

22 January 2024

DECISION

GREYHOUND RACING VICTORIA

and

PETER DUNLEVEY

- Date of hearing:** 12 January 2024
- Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Greg Childs.
- Appearances:** Ms Yana Podolskaya appeared on behalf of the Stewards.
Mr Peter Dunlevey 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(1) 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

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 "Where's Lesley".
3. Where's Lesley was nominated to compete in Race 6, CKH PAINTING, Grade 5 T3, conducted by the Shepparton Greyhound Racing Club at Shepparton on 2 March 2023 (the Event).
4. On 2 March 2023, you presented Where's Lesley at the Event not free of any prohibited substance, given that:
 - (a) A pre-race sample of urine was taken from Where's Lesley at the Event (the Sample);
 - (b) Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

Charge 2: GAR 151(1)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Racing Victoria Rules of Racing.
2. You were, at all relevant times, the trainer of the greyhound "Where's Lesley".
3. On 30 March 2023, you were requested to provide the treatment records for Where's Lesley for inspection by GRV Steward Anthony Gibbins.
4. You failed to produce the treatment records for Where's Lesley for inspection.

Pleas: Guilty

DECISION

1. Mr Peter Dunlevey is a registered greyhound trainer with over 36 years' experience in the industry as a trainer. He is the trainer of the greyhound "Where's Lesley". Where's Lesley competed in Race 6 at Shepparton on 2 March 2023. A pre-race sample taken from the greyhound showed the presence of arsenic in excess of 800ng/ml. At that level, arsenic is a prohibited substance.
2. Greyhound Racing Victoria ("GRV") Stewards charged Mr Dunlevey under Greyhounds Australasia Rule ("GAR") 141(1) with presenting a greyhound for an event whilst not free of a prohibited substance. Mr Dunlevey pleaded guilty to the charge at the earliest opportunity.
3. Arsenic is a naturally occurring trace element which is found, amongst other places, in treated pine fencing. Mr Dunlevey used to have treated pine logs in his day yards in his kennels. Those were chewed by Where's Lesley. Mr Dunlevey, since this positive swab, has taken corrective measures to avoid the likelihood of a future positive swab to arsenic at a prohibited level.
4. In setting a penalty, we take into account the guilty plea and Mr Dunlevey's excellent record over nearly four decades as a trainer. He has no relevant prior transgressions. We also take into account the importance of general deterrence and the need to have a level playing field by keeping prohibited substances out of greyhound racing.
5. In all the circumstances, we impose a penalty of 6 months suspension wholly suspended for 24 months. We also impose a fine of \$1,000 with \$500 suspended for 12 months.
6. In addition, Where's Lesley is disqualified from Race 6 at Shepparton on 2 March 2023 and the finishing order is amended accordingly.
7. Mr Dunlevey has also been charged under GAR 151 for failing to produce a treatment book for Where's Lesley when requested by Stewards at a kennel inspection. He pleaded guilty to the charge. He told Stewards at a preliminary inquiry that he panicked when asked for the book and couldn't find it. He produced books for all his other greyhounds. He subsequently found the book and has provided it to the Stewards.

In all the circumstances, we record a finding of guilty on this charge, but impose no penalty in the special circumstances existing.

Kathleen Scully
Acting Registrar, Victorian Racing Tribunal