

7 March 2024

DECISION

GREYHOUND RACING VICTORIA

and

JOHN BURCH

- Date of hearing:** 5 March 2024
- Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Ms Heidi Keighran.
- Appearances:** Mr Timothy Brook appeared on behalf of the Stewards.
Ms Carly Feltham represented Mr John Burch.
- 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**
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 “Busy Time”.
 3. Busy Time was nominated to compete in Race 7, SENNACHIE AT STUD, Grade 5, conducted by the Warragul Greyhound Racing Club at Warragul on 26 March 2023(the Event).

4. On 26 March 2023, you presented Busy Time at the Event not free of any prohibited substance, given that:

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

(b) Theobromine was detected in the Sample.

Charge 2

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 “Busy Time”.

3. Busy Time was nominated to compete in Race 7, SENNACHIE AT STUD, Grade 5, conducted by the Warragul Greyhound Racing Club at Warragul on 26 March 2023(the Event).

4. On 26 March 2023, you presented Busy Time at the Event not free of any prohibited substance, given that:

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

(b) Metformin was detected in the Sample.

Pleas: Guilty

DECISION

1. Mr John Burch has been a registered greyhound trainer since 1988 and, at the time of these events, was the trainer of the greyhound “Busy Time”. This greyhound competed in Race 7 at Warragul on 26 March 2023. It was swabbed before the race.
2. The greyhound returned a positive swab to two substances, theobromine and metformin. Each substance is a prohibited substance under the Rules.

3. Mr Burch thus faces two charges under Greyhounds Australasia Rule (“GAR”) 141(1) regarding the presentation of a greyhound for an event while not free of a prohibited substance, one charge arising out of the presence of theobromine and the second arising out of the presence of metformin.
4. Metformin is a medicine used in humans to lower blood glucose levels. It is thus used in the treatment of diabetes. There is no veterinary medicine for dogs which contains this substance. It is, however, often used in horses to treat Cushing’s disease. Its effect in humans, horses and dogs is a reduction in blood glucose. This reduction in glucose could lead to reduced racing performance by a dog. It is also potentially dangerous to dogs because it increases the risk of lactic acidosis, which is a potentially serious condition. It is classified as a therapeutic substance under the Rules.
5. Theobromine is a form of caffeine. It stimulates the central nervous system. It is found in a wide range of substances, including tea, coffee and energy drinks. As a stimulant, it produces wakefulness and increased mental activity. It is known to improve performance in greyhounds. It is more potent when used in dogs than in humans and there is a significant risk of death to a greyhound if it receives a significant dose of this substance. It is classified as a stimulant under the Rules.
6. When Mr Burch was first approached by the Stewards on 9 May 2023 at his home, he told the Steward that he is a diabetic and takes prescription medication which contains metformin. He stated that he did not wash his hands or wear gloves when handling that medication and sometimes urinates near the dog runs. Potentially he may have introduced metformin into his greyhounds through cross contamination with that medication. He could not identify any potential source of the theobromine, although at the time of the preliminary inquiry, he suggested it may have been another person who had helped him with the dog and who may have been chewing on something containing a chocolate substance. There was nothing found during the kennel inspection which contained this substance. He was not aware that Greyhound Racing Victoria (“GRV”) had published articles about possible human foods and substances containing theobromine, including a drink called “up and go”, which he said he occasionally gave to his dogs before a race.
7. Mr Burch has been a greyhound trainer since 1988, being approximately 36 years. He has pleaded guilty to each of the offences.
8. In setting penalties, we take into account general and specific deterrence and the importance of keeping a level playing field by aiming for a drug free industry. We also take into account the guilty pleas and Mr Burch’s total co-operation with the Stewards.

9. We accept that the ingestion of these substances was unintentional. This is the nature of a presentation offence. However, it is disappointing that at the preliminary inquiry Mr Burch showed no knowledge of the articles published to the industry regarding these substances, even though he has been an industry participant for so many years. Further, even after having been charged, he had not taken the simple precaution of either wearing gloves when handling his dogs food or taking his own medication after feeding the dogs in order to avoid cross contamination.

10. Mr Burch has been quite unwell for a long time. He urgently needs an operation for a heart condition, but cannot have it as he has a separate back condition which prevents it from being undertaken. He had only two dogs in training at the time of these offences, but has had to rehome them because of his health. He also is in dire social circumstances. He has been homeless for some time, but has recently been housed with a friend. He lives on a pension. Greyhounds are his life and he loves to attend race meetings, although it is doubtful whether he will have the physical capacity to be involved in the industry again. He is 68 years old and has a very good previous record. He was unable to attend the hearing due to his health, but was represented by a fellow trainer, Ms Carly Feltham, who has spoken at some length to us on his behalf, including his prior good record and the circumstances of these offences.

11. In all the circumstances, we impose the following penalties:

Charge 1: four months suspension and a \$500 fine, which are both wholly suspended for 12 months.

Charge 2: four months suspension and a \$500 fine, which are both wholly suspended for 12 months.

12. Given that each charge arose out of the same incident, in that each involved the same greyhound, the same occasion, and the same sample, we order that the penalty imposed on Charge 2 be concurrent with the penalty imposed on Charge 1.

13. In addition, the Busy Time is disqualified from Race 7 at Warragul on 26 March 2023 and the finishing order is amended accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal