

11 October 2024

## DECISION

**GREYHOUND RACING VICTORIA**

and

**BRIAN BROWN**

**Date of hearing:** 8 October 2024

**Date of decision:** 8 October 2024

**Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Mr Josh Bornstein.

**Appearances:** Ms Yana Podolskaya appeared on behalf of the Stewards.  
Mr Brian Brown represented himself.

**Charges and particulars:**

**Charge No. 1 of 2**

Greyhounds Australasia Rule 141(1) reads as follows:

**Rule 141 Greyhound to be free of prohibited substances**

*(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 “Disorder”.
3. “Disorder” was nominated to compete in Race 6, CAMPBELL’S COMMENTS, Grade 5 T3, conducted by the Bendigo Greyhound Racing Association at Bendigo on 13 December 2023 (**the Event**).
4. On 13 December 2023, you presented “Disorder” at the Event not free of any prohibited substance, given that:
  - (a) A pre-race sample of urine was taken from “Disorder” at the Event (**the Sample**);
  - (b) Levamisole was detected in the Sample.

**Charge No. 2 of 2**

Greyhounds Australasia Rule 142(1) reads as follows:

**Rule 142 Administration of a prohibited substance established in a sample taken from a greyhound in connection with an Event**

- (1) An offence is committed if a *person*:
- (a) *administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;*
  - (b) *aids, abets, counsels or procures the administration of or an attempt to administer a prohibited substance to a greyhound; or*
  - (c) *has prior knowledge of a prohibited substance being administered or attempted to be administered 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.*

**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 Greyhound Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound “Disorder”.
3. “Disorder” was presented for, and competed in, Race 6, CAMPBELL’S COMMENTS, Grade 5 T3, conducted by the Bendigo Greyhound Racing Association at Bendigo on 13 December 2023 (**the Event**).
4. You administered, or caused to be administered, to “Disorder”, a prohibited substance, being Levamisole, which was detected in a sample taken from “Disorder” in that:
  - (a) You administered a product containing Levamisole, namely ‘Fido’s Closasole tablets’, to “Disorder” on or around 10 December 2023;
  - (b) A pre-race sample of urine was taken from “Disorder” at the Event (the Sample);
  - (c) Levamisole was detected in the Sample.

**Pleas:** Guilty to both Charges.

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**DECISION**

1. Mr Brian Brown is a registered greyhound trainer. He has been charged with two offences. The first charge is a presentation charge. It is alleged that he presented Disorder at Bendigo on 13 December 2023 not free of a prohibited substance. The substance alleged is levamisole.
2. The second charge is that he administered the levamisole to Disorder through feeding the greyhound with a product called Fido’s Closasole tablets on around 10 December 2023. These tablets contain levamisole.
3. The presence of levamisole was detected in a pre-race urine sample.
4. Mr Brown has pleaded guilty to these charges.
5. Mr. Brown has been a public trainer since 2010. He was first registered in 2008.

6. Levamisole is a prohibited substance under the rules. There are many veterinary products which contain this substance. It is an anti-parasitic substance and is used in worming products. Mr. Brown told the Stewards that he had wormed all his greyhounds with Fido's Closasole on 10 December 2023. As this is only two days before the race, it seems clear that these worming tablets were the source of the prohibited substance.
7. Low doses of levamisole have a positive effect on greyhound performance. High doses are likely to have a toxic negative effect.
8. Fido's Closasole tablets now are rarely used on racing dogs because of levamisole's many potential side effects. There are safer anti-parasitic drugs available now on the market. Levamisole also has a long withholding period. It is for this reason that GRV issued a warning to the industry about the very product used by Mr Brown in May of 2018 and again in June of 2020.
9. The Stewards visited Mr Brown's property on 19 January 2024. They interviewed him on 28 February 2024. There were no irregularities found in his kennels or treatment records.
10. He told the Stewards that he thought that his dog had been given the wrong worming tablets by mistake. He was aware of the problems with Fido's Closasole tablets. Because of this, he used this product only for retired dogs and not for racing dogs. He said that he was very careful with the products that he gave to his dogs. He agreed that it should never have happened and he assured the Stewards that it would never happen again. He was clearly embarrassed and full of regret at this oversight. He told this Tribunal that he no longer has these tablets at his property. He told us that he had "made a blue" and he apologised for what appears to have been a genuine oversight. We accept that he and his wife are extremely attached to all their dogs and would not knowingly administer any deleterious substances to them.
11. We heard something of Mr Brown's personal circumstances.
12. He is 73 years old and he and his wife are on the verge of retiring from the industry. He has many older dogs and is not in a position to take on new dogs with better racing prospects than those he presently has. His wife has poor health and she is presently working. She is unable to assist him in looking after the dogs which they have.
13. It is clear that the administration of levamisole was inadvertent and that otherwise Mr Brown takes exemplary care of his dogs. We note that the administration of the prohibited substance has occurred by mistake and not intentionally. This puts it in a different category from many other administration charges which come before this Tribunal.
14. Mr Brown has one prior offence in 2016 relating to the presentation of a dog with procaine in its system. However, the Stewards are satisfied that since that time he has

taken a lot more care with his food preparation and have conceded that this prior offence should be given very little weight in sentencing him today.

15. He has pleaded guilty to each charge and has been fully cooperative with the Stewards.
16. We agree with the Stewards' submissions that the question of general deterrence is of prime importance to us in sentencing for presentation offences. It is vital to promote a drug free industry and therefore a level playing field.
17. In all the circumstances, the penalties which we impose are as follows.
18. In relation to the first charge, being the presentation offence, the penalty which we impose is as follows: a suspension for a period of five months with that penalty being itself fully suspended for 12 months.
19. In relation to the second charge, being the administration charge, the penalty which we impose is as follows: a suspension for a period of five months, with that penalty being itself fully suspended for 12 months.
20. Each of the penalties on Charges 1 and 2 are to be served concurrently, given that they arise out of the same facts.
21. Disorder is disqualified from Race 6 at Bendigo on 13 December 2023 and the finishing order is amended accordingly.

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Mark Howard  
Registrar, Victorian Racing Tribunal