

29 March 2023

DECISION

GREYHOUND RACING VICTORIA

and

VANESSA JOHNSON

- 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 Gerry Orr represented Ms Vanessa Johnson.
- Charge:** 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.
- 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 "Tower Bell".
 3. Tower Bell was nominated to compete in Race 7, SURFACE CO, Grade 5 T3, conducted by the Traralgon Greyhound Racing Club at Traralgon on 29 August 2022 (the Event).
 4. On 29 August 2022, you presented Tower Bell at the Event not free of any prohibited substance, given that:

(a) A post-race sample of urine was taken from Tower Bell at the Event (the Sample);

(b) Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

Plea: Guilty

DECISION

Ms Vanessa Johnson, you are pleading guilty to a breach of Greyhounds Australasia Rule (“GAR”) 141(1). A sample taken from “Tower Bell” prior to the running of Race 7 at Traralgon on 29 August 2022 proved positive to the prohibited substance, arsenic. In fact, Tower Bell won the race in question.

There has been some discussion about the source of the arsenic. Dr Steven Karamatic has expressed the opinion that the likely source was timber treated with Copper Chrome Arsenic (“CCA”). Certainly, photographs taken by the Stewards include those of a large timber fence and of timber kennels, which show signs of chewing. Mr Gerry Orr, who is assisting you in this case, raised the possibility of the source of the arsenic being a substance used on the lawn to kill weeds. He put before us various photographs and documents.

We are of the view that, whilst there can be no certainty, the expert opinion of Dr Karamatic, and which we prefer, as to the likely cause of the arsenic reading was the chewing of the kennel by the dog. We would add that, no matter how causation is viewed, a positive return to the prohibited substance arsenic has been obtained. However, we repeat that the opinion of Dr Karamatic as to the cause is preferred.

Both general and specific deterrence are of importance in this case. The industry has been alerted for some years to be wary of the risks associated with arsenic and its problems. The image of greyhound racing as a drug free industry is an important one to establish and maintain.

As to specific deterrence, you do have a relevant prior conviction. On 29 August 2019, you pleaded guilty before this Tribunal to a breach of GAR 83(2). This involved four substances and a penalty of six months disqualification was imposed. It did not involve arsenic, but was a breach of GAR 83(2).

We note that you are essentially a hobby trainer, with two dogs kennelled at your property.

The Stewards are seeking a period of suspension of six months, with three months of that penalty suspended for a period of 24 months.

In all the circumstances, we consider that to be a proper and reasonable penalty. If you breach a relevant Rule during the period of 24 months, the three month suspended penalty will be activated. The initial three month suspension will operate immediately.

Finally, Tower Bell is disqualified from Race 7 at Traralgon on 29 August 2022 and the finishing order is amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal