17 November 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**ANDREA DAILLY**

**and**

**THOMAS DAILLY**

**Date of hearing:** 16 November 2022

**Panel:** Judge John Bowman (Chairperson) and Judge Kathryn Kings.

**Appearances:** Mr Damien Hannan, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.

Ms Andrea Dailly and Mr Thomas Dailly represented themselves.

**Charges:** Greyhounds Australasia Rule (“GAR”) 83(2) states:

(2) The owner, trainer or person in charge of a greyhound –

(a) nominated to compete in an Event;

(b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or

(c) 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 86(d) states:

A person (including an official) shall be guilty of an offence if the person –

(d) being an owner, trainer, attendant or person having official duties in relation to greyhound racing, makes a false or misleading statement in relation to an investigation, examination, test or inquiry, or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound.

GAR 84A states:

(1) 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.

(2) 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) Name of the greyhound;

b) Date and time of administration of the treatment;

c) Name of the treatment (brand name or active constituent);

d) Route of administration;

e) Amount given;

f) Name and signature of person or persons administering and/or authorising treatment.

For the purposes of sub-rule (2), “day” means the 24-hour period from 12:01am to 12 midnight on any calendar day.

(3) For the purposes of this Rule, “treatment” includes:

a) All Controlled Drugs (Schedule 8) administered by a veterinarian;

b) All Prescription Animal Remedies and Prescription Only Medicines (Schedule 4);

c) Any injectable substance not already specified in this Rule;

d) All Pharmacist Only (Schedule 3) and Pharmacy Only (Schedule 2) medicines;

e) All veterinary and other substances containing other scheduled and unscheduled prohibited substances.

GAR 86(o) states:

A person (including an official) shall be guilty of an offence if the person-

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing,

which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent,

dishonest, corrupt, fraudulent or improper, or constitutes misconduct.

**Particulars of Charges: Andrea Dailly**

 **Charge 1: GAR 83(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 “Radek Bale”.
3. Radek Bale was nominated to compete in, Race 5, 150K Projected Quaddie Pool, Mixed 4/5, conducted by the Sandown Greyhound Racing Club at Sandown on 27 May 2021 (the Event).
4. On 27 May 2021, you presented Radek Bale at the Event not free of any prohibited substance, given that:

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

(b) Desmopressin was detected in the Sample.

1. At the time of the relevant conduct described, it was an offence under GAR 83(2) (as then in force) to engage in the conduct described in particular 4.
2. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 83(2));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 83(2); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 83(2)).

**Charge 2: GAR 86(d)**

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. On 28 June 2021, GRV Stewards opened an Inquiry in relation to the finding of a prohibited substance in the greyhound Radek Bale from a sample taken at Sandown Greyhound Racing Club on 27 May 2021 (the Inquiry).
3. During this Inquiry, you made a false, further and alternatively, misleading statement in relation to an investigation or inquiry, in that:

(a) you denied that ethyloestrenol was administered to your registered greyhounds kennelled at Anakie, Victoria (the Premises);

(b) you later stated to Stewards, on 27 September 2021, that all your registered female greyhounds kennelled at the Premises are administered a quarter of a tablet of Orabolin every day;

(c) Thomas Dailly confirmed the matters in paragraph (b) above to Stewards on 27 September 2021; and

(d) Orabolin tablets contain the substance ethyloestrenol.

1. At the time of the relevant conduct described, it was an offence under GAR 86(d) (as then in force) to engage in the conduct described in particular 4.
2. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 86(d));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 86(d); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 86(d)).

**Charge 3: GAR 84A(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 have been the registered trainer of greyhounds kennelled at Anakie, Victoria (the Premises) since at least October 2020.
3. On various dates from at least in or around October 2020, ethyloestrenol was administered to female greyhounds registered in your name and kennelled at the Premises (the Treatment), in that:

(a) you stated to Stewards, on 27 September 2021, that all your registered female greyhounds kennelled at the Premises are administered a quarter of a tablet of Orabolin every day;

(b) Thomas Dailly confirmed the above to Stewards on 27 September 2021;

(c) an invoice issued by Craigieburn Animal Hospital addressed to George Dailly at the Premises dated 4 October 2020 indicates that it supplied approximately 1,000 tablets of Orabolin 2mg; and

(d) Orabolin contains ethyloestrenol.

1. Ethyloestrenol is a Prescription Animal Remedy (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
2. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
3. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particular 5.
4. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 4: GAR 84A(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 have been the registered trainer of greyhounds kennelled at Anakie, Victoria (the Premises) since at least August 2020.
3. On various dates between in or around August 2020 and in or around June 2021, Carprofen was administered to racing greyhounds at the Premises (the Treatment), in that:

(a) you stated to Stewards, on 27 September 2021, that some registered greyhounds kennelled at the Premises are administered Rimadyl tablets;

(b) Thomas Dailly confirmed the above to Stewards on 27 September 2021;

(c) invoices issued by Craigieburn Animal Hospital addressed to George Dailly at the Premises dated 11 April 2021, 27 December 2020, 30 August 2020 and 2 August 2020 indicate that it supplied approximately 800 tablets of Rimadyl 50mg; and

(d) Rimadyl contains carprofen.

1. Carprofen is a Prescription Animal Remedy (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
2. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
3. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particular 5.
4. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 5: GAR 84A(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 have been the registered trainer of greyhounds kennelled at Anakie, Victoria (the Premises) since at least August 2020.
3. On various dates between in or around August 2020 and in or around June 2021, Amoxycillin and Clavulanic Acid was administered to racing greyhounds at the Premises (the Treatment), in that:

(a) you stated to Stewards, on 27 September 2021, that some registered greyhounds kennelled at the Premises are administered Clavulox tablets;

(b) Thomas Dailly confirmed the above to Stewards on 27 September 2021;

(c) invoices issued by Craigieburn Animal Hospital addressed to George Dailly at the Premises dated 28 February 2021, 27 December 2020, 1 November 2020, 30 August 2020 and 2 August 2020 indicate that it supplied approximately 770 tablets of Clavulox 500mg; and

(d) Clavulox contains Amoxycillin and Clavulanic Acid.

1. Amoxycillin and Clavulanic Acid are Prescription Animal Remedies (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
2. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
3. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particular 5.
4. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 6: GAR 84A(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 have been the registered trainer of the greyhound “Providence Bale” since 7 February 2020.
3. On various dates in or around March 2021, Metronidazole was administered to Providence Bale (the Treatment) in that Thomas Dailly stated to Stewards, on 27 September 2021, that he administered Metronidazole to Providence Bale on three successive days shortly after 6 March 2021.
4. Metronidazole is a Prescription Animal Remedy (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
5. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
6. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particular 5.
7. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 7: GAR 84A(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. Your registered kennel address has been in Anakie, Victoria (the Premises) since at least February 2021.
3. On various dates in or around early 2021, Prazosin was administered to greyhounds at the Premises (the Treatment), in that:

(a) Thomas Dailly stated to Stewards, on 27 September 2021, that he administered Minipress to some greyhounds kennelled at the Premises;

(b) an invoice issued by Craigieburn Animal Hospital addressed to George Dailly at the Premises dated 28 February 2021 indicates that it supplied approximately 100 tablets of Minipress 2mg; and

(c) Minipress contains Prazosin.

1. Prazosin is a Prescription Animal Remedy (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
2. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
3. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particular 5.
4. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 8: GAR 84A(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 the registered trainer of the greyhound “Shima Shine” between 24 September 2020 and 10 December 2021.
3. On various dates from in or around April 2021, Pentosan Polysulfate Sodium (PPS) was administered to Shima Shine (the Treatment), in that:

(a) Thomas Dailly stated to Stewards, on 27 September 2021, that he administered Cartrophen to “Shima Shine” on approximately three occasions in or around April 2021;

(b) an invoice issued by Craigieburn Animal Hospital addressed to George Dailly at the Premises dated 11 April 2021 indicates that it supplied approximately 10 Cartrophen injections; and

(c) Cartrophen contains PPS.

1. PPS is a Prescription Animal Remedy (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
2. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
3. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particular 5.
4. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 9: GAR 84A(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 have been the registered trainer of greyhounds kennelled at Anakie, Victoria (the Premises) since at least October 2020.
3. On various dates from in or around April 2011, carprofen was administered to greyhounds registered in your name and kennelled at the Premises (the Treatment), in that:

(a) Thomas Dailly stated to Stewards, on 27 September 2021, that he administered Rimadyl/Carprieve injections to greyhounds kennelled at the Premises on several occasions;

(b) an invoice issued by Craigieburn Animal Hospital addressed to George Dailly at the Premises dated 11 April 2021 indicates that it supplied Rimadyl/Carprieve injection 20ml; and

(c) Rimadyl and Carprieve contain carprofen.

1. Carprofen is a Prescription Animal Remedy (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
2. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
3. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particular 5.
4. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

 **Thomas Dailly**

 **Charge 1: GAR 84A(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. Your registered kennel address has been in Anakie, Victoria (the Premises) since at least October 2020.
3. The Premises is also the registered kennel address of registered trainer Ms Andrea Dailly.
4. On various dates from at least in or around October 2020, you administered ethyloestrenol to female greyhounds registered in the name of Andrea Dailly and kennelled at the Premises (the Treatment), in that:

(a) you stated to Stewards, on 27 September 2021, that all registered female greyhounds kennelled at the Premises are administered a quarter of a tablet of Orabolin every day;

(b) an invoice issued by Craigieburn Animal Hospital addressed to George Dailly at the Premises dated 4 October 2020 indicates that it supplied approximately 1,000 tablets of Orabolin 2mg; and

(c) Orabolin contains ethyloestrenol.

1. Ethyloestrenol is a Prescription Animal Remedy (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
2. You, in partnership with Ms Andrea Dailly, were a person responsible for the provision of medication treatments to the greyhounds at the Premises at the relevant time.
3. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
4. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particulars 6 and 7.
5. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 2: GAR 84A(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. Your registered kennel address has been in Anakie, Victoria (the Premises) since at least August 2020.
3. The Premises is also the registered kennel address of registered trainer Ms Andrea Dailly.
4. On various dates between in or around August 2020 and in or around June 2021, you administered Carprofen to racing greyhounds at the Premises (the Treatment), in that:

(a) you stated to Stewards, on 27 September 2021, that some registered greyhounds kennelled at the Premises are administered Rimadyl tablets;

(b) invoices issued by Craigieburn Animal Hospital addressed to George Dailly at the Premises dated 11 April 2021, 27 December 2020, 30 August 2020 and 2 August 2020 indicate that it supplied approximately 800 tablets of Rimadyl 50mg; and

(c) Rimadyl contains carprofen.

1. Carprofen is a Prescription Animal Remedy (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
2. You, in partnership with Ms Andrea Dailly, were a person responsible for the provision of medication treatments to the greyhounds at the Premises at the relevant time.
3. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
4. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particulars 6 and 7.
5. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 3: GAR 84A(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. Your registered kennel address has been in Anakie, Victoria (the Premises) since at least August 2020.
3. The Premises is also the registered kennel address of registered trainer Ms Andrea Dailly.
4. On various dates between in or around August 2020 and in or around June 2021, Amoxycillin and Clavulanic Acid was administered to racing greyhounds at the Premises (the Treatment), in that:

(a) you stated to Stewards, on 27 September 2021, that some registered greyhounds kennelled at the Premises are administered Clavulox tablets;

(b) invoices issued by Craigieburn Animal Hospital addressed to George Dailly at the Premises dated 28 February 2021, 27 December 2020, 1 November 2020, 30 August 2020 and 2 August 2020 indicate that it supplied approximately 770 tablets of Clavulox 500mg; and

(c) Clavulox contains Amoxycillin and Clavulanic Acid.

1. Amoxycillin and Clavulanic Acid are Prescription Animal Remedies (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
2. You, in partnership with Ms Andrea Dailly, were a person responsible for the provision of medication treatments to the greyhounds at the Premises at the relevant time.
3. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
4. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particulars 6 and 7.
5. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 4: GAR 84A(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. Your registered kennel address has been in Anakie, Victoria (the Premises) since at least February 2020.
3. The Premises is also the registered kennel address of registered trainer Ms Andrea Dailly.
4. Ms Andrea Dailly has been the registered trainer of the greyhound “Providence Bale” since 7 February 2020.

