

17 May 2023

DECISION

GREYHOUND RACING VICTORIA

and

DARYL HOLMES

- Date of hearing:** 5 May 2023
- Panel:** Justice Shane Marshall (Deputy Chairperson) and Dr Andrew Gould.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Daryl Holmes represented himself.
- Charges:** Greyhounds Australasia Rule ("GAR") 141(1) states:
(1) The owner, trainer or other person in charge of a greyhound:
(a) nominated to compete in an Event;
(b) presented for a satisfactory trial or such other trial as provided for by the Rules; or
(c) presented for any test or examination for the purpose of a stand-down period being varied or revoked,
must present the greyhound free of any prohibited substance.
- GAR 142(1) states:
(1) An offence is committed if a person:
(a) administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;
(b) aids, abets, counsels or procures the administration of or an attempt to administer a prohibited substance to a greyhound;
or
(c) has prior knowledge of a prohibited substance being administered or attempted to be administered to a greyhound, which is established in any sample taken from a greyhound presented for an Event or when subject to any other contingency pursuant to the Rules.

GAR 151(1) states:

(1) The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:

- (a) from the time the greyhound enters their care until the greyhound leaves their care; and
- (b) for a minimum of two years

Particulars of charges: Charge 1: GAR 141(1)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound "El Dorado".
3. El Dorado was nominated to compete in Race 8, TAB – LONG MAY WE PLAY, Mixed 4/5, conducted by the Ballarat Greyhound Racing Club at Ballarat on 26 May 2022 (the Event).
4. On 26 May 2022, you presented El Dorado at the Event not free of any prohibited substance, given that:
 - (a) A pre-race sample of urine was taken from El Dorado at the Event (the Sample);
 - (b) Dexamethasone was detected in the Sample.

Charge 2: GAR 142(1)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound El Dorado.
3. El Dorado was presented for, and competed in, Race 8, TAB – LONG MAY WE PLAY, Mixed 4/5, conducted by the Ballarat

Greyhound Racing Club at Ballarat on 26 May 2022 (the Event).

4. You administered to El Dorado a prohibited substance, being Dexamethasone, which was detected in a sample taken from El Dorado in that:

(a) You administered a product containing Dexamethasone, namely "Dexafort", to El Dorado on or around 20 May 2022;

(b) A pre-race sample of urine was taken from El Dorado at the Event (the Sample);

(c) Dexamethasone was detected in the Sample.

Charge 3: GAR 151(1)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were at all relevant times the Trainer of the greyhound El Dorado.

3. On or around 20 May 2022, you administered a treatment, namely the injectable substance "Dexafort" to El Dorado (the Treatment).

4. The Treatment was not recorded in your treatment records when you produced them to GRV Stewards upon their request.

5. The Treatment is required to be recorded in your treatment records.

Pleas: Guilty

DECISION

1. Mr Daryl Holmes is a registered greyhound trainer and is the trainer of the greyhound “El Dorado”. El Dorado competed in Race 8 at Ballarat on 26 May 2022. A pre-race swab revealed dexamethasone. Dexamethasone is a prohibited substance under the Greyhounds Australasia Rules (“GARs”). It is a corticosteroid or anti-inflammatory drug, which provides pain relief and can affect the condition or performance of a greyhound by inducing an artificially pain free state.
2. Mr Holmes has been charged with an administration offence under GAR 142 and a presentation offence under GAR 141, which are Charges 2 and 1 respectively before the Tribunal. Charge 3 relates to a record keeping offence under GAR 151, namely for failure to record treatment in a treatment book. Mr Holmes entered an early guilty plea to all three charges.
3. Mr Holmes gave El Dorado an injection of a substance which contains dexamethasone on 20 May 2022, six days before the Ballarat event. The treatment was prescribed by a veterinarian, who suggested a five day withholding period. Obviously the six day withholding period was too short. Nothing in the materials in this matter clarifies the appropriate withholding period, although, there has a suggestion that eight days is appropriate. Perhaps this is a matter which could be researched by Greyhound Racing Victoria (“GRV”) and the outcome shared with trainers through “Greyhound Monthly”.
4. Unfortunately, Mr Holmes forgot to enter the 20 May 2022 treatment in his treatment book, thus putting him in breach of GAR 151.
5. The charges laid by GRV Stewards are made out. Administration of a prohibited substance found in a swab was established. It follows that the greyhound was presented for an event while not free of a prohibited substance.
6. In setting penalties, we take into account the importance of maintaining a level playing field by keeping a drug free industry, as well as specific and general deterrence. We are also informed by recent penalties in like cases. This matter is unusual in that it involves a trainer with over 50 years standing, with no prior transgressions against the Rules of Racing, who treated a greyhound according to veterinary advice.
7. We impose the following penalties:

On Charge 2, the administration charge, we impose a penalty of a fine of \$1,500, with \$500 suspended for a period of 24 months.

On Charge 1, the presentation charge, we impose the same penalty as that imposed on Charge 2, but make it wholly concurrent with the penalty on Charge 2.

On Charge 3 we impose a fine of \$300.

8. In addition, El Dorado is disqualified from Race 8 at Ballarat on 26 May 2022.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal