

## Racing Appeals & Disciplinary Board

# Media Release

17 January 2017

## Racing Appeals & Disciplinary Board

Date of Hearing: Tuesday, 17 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. Peter Lee  
Name of Person Charged: Mr. Robert Conway  
Town: Bunyip  
Track: Traralgon  
Date: Saturday, 3 September 2016  
GAR No: 83 (2)(3)

Offence Charged: Mr. Robert Conway failed to present the greyhound 'Gallopings Fantom' free of any prohibited substance for an event at the Traralgon meeting held on Saturday, 3 September 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 'Gallopings Fantom' at the Traralgon meeting held on Saturday, 3 September 2016.

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

After considering the evidence, Stewards charged Mr. Conway with a breach of Greyhounds Australasia Rule 83(2)(3) in that he failed to present the greyhound 'Gallopings Fantom' free of any prohibited substance for an event at the Traralgon meeting held on Saturday, 3 September 2016 given that the pre-race urine sample taken from the greyhound indicated the presence of the prohibited substance flunixin.

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 Tuesday, 17 January 2017 this matter was

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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. Robert Conway represented himself.

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

Mr. Robert Conway pleaded guilty to the charge.

### **DECISION:**

1. Mr. Robert Conway is a registered greyhound trainer and the trainer of the greyhound "Gallopig Fantom". Gallopig Fantom competed in race 4 at Traralgon on 3 September 2016. A pre-race urine sample showed the presence of flunixin.
2. Flunixin is a non-steroidal, anti inflammatory drug which has pain relief, anti inflammatory and fever reducing properties. It is capable of affecting the performance of a greyhound in a positive way by reducing pain and inflammation. It is a category 2 prohibited substance under a penalty guidelines document issued by Greyhound Racing Victoria ("GRV").
3. Stewards of GRV have charged Mr. Conway with breaching Greyhound Australasia Rule ("GAR") 83 (2) and (3) by presenting a greyhound for an event while not being free of a prohibited substance. The offence is one of absolute liability. It is not for stewards to explain how the positive swab occurred. It is also not for the stewards to establish a quantitative analysis. It is enough that a positive reading for the drug has been established.
4. At a preliminary inquiry conducted by stewards, Mr. Conway suggested that a possible cause of the contamination was knackery meat fed to his racing greyhounds. Mr. Conway said it was the only thing given to his dogs that was out of his control. He was not aware of recommendations by GRV about feeding knackery meat to racing greyhounds.
5. Mr. Conway has pleaded guilty to the charge. We find the charge proven. In assessing penalty we take into account specific deterrence, general deterrence, the public interest in keeping a drug free industry and previous penalties in like cases.
6. Mr. Conway has been a trainer for about 40 years, is of good character and has a relatively good record. He has a prior offence a few years old, for which he received a disqualification in the special circumstances of that case. He no longer feeds knackery meat to his greyhounds. Specific deterrence is not an important consideration in our

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assessment of penalty. General deterrence and keeping the industry drug free are important considerations.

7. The penalty guidelines document suggests a minimum penalty of one months' disqualification in respect of category 2 prohibited substances. Given Mr. Conway's guilty plea, good character, together with his long period as a trainer, we consider that the appropriate penalty is a disqualification of three months. However we propose to wholly suspend that disqualification pending no further breach of GAR 83 in the next 12 months. In addition we impose a fine of \$2,000. The wholly suspended disqualification is, in our view, appropriate given that a significant fine has also been imposed. Mr. Conway has a substantial period in the industry. The current matter is a food chain issue. However, in future cases the Board may consider effective periods of disqualification in food chain cases.
  
8. In addition, Galloping Fantom is disqualified from race 4 at Traralgon on 3 September 2016.

.....End.....