the GAR and is capable of affecting the condition or performance of a greyhound by inducing an artificially pain free state. It enables performance rather than enhancing performance.
4. In a recent matter of Chilcott (15 December 2016) the Board referred to the fact that many cases are coming before it where the use of knackery meat by trainers has resulted in a positive swab to a category 2 prohibited substance.
5. At paragraph 3 in Chilcott, the Board said: - "We will not repeat the many admonitions made in previous cases nor spell out the direct and cogent warnings provided in the GRV penalty guidelines and regularly disseminated by GRV. Trainers coming before this Board must understand that the industry commitment to drug free racing is not negotiable".
6. At paragraph 4 in Chilcott the Board observed that in the matters of Pattinson (2 August 2016) and Dewan (25 July 2016) an increase in penalties was foreshadowed with fines increased and consideration, in appropriate cases, being given to suspension or disqualification.
7. In this matter the event occurred after our decisions in Dewan and Pattinson. This case is one where the Board is entitled to consider raising the penalty from ones previously given. It is also relevant that Mr. Brown has a recent prior offence for a

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category 4 prohibited substance. Before this Board on 22 March 2016 Mr. Brown had been disqualified for two years with one year of that period suspended subject to no further breach of any rule relating to the treatment of greyhounds in his care and custody. The two year disqualification period was to commence on 31 March 2016. By an Order of the Victorian Civil and Administrative Tribunal ('VCAT') made on 7 June 2016 that decision was varied to the extent that the two year disqualification period was wholly suspended.

8. Mr. Brown has pleaded guilty and blamed his transgression on the use of knackery meat. However in the stewards inquiry proceeding this hearing Mr. Brown said that he would continue to use knackery meat because it was too expensive to use human consumption meat 36 to 48 hours before an event. Although Mr. Brown has now said he has changed that practice and no longer uses knackery meat.

9. Specific deterrence, general deterrence and the importance of keeping a drug free industry all dictate that a substantial financial penalty of \$2,000 be imposed on Mr. Brown. Having regard to his prior offence last year in relation to a category 4 substance we do not propose to suspend any amount of the financial penalty. We repeat the warning in Chilcott at paragraph 5 that "any participants presenting greyhounds to race and testing positive to an anti-inflammatory agent can anticipate a period of suspension or disqualification". Given that the finding of guilt today necessarily results in a breach of the terms of the suspended period of disqualification under the decision of 22 March 2016 as varied by VCAT we do not propose to add any period of suspension or disqualification to the substantial fine we have imposed. In addition, Shout Out Loud, will be disqualified from race 9 at the Meadows on 24 August 2016.

.....End.....