18 September 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR AARON FARLEY**

**Date of hearing:** 11 September 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Greg Childs.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Aaron Farley represented himself.

**Charge:** Greyhounds Australasia Rule (GAR) 83 (1A) states:

A person who-

1. administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;
2. aids, abets, counsels or procures any person to administer a prohibited substance to a greyhound; or
3. has prior knowledge of a prohibited substance being administered to a greyhound which is detected in any sample taken from such greyhound that has been presented for an Event or when subject to any other contingency provided for pursuant to these Rules, shall be guilty of an offence.

GAR 83(2) states:

The owner, trainer or person in charge of a greyhound-

1. nominated to compete in an Event;
2. presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
3. presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked

shall present the greyhound free of any prohibited substance.

GAR 84A states:

The person in charge of a greyhound must keep and retain records detailing all vaccinations, antiparasitics and medical treatments administered to a greyhound from the time the greyhound enters their care until the greyhound leaves their care and for a minimum of two (2) years. Such record of treatment must be produced for inspection when requested by a Steward or a person authorised by the Controlling Body. Any person responsible for a greyhound at the relevant time who fails to comply with any provision of this rule shall be guilty of an offence.

**Particulars of charges: Charge 1**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Australasia Rules.

2.You were, at all relevant times, the trainer of the greyhound *“Dorellie Love”.*

3.*“Dorellie Love”* was presented for, and competed in, Race 4, SKY RACING (0-3 WINS), Restricted Win, conducted by the Sandown Greyhound Racing Club at Sandown on 16February 2020 (**the Event**).

4.You administered, or caused to be administered, to *“Dorellie Love”,* a prohibited substance, being Fexofenadine, which was detected in a sample taken from *“DorellieLove”* in that:

(a) you administered a product containing Fexofenadine, namely Telfast, to *“Dorellie Love”* on or about 15 February 2020;

(b) A pre-race sample of urine was taken from *“Dorellie Love”* at the Event (**the Sample**); and

(c) Fexofenadine 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 *“Dorellie Love”.*

3.*“Dorellie Love”* was nominated to compete in, Race 4, SKY RACING (0-3 WINS), Restricted Win, conducted by the Sandown Greyhound Racing Club at Sandown on 16February 2020 (**the Event**).

4.On 16 February 2020, you presented *“Dorellie Love”* at the Event not free of any prohibited substance, given that:(a)A pre-race sample of urine was taken from *“Dorellie Love”* at the Event (**the Sample**);

(b) Fexofenadine was detected in the Sample.

**Charge 3**

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 *“Dorellie Love”.*

3.On or about 15 February 2020, you administered a treatment, namely a Telfast tablet containing the prohibited substance Fexofenadine, to *“Dorellie Love”* (**the Treatment**)**.**

4.The Treatment was not recorded in your treatment records when you produced them to GRV Steward Mr Michael Lowe upon his request.

**Plea:** Guilty

**DECISION**

1. Mr Aaron Farley is a registered greyhound trainer and the trainer of the greyhound ‘Dorellie Love’. Dorellie Love competed in Race 4 at Sandown on 16 February 2020. A pre-race sample showed the presence of Fexofenadine, a prohibited substance.
2. Stewards of Greyhound Racing Victoria (‘GRV’) have charged Mr Farley with three offences. The first is under Greyhounds Australasia Rule (‘GAR’) 83(1A) and concerns the administration of a prohibited substance to a greyhound presented for an event. The second is a presentation charge under GAR83(2). The third concerns a breach of GAR84A by not recording a treatment with Fexofenadine in the treatment book. Mr Farley has pleaded guilty to charges 1 and 2. We intend on the first two charges to impose a penalty only on charge 1, because charge 2 arises out of the same factual matrix as charge 1. Charge 3 is to be treated separately as there was not a not guilty plea to that charge.
3. Fexofenadine is found in Telfast tablets. Mr Farley gave Dorellie Love Telfast the day before the event at Sandown. Fexofenadine is commonly used for minor allergies in greyhounds and is a therapeutic substance. It is capable of having a negative impact on performance. Mr Farley told a Stewards investigation that the dog was suffering with allergies and that other trainers had told him Telfast was ‘ok to use’.
4. However, it is a prohibited substance. GRV published feeding medication and supplement guidelines in August 2016, which alerted trainers to the potential risks associated with over the counter medicines for the use of humans. Perhaps it is time for that warning to be re-stated and republished.
5. We accept that Mr Farley’s breach of the Rules of greyhound racing was inadvertent. However general deterrence and the importance of keeping a drug free industry will inform our decision on penalty.
6. Having regard to the guilty pleas, Mr Farley’s co-operation with the Stewards and similar penalties in like matters, in relation to the administration charge we impose a penalty of $1,000 with $500 suspended for 12 months provided there is no more offending against GAR83 by Mr Farley in the next 12 months, on the administration charge. The greyhound is disqualified from Race 4 at Sandown on 16 February 2020.
7. On charge 3 there was a not guilty plea. The record treatment book was in evidence. It showed no recording of the administration of Telfast on the day in question. The particulars of the charge were that the Telfast tablet was administered on 15 February 2020 but that the treatment was not recorded in treatment records when they were produced to GRV Steward, Mr Michael Lowe, on his request.
8. In his report Dr Evans said that treatment records recorded the date of administration of Telfast on 10 September 2019. We have that recording in evidence before us.
9. Mr Lowe made a statement that he conducted a kennel inspection at Mr Farley’s kennel on 19 March 2020. He asked Mr Farley to produce his treatment records, which Mr Farley did. Mr Lowe did not say that the treatment records did not record the administration of Telfast. However, a photo of the treatment records is in evidence and records Telfast being administered on 10 September 2019 but not on 15 February 2020 when the Telfast the subject of the charges was administered. The entry relates to “Doorellie”.
10. Mr Farley said that he first listed the treatment on 10 September 2019 intended it to be ongoing. There was no indication in the book that it was ongoing. The treatment book requires the treatment to be listed each time it is given. Even if it is acceptable to note that a treatment is to be ongoing, there is no indication in the treatment book that the treatment was intended to be ongoing.
11. On charge 3 we record a guilty verdict and impose a penalty of $750.

Mark Howard
Registrar, Victorian Racing Tribunal