

1 February 2024

DECISION

GREYHOUND RACING VICTORIA

and

JENNIFER THORPE

- Date of hearing:** 17 January 2024
- Panel:** Judge John Bowman (Chairperson) and Mr Josh Bornstein.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Ms Jennifer Thorpe represented herself.
- 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:** **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 “*Smoldering Decay*”.
 3. “*Smoldering Decay*” was nominated to compete in Race 6, BLUE STREAM PICTURES (1-4 WINS) GDR, Restricted Win, conducted by the Warragul Greyhound Racing Club at Warragul on 4 April 2023 (**the Event**).
 4. On 4 April 2023, you presented “*Smoldering Decay*” at the Event not free of any prohibited substance, given that:

- (a) A post-race sample of urine was taken from “*Smoldering Decay*” at the Event (**the Sample**);
- (b) Caffeine, Theophylline, Paraxanthine and Theobromine were detected in the Sample.

Charge 2: 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 “*Sunny Bokai*”.

3. “*Sunny Bokai*” was nominated to compete in Race 10, RAW ABILITY @ STUD, Grade 5, conducted by the Shepparton Greyhound Racing Club at Shepparton on 8 May 2023 (**the Event**).

4. On 8 May 2023, you presented “*Sunny Bokai*” at the Event not free of any prohibited substance, given that:

- (a) A pre-race sample of urine was taken from “*Sunny Bokai*” at the Event (**the Sample**);
- (b) Theobromine was detected in the Sample.

Plea: Guilty

DECISION

Ms Jennifer Thorpe, you are pleading guilty to two breaches of GAR 141(1). The earlier in time occurred on 4 April 2023. It involved the dog “*Smoldering Decay*”, which competed in Race 6 at Warragul. It in fact won the race, although something of an outsider in the market. The later offence occurred on 8 May 2023. It involved “*Sunny Bokai*”, which competed in Race 10 at Shepparton. Sunny Bokai was well in the market, but finished seventh. Each dog tested positive, essentially to Theobromine – caffeine and its metabolites.

It is important to note that, as pointed out by Mr Pearce on behalf of the Stewards, at the time of the second offence at Shepparton, the outcome of the earlier swab at Warragul was not

known. In other words, when Sunny Bokai ran at Shepparton, you were totally unaware that Smouldering Decay had tested positive to Theobromine at Warragul.

Essentially, as pointed out by Dr Karamatic, Theobromine essentially has the capacity to improve performance.

You have no explanation for the positive swabs. How the dogs came to test positive is a mystery to you and to the Stewards.

You have been a licensed public trainer since 1988, having previously been an owner/trainer for three years. You have an unblemished record in relation to offences of this nature. You have put before us an affidavit and references. It is clear that you are very highly thought of in the greyhound industry.

You live in a house which you own and where kennels are located. You currently have 9 dogs under your care, although not all are racing at the moment.

Obviously the concept of a drug free industry is important. We bear that in mind. We also bear in mind what an important part the dogs have played, and are still playing, in your life. Essentially you care for them with your daughter. We accept that you have no notion as to what caused these two positive swabs in such a short time.

Even in circumstances such as this, strict liability does apply unless some highly unusual circumstances were prevailing.

Essentially, we are accepting the penalties suggested by Mr Pearce on behalf of the Stewards, but with one modification.

On each charge, you are suspended for a period of four months, but such suspensions are in turn suspended for a period of 12 months. Mr Pearce had suggested 24 months, but we feel 12 months is more appropriate. We are confident that there will be no further relevant offence. Hopefully the mystery cause of the present offences will not recur.

On each charge, you are fined the sum of \$500. Finally, Smouldering Decay and Sunny Bokai are disqualified from their respective races, the finishing order is to be amended accordingly and, unfortunately for you, prize money is to be returned. Mr Peace can advise you of any arrangement is that regard.

Mark Howard
Registrar, Victorian Racing Tribunal