

1 May 2023

DECISION

GREYHOUND RACING VICTORIA

and

GRAEME JOSE

- Date of hearing:** 14 April 2023
- Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Kathryn Kings.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Ms Tanya Jose represented Mr Graeme Jose.
- Charges:** Greyhounds Australasia Rule ("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;
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 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 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 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 "Lots of Chatter".
3. Lots of Chatter was presented for, and competed in, Race 12, GRAY'S BENDIGO VETERAN, S/E VETERAN, conducted by the Bendigo Greyhound Racing Association at Bendigo on 15 May 2022 (the Event).
4. You administered to Lots of Chatter, a prohibited substance, being Meloxicam, which was detected in a sample taken from Lots of Chatter in that:
 - (a) You administered a product containing Meloxicam, namely "Meloxibell tablets", to Lots of Chatter between 6 May 2022 and 11 May 2022;
 - (b) A pre-race sample of urine was taken from Lots of Chatter at the Event (the Sample);
 - (c) Meloxicam was detected in the Sample.

Charge 2: 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 "Lots of Chatter".
3. Lots of Chatter was nominated to compete in Race 12, GRAY'S BENDIGO VETERAN, S/E VETERAN, conducted by the Bendigo

Greyhound Racing Association at Bendigo on 15 May 2022 (the Event).

4. On 15 May 2022, you presented Lots of Chatter at the Event not free of any prohibited substance, given that:
 - (a) A pre-race sample of urine was taken from Lots of Chatter at the Event (the Sample);
 - (b) Meloxicam 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 "Lots of Chatter".
3. Between 6 May 2022 and 11 May 2022, you administered a treatment, namely the substance "Meloxicam tablets" to Lots of Chatter (the Treatment).
4. The Treatment was not recorded in your treatment records when you produced them to GRV Stewards Ms Lee Fahry and Mr Joshua Goldenberg upon their request.

Charge 4: 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 "Boom Lateral".
3. Boom Lateral was nominated to compete in Race 4, IAN CARTER BUILDERS GDR, Special Event, conducted by the Sale Greyhound Racing Club at Sale on 10 July 2022 (the Event).

4. On 10 July 2022, you presented Boom Lateral at the Event not free of any prohibited substance, given that:

(a) A post-race sample of blood was taken from Boom Lateral at the Event (the Sample);

(b) Meloxicam was detected in the Sample.

Pleas: Guilty

DECISION

1. Mr Graeme Jose is a registered greyhound trainer and at all material times was the trainer of the greyhounds, "Lots of Chatter" and "Boom Lateral".
2. Lots of Chatter competed in Race 12 at Bendigo on 15 May 2022. Boom Lateral competed in Race 4 at Sale on 10 July 2022. Both greyhounds recorded positive swabs to meloxicam.
3. Meloxicam is a non-steroidal anti-inflammatory drug used to provide pain relief. It can improve the performance of a greyhound by inducing an artificially pain free state. It is a prohibited substance under the Greyhounds Australasia Rules ("GARs").
4. Mr Jose has been charged under GAR 142(1) with an administration offence relating to the giving of tablets containing meloxicam to Lots of Chatter. The tablets were given to Lots of Chatter between 6 and 11 May 2022. They were prescribed by a veterinarian. The four day withholding period before racing was inadequate. Mr Jose admitted in an investigation carried out by Greyhound Racing Victoria ("GRV") Stewards that he raced Lots of Chatter earlier than he should have after the giving of the tablets.
5. Mr Jose pleaded guilty to the charge under GAR 142(1) in relation to Lots of Chatter. The breach of the Rules was inadvertent. The offending is at the lower end of the scale of offending under the Rule. That is why the Tribunal is willing to shorten the usual length of 24 months of any suspended sentence to a period of 18 months.
6. In setting a penalty on this and the other prohibited substance matters to be later discussed, we take into account the importance of maintaining a level playing field by keeping a drug free industry. General and specific deterrence are also important, as is the denunciation of conduct in breach of the Rules. We have also taken into account the guilty pleas to each charge, the cooperation with the Stewards, the good record of Mr Jose and his excellent character.

7. On Charge 1, we impose a penalty of three months suspension, fully suspended for a period of 18 months, and a \$1,500 fine, with \$500 suspended for a period of 18 months, in each case pending no further breach of any Rule of racing relating to prohibited substances.
8. The second charge before the Tribunal is a presentation charge regarding Lots of Chatter at Bendigo on 15 May 2022. That offence arises out of the same sub-stratum of facts as under Charge 1. On that charge, we impose a \$1,500 fine, fully suspended for a period of 18 months pending no further breach of the Rules of racing regarding prohibited substances during that period.
9. The third charge concerns a breach of GAR 151(1). Mr Jose uncharacteristically (given his usual meticulous record keeping) failed to record the administration of the tablets containing meloxicam in his treatment book as required by GAR 151(1). This was an oversight, but nonetheless the minimum penalty in recent times for matters of this kind is a \$300 fine. We impose a \$300 fine. It is important to do so to emphasise the rigour that must be applied to record keeping in the interests of probity.
10. The final charge is a presentation charge regarding Boom Lateral at Sale on 10 July 2022. The most likely cause of the positive swab was the feeding to that greyhound of meat obtained from a farmer. This offence occurred after Mr Jose was on notice of the positive swab to meloxicam recorded in relation to Lots of Chatter. Notwithstanding the guilty plea and the usual practice of Mr Jose feeding his greyhounds meat fit for human consumption, the offence is a serious one. This is especially so given the warnings given by Stewards about sourcing not fit for human consumption meat and the notices to the industry that larger fines would be sought in the future, given the regularity of this type of offending. In all the circumstances, we impose a \$1,500 fine, which is cumulative upon the immediately operative financial penalties under Charges 1 and 3. The total immediately operative financial penalty is the sum of \$2,800.
11. In addition, Lots of Chatter is disqualified from Race 12 at Bendigo on 15 May 2022 and Boom Lateral is disqualified from Race 4 at Sale on 10 July 2022.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal