

9 November 2023

DECISION

GREYHOUND RACING VICTORIA

and

GREGORY SCHOFIELD

- Date of hearing:** 18 October 2023
- Panel:** Judge John Bowman (Chairperson) and Ms Danielle Hikri.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Gregory Schofield 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.
- Greyhounds Australasia Rule (“GAR”) 151(1)(2) 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
- (2) If requested by a Controlling Body, a Steward, or an authorised person, the record/s of treatment referred to in subrule (1) of this rule must be produced for inspection.

(3) An offence is committed if any person in charge of a greyhound at the relevant time fails to comply with any of subrules (1) or (2) of this rule.

Particulars:

Charge 1

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (GRV) (Member No. 3701) and a person bound by the Greyhound Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the trainer of the greyhound "NANGOR TROY" (NIFUQ).
3. "NANGOR TROY" was nominated to and competed in, Race 7 Group 5 T3, conducted by the Bendigo Greyhound Racing Club at Bendigo on 7 June 2023. **(the Event)**.
4. On 7 June 2023, "NANGOR TROY" was presented at the Event not free of a permanently banned prohibited substance, given that:
 - (a) A pre-race sample of urine was taken from "NANGOR TROY" at the Event **(the Sample)**;
 - (b) AMPHETAMINE and METHAMPHETAMINE were detected in the sample.
5. AMPHETAMINE and METHAMPHETAMINE are permanently banned prohibited substances.

Charge 2

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (GRV) (Member No. 3701) and a person bound by the Greyhound Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the trainer of the greyhound "NANGOR TROY" (NIFUQ).

3. "NANGOR TROY" was nominated to and competed in, Race 8 Group 5 T3, conducted by the Shepparton Greyhound Racing Club at Bendigo on 15 June 2023 . (**the Event**).
4. On 15 June 2023, "NANGOR TROY" was presented at the Event not free of a permanently banned prohibited substance, given that:
 - (a) A pre-race sample of urine was taken from "NANGOR TROY" at the Event (**the Sample**);
 - (b) AMPHETAMINE and METHAMPHETAMINE and 4-HYDROXYMETHAMPHETAMINE were detected in the sample.
5. AMPHETAMINE and METHAMPHETAMINE and 4-HYDROXYMETHAMPHETAMINE are permanently banned prohibited substances.

Charge 3

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (GRV) (Member No. 3701) and a person bound by the Greyhound Racing Victoria Rules of Racing.
2. On 18 August 2023, you failed to produce treatment records for inspection, for your greyhound "NANGOR TROY" (NIFUQ) upon request from Investigative Steward, Scott Bourke, a person authorised by the Controlling Body, for greyhounds for which you were the responsible person at the relevant time.

Plea: Guilty

DECISION

Mr Gregory Schofield, you have pleaded "Not Guilty" to three charges.

Charge 1 and 2 involve breaches of GAR 141(1) – what could be described as presentation charges.

Charge 1 relates to a pre-race urine sample taken from the dog Nangor Troy, trained by you, which competed in Race 7 at Bendigo on 7 June 2023. The sample tested positive to the permanently banned prohibited substance Amphetamine and Methamphetamine. Amphetamine substances have the capacity to enhance performance. We would refer to the report and evidence of Dr Steven Karamatic in this regard.

Charge 2 relates to a pre-race sample taken from the same dog, Nangor Troy, which competed in Race 8 at Shepparton on 15 June 2023. It also proved positive to essentially the same substance.

Charge 3 concerns a breach of GAR 151, which concerns the requirement to keep treatment records.

We find each of the charges proven. In relation to Charges 1 and 2, we accept the evidence on behalf of the Stewards, including that of Dr Karamatic. Your evidence could be summarised, realistically, as being that you do not know how the prohibited substance came to be detected in the pre-race swabs. You have had a conversation with your usual veterinarian, Dr Bell, and discussed various possibilities. However, GAR 141(1) is a provision which involves strict, or arguably absolute, liability. The bottom line is that, on both occasions, the dog Nangor Troy trained by you tested positive to the prohibited substance in question. No explanation for this has been advanced, other than speculation. The principles of strict, if not absolute, liability operate.

We also find Charge 3 proven. You simply did not have the required treatment records. The Stewards did visit your premises, but no such records could be located.

In short, we are comfortably satisfied that the three charges have been made out. We shall hear the parties on the question of penalty.

PENALTY

Mr Gregory Schofield, you have been found guilty of three charges. Two of these are for breaches of GAR 141(1) and could be described as presentation cases. We would refer to our decision on liability. The third relates to a failure in relation to the keeping of records, breaching GAR 151.

We regard the breaches of GAR 141(1) as being very serious matters. The prohibited substances involved was the permanently banned Amphetamine. That has the potential to enhance performance. We would refer to the evidence of Dr Karamatic. We appreciate that the present charges are of presentation, rather than administration. Nevertheless, as is

indicated in the various prior decisions to which we were referred, this Tribunal and its predecessor imposed substantial penalties for offences involving Amphetamine.

In your case, you have a prior offence for a similar breach of this very rule. In 2017 you were disqualified for a period of 12 months, with 6 months of that in turn suspended, for an amphetamine offence.

You are aged 64 years and train only the two dogs. You receive a Newstart allowance. Otherwise your only income is from the dogs. You have a partner who works part-time. The two dogs which you have and which were recently racing are approaching retirement age. You are not in good health. You have been suspended since 15 September 2023.

Given the seriousness of the two amphetamine charges and your record, we agree with the Stewards that a period of disqualification should be imposed. Bearing in mind the penalties in other cases, and taking into account all the circumstances, including the uncertainty as to the cause of the positive readings, which number two, we are of the view that the following penalties are appropriate.

On Charge 1, you are disqualified for a period of 18 months, such period to have commenced as at 15 September 2023.

On Charge 2, you are disqualified for a period of 18 months, that period of disqualification having commenced on 15 September 2023 and concurrent with Charge 1.

On Charge 3, the failure to keep proper records, you are fined the sum of \$500, as sought by the Stewards.

Finally, Nangar Troy is disqualified from Race 7 at Bendigo on 7 June 2023 and from Race 8 at Shepparton on 15 June 2023 and in each instance the finishing order is amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal