

22 January 2024

DECISION

GREYHOUND RACING VICTORIA

and

ANTHONY HARDING

- Date of hearing:** 8 January 2024
- Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Mr Des Gleeson.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Anthony Harding 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 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
(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) Each record of treatment kept in accordance with this rule must be made by midnight on the day on which the treatment was given, and, as a minimum requirement, include the following information:

- (a) the name of the greyhound;
- (b) the date and time of administration of the treatment;
- (c) the name of the treatment (brand name or active constituent);
- (d) the route of administration;
- (e) the amount given; and
- (f) the name and signature of the person or persons administering and/or authorising the treatment.

For the purpose of subrule (3), “day” means the 24-hour period from 12.00am to 11.59pm on any calendar day.

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

(5) A person who commits an offence under subrule (4) of this rule may be penalised.

(6) For the purposes of this rule “treatment” includes:

- (a) all Controlled Drugs (Schedule 8);
- (b) all Prescription Animal Remedies and Prescription Only Medicines (Schedule 4);
- (c) any injectable substance not already specified in this rule, notwithstanding the route of administration;
- (d) all Pharmacist Only (Schedule 3) and Pharmacy Only (Schedule 2) medicines; and
- (e) all veterinary and other medicines containing other scheduled or unscheduled prohibited substances.

Particulars:

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 “Saint Bogan”.

3. Saint Bogan was nominated to compete in Race 2, MACEY’S BISTRO (250+ RANK), Maiden, conducted by the Warrnambool Greyhound Racing Club at Warrnambool on 28 February 2023 (the Event).

4. On 28 February 2023, you presented Saint Bogan at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Saint Bogan upon arrival at the Event (the Sample);

(b) Lignocaine and Norlignocaine were detected in the Sample.

Charge 2: GAR 151

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

2. On 11 April 2023, you presented treatment records for inspection, upon request from GRV Steward John REA, a person authorised by the Controlling Body, for greyhounds for which you were the responsible person at the relevant time.

3. You did fail to record the minimum requirements for treatments recorded by you, namely the monthly treatment of “worming”, in that you:

(a) failed to record the name of the greyhound or greyhounds to which the treatment was given to; and/or

(b) failed to record the date and time of administration of the treatment; and/or

(c) failed to record the name of the treatment by brand name or active constituent; and/or

(d) failed to record the route of administration of the treatment; and/or

(e) failed to record the amount of the treatment given; and/or

(f) failed to record the signature of person or persons administering and/or authorising the treatment.

Pleas:

Guilty

DECISION

1. Mr Anthony Harding was, at the time of these offences, a registered greyhound trainer and the trainer of the greyhound "Saint Bogan".
2. He faces one charge under Greyhounds Australasia Rule ("GAR") 141(1), regarding the presentation of the greyhound, Saint Bogan, for an event, being Race 2 at Warrnambool on 28 February 2023, while not free of a prohibited substance.
3. He also faces a charge that he failed to produce adequate treatment records for any of the greyhounds under his care when requested pursuant GAR 151(1).
4. Mr Harding has pleaded guilty to each of the offences.
5. We will deal first with the presentation offence. Lignocaine and its variant, norlignocaine, are both local anaesthetics. They are used by veterinarians for pain relief and are available only on prescription, although there are some non-prescription substances in which there is a small amount of lignocaine present. This substance is only traceable when injected, rather than being taken orally.
6. Lignocaine and its variant, norlignocaine, are capable of affecting the condition or performance of a greyhound in a positive way, because they can induce an artificially pain free state. They are both prohibited and classified as therapeutic substances under the GARs.
7. Mr Harding was adamant that he had never used either of these substances on his dogs at all. His practice was to buy packaged meat and he had no knowledge of that packaged meat being contaminated with these substances. The packaged meat he bought was knackery meat from the Seymour knackery.
8. The veterinary advice that has been presented to us is that it is most likely that these substances were in the knackery meat, rather than being absorbed from any other source.
9. When the Stewards inspected Mr Harding's property on 12 April 2023, they ascertained that he had been keeping incomplete records. In particular, he had not made any record of worming the dogs, although he agreed that he had administered worming treatments. He could offer no excuse for this oversight.
10. Mr Harding has been a public trainer since 2007. He has a very good record, having committed no prior offences, except for two very minor matters of little relevance to our sentencing today.

11. In setting penalties, we take into account general and specific deterrence and the importance of keeping a level playing field by aiming for a drug free industry. We also acknowledge the need for sentencing consistency, so as to deliver a coherent message to the industry that instances of this nature will be dealt with fairly but firmly. We also take into account the guilty pleas and Mr Harding's total cooperation with the Stewards.
 12. We are also conscious that Greyhound Racing Victoria has, on countless occasions, advised the industry that it does not support the feeding of knackery meat to greyhounds, as this contains the risk that prohibited substances may be inadvertently administered through the meat. It is apparent to us that Mr Harding has ignored these many warnings.
 13. Mr Harding is retired and living on a pension. He no longer engages in training greyhounds and has only two dogs. He does not intend to become further involved in the industry into the future.
 14. In all the circumstances, we impose the following penalties:

Charge 1: \$1,500 fine with \$500 suspended for a period of 24 months pending no further breaches of the relevant Rule in that time.

Charge 2: \$300 fine.
 15. In addition, the greyhound, Saint Bogan, is disqualified from Race 2 at Warrnambool on 28 February 2023 and the finishing order is amended accordingly.
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Kathleen Scully
Acting Registrar, Victorian Racing Tribunal