

7 October 2024

DECISION

GREYHOUND RACING VICTORIA

and

GARRY BARNSLEY

- Date of hearing:** 25 September 2024
- Date of decision:** 25 September 2024
- Panel:** Judge Kathryn Kings (Deputy Chairperson) and Mr Greg Childs.
- Appearances:** Ms Yana Podolskaya appeared on behalf of the Stewards.
Mr Garry Barnsley represented himself.
- 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:**
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 “Block Busted”.
 3. Block Busted was nominated to compete in Race 5, SPORTSBET GREEN TICKS, Grade 5, conducted by the Traralgon Greyhound Racing Club at Traralgon on 6 December 2023 (the Event).

4. On 6 December 2023, you presented Block Busted at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from “Block Busted” at the Event (the Sample);

(b) Theobromine was detected in the Sample.

Plea: Guilty

DECISION

Mr Garry Barnsley is a public trainer licensed by Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhound Australasia Rules (“GAR”). He has been licensed for 26 years and in the industry for approximately 60 years. He is the trainer of “Block Busted”.

Block Busted was nominated to compete in Race 5 at Traralgon on 6 December 2023. Mr Barnsley presented the greyhound at the event and a pre-race sample of urine taken detected the prohibited substance, theobromine.

As a result, GRV Stewards have charged Mr Barnsley pursuant to GAR 141(1). He has pleaded guilty to the charge.

Dr Steven Karamatic, Chief Veterinarian at GRV, provided a report dated 13 March 2024. Dr Karamatic confirmed that theobromine is a prohibited substance pursuant to the GAR. He said that the substance is capable of affecting the nervous, cardiovascular, respiratory, digestive and musculo-skeletal system of a greyhound. He reported that there were no Australian Pesticides or Veterinarian Medicines Authority registered products that contain theobromine, although those containing caffeine could produce it as a metabolite. Chocolate and cocoa containing products contain theobromine. There were no products found during the kennel inspection as listed in the Swab Irregularity Inspection Report that would be likely to contain theobromine. Dr Karamatic identified in a photograph a bowl of chocolate Santas in wrapped foil. Mr Barnsley said he does not keep chocolates in his house. His explanation was that the neighbours’ children had a BBQ and there were chocolate wrapping papers and chop bones on his property as a result of the party.

The fact is that this is a presentation charge and, as a result of the wording of the Rule, it is unnecessary to prove how the prohibited substance made its way into the greyhound’s system. When the urine sample was tested it was positive and that is all that is required to prove a breach of GAR 141(1).

In setting a penalty, we take into account Mr Barnsley's long history in the industry. We also take into account general and specific deterrence and the importance of maintaining a level playing field by having a drug free industry. We further take into account penalties in like matters, the submissions on penalty by the Stewards and Mr Barnsley's guilty plea.

Mr Barnsley has previously breached this Rule. The current offence triggers the penalties that were previously suspended in relation to that offence on 15 December 2022, being a four month suspension and the balance of a fine, being \$1,000. The four month suspension is activated and commences from today. The \$1,000 fine is also activated. However, it is fully suspended for 24 months pending no further relevant offences during that time. It is noted that the Stewards sought no additional penalty be imposed for the current offence.

In addition, Block Busted is disqualified from Race 5 at Traralgon on 6 December 2023 and the finishing order is amended accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal