

## Racing Appeals & Disciplinary Board

# Media Release

18 January 2017

## Racing Appeals & Disciplinary Board

Date of Hearing: Wednesday, 18 January 2017  
Venue of Hearing: Law Institute of Victoria, 470 Bourke St, Melbourne  
Panel: Mr. Shane Marshall (Chairman), Mr. Terry O'Connor (Deputy Chairman), and Mr. Phillip Pryor  
Name of Person Charged: Mr. Gerard O'Keeffe  
Town: Neerim Junction  
Tracks: Warragul and Sandown  
Dates: 2 August 2016, 25 August 2016 and 1 September 2016  
GAR No: 83 (1A) and 83 (2)(3)

Offences Charged:

- (1) Mr. Gerard O'Keeffe administered or caused to be administered a prohibited substance to the greyhound 'Tough as Nails' at the Warragul meeting held on 2 August 2016.
- (2) Mr. Gerard O'Keeffe failed to present the greyhound 'Tough as Nails' free of any prohibited substance for an event at the Warragul meeting held on 2 August 2016.
- (3) Mr. Gerard O'Keeffe administered or caused to be administered a prohibited substance to the greyhound 'Tough as Nails' at the Sandown meeting held on 25 August 2016.
- (4) Mr. Gerard O'Keeffe failed to present the greyhound 'Tough as Nails' free of any prohibited substance for an event at the Sandown meeting held on 25 August 2016.
- (5) Mr. Gerard O'Keeffe administered or caused to be administered a prohibited substance to the greyhound 'Rosco Fields' at the Warragul meeting held on 1 September 2016.
- (6) Mr. Gerard O'Keeffe failed to present the greyhound 'Rosco Fields' free of any prohibited substance for an event at the Warragul meeting held on 1 September 2016.

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## **REPORT:**

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of the post-race and pre-race urine samples taken from the greyhounds 'Tough as Nails' and 'Rosco Fields' at the Warragul meeting held on 2 August 2016, the Sandown meeting held on 25 August 2016 and the Warragul meeting held on 1 September 2016.

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

After considering the evidence, Stewards charged Mr. O'Keeffe with breaches of Greyhounds Australasia Rule 83 (1A) and 83 (2)(3) as detailed above, given that the post-race and pre-race urine samples taken from the greyhounds indicated the presence of the prohibited substance pholcodine.

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 Wednesday, 18 January 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. Gerard O'Keeffe represented himself.

Dr. Brian Williams (Steward in Charge - Racetrack Operations) represented the Stewards Panel.

Mr. Gerard O'Keeffe pleaded guilty to the charges.

## **DECISION:**

1. Mr. Gerard O'Keeffe is a registered greyhound trainer and at all material times was the trainer of the greyhounds "Tough as Nails" and "Rosco Fields".
2. Tough as Nails competed in race 6 at Warragul on 2 August 2016. A post-race sample showed the presence of pholcodine. The positive swab was caused by Mr. O'Keeffe or his assistant administering Duro-Tuss cough mixture to Tough as Nails on 26 July 2016. Tough as Nails also raced in race 3 at Sandown on 25 August 2016. At this stage pholcodine was still in the system of the greyhound which tested positive after the taking of a pre-race sample.
3. Rosco Fields competed in race 2 at Warragul on 1 September 2016. A pre-race sample showed the presence of pholcodine. Rosco Fields had been given Duro-Tuss on 28 August 2016 by Mr. O'Keeffe.

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4. After returning from Warragul on 1 September 2016, Mr. O’Keeffe received a visit from Steward, Mr. Ron Matthews, who advised him of the first positive swab on 2 August 2016. After a discussion with Mr. Matthews, Mr. O’Keeffe acknowledged that his use of Duro-Tuss was “more than likely the cause for the irregularity”. Mr. O’Keeffe then ceased to give Duro-Tuss to his greyhounds.
5. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr. O’Keeffe with six charges. Three are made under Greyhound Australasia Rule (“GAR”) 83 (1A) for administering a prohibited substance which is detected in a sample taken from a greyhound presented for an event. Three are presentation charges made under GAR83 (2) and (3) for presenting a greyhound for an event while not being free of a prohibited substance. Two charges relate to Tough as Nails in respect of 2 August 2016. Two further charges relate to Tough as Nails in respect of 25 August 2016. Two other charges relate to Rosco Fields in respect of 1 September 2016.
6. Mr. O’Keeffe has pleaded guilty to all charges and has co-operated fully with the Stewards. We find the charges proven. Before dealing with the appropriate penalty we wish to say something briefly about pholcodine.
7. Pholcodine is a category 1 prohibited substance under the penalty guidelines document issued by GRV for which a minimum fine of \$500 is suggested. Duro-Tuss cough liquid contains pholcodine. Pholcodine is a cough suppressant. If used prior to race day it may mask the signs of kennel cough, thereby putting other greyhounds at risk from that contagious condition. In the opinion of GRV Chief Veterinarian, Dr. Karamatic, pholcodine could affect the condition or performance of a greyhound.
8. Mr. O’Keeffe treated Tough as Nails with Duro-Tuss as the greyhound had a dry, husky cough. He bought Duro-Tuss from a chemist shop on the suggestion of a friend. The cough suppressant was administered after Tough as Nails competed in an event on 26 July 2016 and had a dry cough on returning to the home kennel. As pholcodine can remain in the system of a greyhound for up to 8 weeks, it was still present in Tough as Nails when the swab was taken on 25 August 2016. Rosco Fields was given Duro-Tuss after it raced on 25 August 2016, before the positive swab on 1 September 2016.
9. In assessing penalty in this matter we take into account general deterrence, specific deterrence and the importance of keeping the industry drug free. We also take into account animal welfare considerations, prior penalties in like matters, the guilty plea and Mr. O’Keeffe’s good character. In all the circumstances we consider the appropriate penalty is a fine of \$1,500 but with \$500 of that sum being suspended pending no further breach of GAR83 in the next 12 months. We impose this penalty on the first administration charge relating to Tough as Nails on 2 August 2016. We

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also find Mr. O’Keeffe guilty on the other charges but impose no additional penalty as they arise out of the same substratum of facts as the first charge.

10. In addition Tough as Nails is disqualified from race 6 at Warragul on 2 August 2016 and race 3 at Sandown on 25 August 2016. Rosco Fields is disqualified from race 2 at Warragul on 1 September 2016. Tough as Nails is also disqualified from race 8 at Warragul on 9 August 2016, being an event in the series part of which was the event on 2 August 2016. See GAR83 (5) (b).

.....End.....