

31 March 2023

DECISION

GREYHOUND RACING VICTORIA

and

LUI FORTE

- Date of hearing:** 24 March 2023
- Panel:** Judge John Bowman (Chairperson) and Judge Kathryn Kings.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Gerard O’Keeffe represented Mr Lui Forte.

Charges and particulars:

Charge No. 1 of 4

The Stewards charge you with breaching Greyhounds Australasia Rule 83(2) which reads as follows:

Rule 83 Greyhound to be free of prohibited substances

- (2) *The owner, trainer or person in charge of a greyhound-*
- (a) *nominated to compete in an Event;*
 - (b) *presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or*
 - (c) *presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked*

shall present the greyhound free of any prohibited substance.

Particulars of Charge

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 “*How High Austin*”.
3. “*How High Austin*” was nominated to compete in, Race 11, MAFFRA POLY & PUMPS, Grade 5, conducted by the Sale Greyhound Racing Club at Sale on 13 March 2022 (**the Event**).
4. On 13 March 2022, you presented “*How High Austin*” at the Event not free of any prohibited substance, given that:
 - (a) A sample of urine was taken from “*How High Austin*” upon arrival at the Event (**the Sample**);
 - (b) Caffeine and its metabolites Theophylline, Paraxanthine and Theobromine were detected in the Sample.

Charge No. 2 of 4

The Stewards charge you with breaching Greyhounds Australasia Rule 83(2) which reads as follows:

Rule 83 Greyhound to be free of prohibited substances

(2) The owner, trainer or person in charge of a greyhound-

- (a) nominated to compete in an Event;*
- (b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or*
- (c) presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked*

shall present the greyhound free of any prohibited substance.

Particulars of Charge

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 “How High Austin”.
3. “How High Austin” was nominated to compete in, Race 11, MAFFRA POLY & PUMPS, Grade 5, conducted by the Sale Greyhound Racing Club at Sale on 13 March 2022 (**the Event**).
4. On 13 March 2022, you presented “How High Austin” at the Event not free of any prohibited substance, given that:
 - (a) A sample of urine was taken from “How High Austin” upon arrival at the Event (**the Sample**);
 - (b) Ibuprofen was detected in the Sample.

Charge No. 3 of 4

The Stewards charge you with breaching Greyhounds Australasia Rule 83(2) which reads as follows:

Rule 83 Greyhound to be free of prohibited substances

- (2) *The owner, trainer or person in charge of a greyhound-*
- (a) *nominated to compete in an Event;*
 - (b) *presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or*
 - (c) *presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked*
- shall present the greyhound free of any prohibited substance.*

Particulars of Charge

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 “*Here Runs Katie*”.
3. “*Here Runs Katie*” was nominated to compete in, Race 3, KHANS HOSPITALITY SERVICES, Tier 3 – Maiden, conducted by the Warragul Greyhound Racing Club at Warragul on 24 March 2022 (**the Event**).
4. On 24 March 2022, you presented “*Here Runs Katie*” at the Event not free of any prohibited substance, given that:
 - (a) A pre-race sample of urine was taken from “*Here Runs Katie*” at the Event (**the Sample**);
 - (b) Ibuprofen was detected in the Sample.

Charge No. 4 of 4

The Stewards charge you with breaching Greyhounds Australasia Rule 83(2) which reads as follows:

Rule 83 Greyhound to be free of prohibited substances

(2) The owner, trainer or person in charge of a greyhound-

(a) nominated to compete in an Event;

(b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or

(c) presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked

shall present the greyhound free of any prohibited substance.

Particulars of Charge

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 “*Good Boy Colombo*”.
3. “*Good Boy Colombo*” was nominated to compete in Race 5, LV FORKLIFTS (1-2 WINS), Tier 3 – Restricted Win, conducted by the Traralgon Greyhound Racing Club at Traralgon on 18 April 2022 (**the Event**).
4. On 18 April 2022, you presented “*Good Boy Colombo*” at the Event not free of any prohibited substance, given that:
 - (a) A post-race sample of urine was taken from “*Good Boy Colombo*” at the Event (**the Sample**);
 - (b) Caffeine and its metabolites Theophylline, Paraxanthine and Theobromine were detected in the Sample.

Pleas: Guilty to all charges.

DECISION

Mr Lui Forte, you have pleaded guilty to four charges. They are as follows:

Charges 1 and 2 concern “*How High Austin*”, which ran in Race 11 at Sale on 13 March 2022. The dog underwent a swab and returned readings positive to Caffeine and its metabolites (Charge 1). It also returned a positive reading to Ibuprofen (Charge 2).

Charge 3 involves the dog “*Here Runs Katie*”, which ran in Race 3 at Warragul on 24 March 2022. A pre-race test proved positive to Ibuprofen.

Charge 4 concerns the dog “*Good Boy Colombo*”, which ran in Race 5 at Traralgon on 18 April 2022. It tested positive to Caffeine and its metabolites.

These offences occurred over a relatively short period. Both Mr Pearce, on behalf of the Stewards, and Mr O’Keeffe, on your behalf, adopted a somewhat global approach to these offences. That is no criticism. The case was handled in a very competent and helpful manner by all concerned.

You admit freely that, during that short period, you were not as careful as you should have been in relation to possible effects on the dog resulting from your use of medication and massage cream and from exposure to coffee. You frequently failed to wash your hands before handling the dog. We might add that you are a hobby trainer, who normally has one to three greyhounds. You find this very good for your mental health.

You are now 74 years of age. You have very limited English in either the spoken or written form. You are functionally illiterate. You came to Australia in 1975 and have worked as a bricklayer and concreter.

You are very regretful in relation to your carelessness with medicine, coffee and the like when in the vicinity of the dogs. You apologized to the Tribunal and, with the assistance of Mr O’Keeffe, stated that you realised that you must be punished.

You have been in the greyhound industry since approximately 1975. Your only offence occurred in 2020, and that involved the prohibited substance Diclofenac, which we understand to be associated with the use of Voltaren. You pleaded guilty and, on 6 October 2020, this Tribunal fined you the sum of \$750 with \$500 suspended for 12 months. Your long history in the industry was the subject of comment.

In the present case, there is not a great deal of difference – 1 month – between the Stewards’ suggested penalty and that of Mr O’Keeffe. In all the circumstances, and given your long history of involvement in the industry, your explanation, your early guilty plea and your remorse, we agree with the penalties suggested by Mr O’Keeffe. The penalties are as follows:

On Charge 1 – suspension for 4 months, with 2 months in turn suspended for 24 months, and a fine of \$500.

On Charge 2 – suspension for 4 months fully suspended for 24 months.

On Charge 3 – suspension for 4 months fully suspended for 24 months and a fine of \$500.

On Charge 4 – suspension for 4 months fully suspended for 24 months and a fine of \$500.

The bottom line is that you are suspended for 2 months effective immediately. Suspended penalties totalling 14 months are in place for a period of 24 months.

Further, you are fined a total sum of \$1,500.

“How High Austin”, “Here Runs Katie” and “Good Boy Colombo” are disqualified from their respective races at Sale, Warragul and Traralgon as referred to above and the respective finishing orders are amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal