

9 May 2024

DECISION

GREYHOUND RACING VICTORIA

and

DOMINIC CRISAFI

- Date of hearing:** 22 April 2024
- Date of decision:** 22 April 2024
- Panel:** Judge John Bowman (Chairperson) and Mr Robert Abrahams.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Dominic Crisafi 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
- 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 “Manipulation”.

3. You presented Manipulation at the Warrnambool Greyhound Racing Club on 10 August 2023 for an examination for the purpose of a stand-down period being varied or revoked (the Examination).

4. On 10 August 2023, you presented Manipulation at the Examination not free of any prohibited substance, given that:

(a) A sample of urine was taken from Manipulation at the Examination (the Sample);

(b) Gabapentin was detected in the Sample.

Charge 2: GAR 151(1)

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 18 September 2023, you failed to produce treatment records for inspection, upon request from Catherine Scarlett, a Steward and person authorised by the Controlling Body, for greyhounds for which you were the responsible person at the relevant time.

Pleas: Not Guilty

DECISION

Mr Dominic Crisafi, you have pleaded “not guilty” to two charges. One is a breach of Greyhounds Australasia Rule (“GAR”) 141(1)(c), which could be described as the testing of a dog proving positive to the presence of a prohibited substance. The second charge is an alleged breach of GAR 151(1) – a failure to keep records.

Charge 1 arose from the taking of a urine sample from the dog, “Manipulation”, trained by you. The sample was taken when the dog was presented at Warrnambool on 10 August 2023. It was so presented by your father, but you were the registered trainer of Manipulation. The dog was in fact stood down from racing at the time, and the purpose of the visit and trial was

to try and have a stand down period varied or revoked. At the time, Manipulation was the only dog trainer by you, and you have since ceased having any involvement in the industry.

In any event, a urine sample was taken and this subsequently proved positive to the prohibited substance, gabapentin. As stated in his report of 5 October 2023, Dr Steven Karamatic said that gabapentin can have a positive and a negative effect on performance, essentially depending upon the dosage.

You informed the Stewards that, in your opinion, the most likely source of the gabapentin was medication taken by your niece three times daily. She had regular contact with the dog, which seems to have been more in the nature of a family pet. Another possible source of the gabapentin was knackery meat, which you were in the habit of using. Whilst it is speculation, the medication of your niece could well be the more likely course, although knackery meat can never be ruled out.

We understand why you have pleaded not guilty, but GAR 141(1) could be described as a strict liability Rule. Unless there are extraordinary circumstances, such as possible deliberate intervention by a third party, it is very difficult to escape liability once a properly performed test and analysis has been carried out and a positive return established. We appreciate that you are not a lawyer and that you may very well feel that you were not guilty of the offence, particularly give your niece's situation. However, strict liability does apply in your case, as it does in virtually every such case. Accordingly, we find Charge 1 proven.

In relation to Charge 2, the record keeping, this is also virtually strict liability. We accept that you are no longer participating in the industry due to the pressures of your work, but at the time there was an obligation on you to keep proper records, which, ultimately, you did not do.

Accordingly, we also find Charge 2 proven.

We shall now hear the parties on the question of penalty.

PENALTY

The penalty to be imposed in this case is complicated by the fact that, by committing the offence pursuant to GAR 141(1), you have breached an order of this Tribunal in relation to a suspended sentence. On 21 March 2023, this Tribunal, chaired by The Hon. Shane Marshall AM, found you guilty of a breach of this same provision, the prohibited substance being cobalt. A penalty of 12 months suspension was imposed, but 10 of those 12 months were in turn suspended for a period of 24 months. Our finding of guilty in relation to a breach of GAR 141(1) thus activates the suspended penalty.

Accordingly, you are now suspended for a period of 10 months from this date.

Turning to the penalty for the present offences, on Charge 1, we are imposing a fine of \$2,000, of which \$1,500 is in turn suspended for a period of 12 months. In addition, we also impose a three month suspension, which is in turn wholly suspended for a period of 24 months. The suspended portion of the fine and suspension will be activated should you commit a relevant offence during that period.

On Charge 2, we impose a fine of \$250.

In both this matter, and the fine for the breach of GAR 151(1), we take into account your present financial situation, involving, as it does, a substantial mortgage repayment, regular maintenance payments and some monthly payment in respect of equipment. You are no longer involved in the greyhound industry and are working as a landscaper.

We take these matters into account in respect of both fines imposed on each Charge.

The total penalty is an immediate suspension of 10 months, a \$2,250 fine, with \$1,500 suspended for a period of 12 months and a three month suspension, wholly suspended for a period of 24 months.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal