

28 August 2024

DECISION

GREYHOUND RACING VICTORIA

and

GREGORY KERR

- Date of hearing:** 8 February 2024
- Date of decision:** 8 February 2024
- Panel:** Judge Kathryn Kings (Deputy Chairperson) and Mr Des Gleeson.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Gregory Kerr 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 “Cheeky Bluebird”.
 3. Cheeky Bluebird was nominated to compete in Race 9, HOOKED ON SCOTCH @ STUD (1-2 WINS), Tier 3 – Restricted Win, conducted by the Traralgon Greyhound Racing Club at Traralgon on 8 May 2023 (the Event).

4. On 8 May 2023, you presented Cheeky Bluebird at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Cheeky Bluebird at the Event (the Sample);

(b) Sotalol was detected in the Sample.

Plea: Not Guilty

DECISION

Mr Gregory Kerr has been charged with a presentation offence pursuant to Greyhound Australasia Rule (“GAR”) 141(1). He has pleaded not guilty to the Charge.

Mr Kerr, as a licensed trainer, presented the greyhound, “Cheeky Bluebird”, to compete in Race 9 at Traralgon on 8 May 2023. A pre-race sample of urine was taken from the greyhound. The prohibited substance, sotalol, was detected.

Mr Kerr was present at the time of the sampling procedure. Mr Kerr signed the sample identity document V800262 in which he stated that he had been in charge of Cheeky Bluebird and witnessed the collection, packaging and sealing of the sample collected from the greyhound. Mr Kerr confirmed that the seals, packaging and the sample identity all have the same sample number. He also stated that he was satisfied with the procedure he had witnessed and signed the document in the designated area.

The evidence is that the samples arrived at Racing Analytical Services Ltd (“RASL”) on 9 May 2023 in good condition with the seals intact. The samples were also sent to Racing Forensic Laboratory in Queensland, and it confirmed that the sample arrived in good condition and that the seals were intact.

The basis of Mr Kerr’s not guilty plea is that he alleges that the contamination occurred at the Traralgon racetrack. However, he was unable to provide any evidence as to how that occurred. In addition, an explanation of how the prohibited substance made its way into the system of the greyhound is not an element of the Charge.

Thus, we are comfortably satisfied that the Charge has been proven.

PENALTY

Mr Kerr pleaded not guilty to the Charge and therefore, does not receive the benefit which a guilty plea provides. However, he cooperated throughout the investigation with the Stewards.

In imposing a penalty, we have taken into account his cooperation with the Stewards and the importance of specific and general deterrence. We also acknowledge the importance of maintaining a level playing field by having a drug free industry. We take into account penalties in like matters. This is Mr Kerr's first offence of this kind. Given his history over many years, this is an excellent record.

We accept the submissions of the Stewards in relation to penalty and, in all the circumstances, we impose a penalty of a three month suspension of which two months is suspended for 24 months pending no further relevant offences during this period. The effective one month suspension is to commence immediately.

In addition, Cheeky Bluebird is disqualified from Race 9 at Traralgon on 8 May 2023 and the finishing order is amended accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal