

22 January 2023

DECISION

GREYHOUND RACING VICTORIA

and

JOSH DUNCAN

- Date of hearing:** 11 January 2024
- Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Robert Abrahams.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Josh Duncan 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 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
(2) If requested by a Controlling Body, a Steward, or an authorised person, the record/s of treatment referred to in subrule (1) of this rule must be produced for inspection.
(3) Each record of treatment kept in accordance with this rule must be made by midnight on the day on which the treatment

was given, and, as a minimum requirement, include the following information:

- (a) the name of the greyhound;
- (b) the date and time of administration of the treatment;
- (c) the name of the treatment (brand name or active constituent);
- (d) the route of administration;
- (e) the amount given; and
- (f) the name and signature of the person or persons administering and/or authorising the treatment.

For the purpose of subrule (3), “day” means the 24-hour period from 12.00am to 11.59pm on any calendar day.

(4) An offence is committed if any person in charge of a greyhound at the relevant time fails to comply with any of subrules (1) to (3) of this rule.

(5) A person who commits an offence under subrule (4) of this rule may be penalised.

(6) For the purposes of this rule “treatment” includes:

- (a) all Controlled Drugs (Schedule 8);
- (b) all Prescription Animal Remedies and Prescription Only Medicines (Schedule 4);
- (c) any injectable substance not already specified in this rule, notwithstanding the route of administration;
- (d) all Pharmacist Only (Schedule 3) and Pharmacy Only (Schedule 2) medicines; and
- (e) all veterinary and other medicines containing other scheduled or unscheduled prohibited substances.

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 “Jayville Glory”.
3. Jayville Glory was nominated to compete in Race 6, SHIMA SHINE AT STUD (250+RANK), Grade 5, conducted by the Bendigo Greyhound Racing Association at Bendigo on 26 April 2023 (**the Event**).

4. On 26 April 2023, you presented Jayville Glory at the Event not free of any prohibited substance, given that:
 - (a) A post-race sample of urine was taken from Jayville Glory at the Event (the Sample);
 - (b) Salbutamol was detected in the Sample.

Charge 2: GAR 151

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 "Jayville Glory".
3. In or around May 2023, you administered a treatment, namely the substance an anti-parasitic treatment "Ranvet" to Jayville Glory (the Treatment).
4. The Treatment was not recorded in your treatment records when you produced them to GRV Steward Mr Anthony Gibbins upon his request.
5. The Treatment is required to be recorded in your treatment records.

Pleas: Guilty

DECISION

1. Mr Josh Duncan is a registered greyhound trainer and at all material times was the trainer of the greyhound "Jayville Glory". Jayville Glory competed in Race 6 at Bendigo on 26 April 2023. A post-race sample showed the presence of the prohibited substance, salbutamol.
2. Salbutamol is sold under the name Ventolin. It is used by asthmatics to open up airways to enable better breathing. It can be transmitted to greyhounds by persons who use

Ventolin inhalers near them or who feed them. The most likely cause of the positive swab is the use of salbutamol by a trainer who occupies the same kennels as Mr Duncan.

3. Salbutamol can affect the condition or performance of a greyhound in a positive way according to Greyhound Racing Victoria (“GRV”) Chief Veterinarian, Dr Steven Karamatic.
4. Stewards of GRV have charged Mr Duncan with an offence under Greyhounds Australasia Rule (“GAR”) 141(1), for presenting a greyhound for an event whilst not free of a prohibited substance. Mr Duncan has pleaded guilty.
5. In setting a penalty, we take into account the guilty plea and general and specific deterrence, as well as the importance of having a level playing field and drug free racing. We further take into account recent penalties in other salbutamol cases.
6. In all the circumstances, on the charge regarding GAR 141(1) we impose a penalty of six months suspension wholly suspended for 12 months pending no further prohibited substance related offences in that time.
7. Jayville Glory is disqualified from Race 6 at Bendigo on 26 April 2023 and the finishing order is amended accordingly.
8. Mr Duncan has also been charged with an offence under GAR 151 for failing to record in his treatment book administration of anti-worm tablets to his greyhounds. He pleaded guilty to this offence. It was an oversight. Having regard to recent penalties in like matters, we impose a fine of \$300.

Kathleen Scully
Acting Registrar, Victorian Racing Tribunal