1. On various dates in or around March 2021, you administered Metronidazole to Providence Bale (the Treatment).
2. Metronidazole is a Prescription Animal Remedy (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
3. You, in partnership with Ms Andrea Dailly, were a person responsible for the provision of medication treatments to the greyhounds at the Premises at the relevant time.
4. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
5. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particulars 7 and 8.
6. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 5: GAR 84A(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. Your registered kennel address has been in Anakie, Victoria (the Premises) since at least February 2021.
3. The Premises is also the registered kennel address of registered trainer Ms Andrea Dailly.
4. On various dates in or around early 2021, Prazosin was administered to greyhounds registered in Ms Andrea Dailly’s name and kennelled at the Premises (the Treatment), in that:

(a) You stated to Stewards, on 27 September 2021, that you administered Minipress to some greyhounds kennelled at the Premises;

(b) an invoice issued by Craigieburn Animal Hospital addressed to George Dailly at the Premises dated 28 February 2021 indicates that it supplied approximately 100 tablets of Minipress 2mg; and

(c) Minipress contains Prazosin.

1. Prazosin is a Prescription Animal Remedy (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
2. You, in partnership with Ms Andrea Dailly, were a person responsible for the provision of medication treatments to the greyhounds at the Premises at the relevant time.
3. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
4. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particulars 6 and 7.
5. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 6: GAR 84A(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. Your registered kennel address has been in Anakie, Victoria (the Premises) since at least October 2020.
3. The Premises is also the registered kennel address of registered trainer Ms Andrea Dailly.
4. Ms Andrea Dailly has been the registered trainer of the greyhound “Shima Shine” since 24 September 2020.

1. On various dates from in or around April 2021, you administered Pentosan Polysulfate Sodium (PPS) to Shima Shine (the Treatment), in that:

(a) You stated to Stewards, on 27 September 2021, that you administered Cartrophen to Shima Shine on approximately three occasions in or around April 2021;

(b) an invoice issued by Craigieburn Animal Hospital addressed to George Dailly at the Premises dated 11 April 2021 indicates that it supplied approximately 10 Cartrophen injections; and

(c) Cartrophen contains PPS.

1. PPS is a Prescription Animal Remedy (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
2. You, in partnership with Ms Andrea Dailly, were a person responsible for the provision of medication treatments to the greyhounds at the Premises at the relevant time.
3. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
4. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particulars 7 and 8.
5. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 7: GAR 84A(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. Your registered kennel address has been in Anakie, Victoria (the Premises) since at least April 2021.
3. The Premises is also the registered kennel address of registered trainer Ms Andrea Dailly.
4. On various dates from in or around April 2021, you administered carprofen to greyhounds registered in Ms Andrea Dailly’s name and kennelled at the Premises (the Treatment), in that:

(a) You stated to Stewards, on 27 September 2021, that you administered Rimadyl/Carprieve injections to greyhounds kennelled at the Premises on several occasions;

(b) an invoice issued by Craigieburn Animal Hospital addressed to George Dailly at the Premises dated 11 April 2021 indicates that it supplied Rimadyl/Carprieve injection 20ml; and

(c) Rimadyl and Carprieve contain carprofen.

1. Carprofen is a Prescription Animal Remedy (Schedule 4 of the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard (Cth)).
2. You, in partnership with Ms Andrea Dailly, were a person responsible for the provision of medication treatments to the greyhounds at the Premises at the relevant time.
3. You failed to keep and/or maintain Treatment Records in respect of the Treatment.
4. At the time of the relevant conduct described, it was an offence under GAR 84A(1) (as then in force) to engage in the conduct described in particulars 6 and 7.
5. By reason of GAR 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

(a) affect the previous operation of the Old Rules (including GAR 84A(1));

(b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of GAR 84A(1)); or

(c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of GAR 84A(1)).

**Charge 8: GAR 86(o)**

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. Your registered kennel address has been in Anakie, Victoria (the Premises) since at least October 2020.
3. The Premises is also the kennel address of registered trainer Ms Andrea Dailly.
4. On various dates from at least in or around October 2020, whilst conducting greyhound training activities at your Premises, you failed to ensure that treatments you were responsible for administering to greyhounds on the Premises were correctly documented, which in the opinion of the Stewards is negligent and / or improper.
5. These treatments you administered but did not document included;

(a) On various dates from at least in or around October 2020, ethyloestrenol administered to female greyhounds registered in the name of Andrea Dailly and kennelled at the Premises;

(b) On various dates between in or around August 2020 and in or around June 2021, Carprofen administered to racing greyhounds at the Premises;

(c) On various dates between in or around August 2020 and in or around June 2021, Amoxycillin and Clavulanic Acid administered to racing greyhounds at the Premises;

(d) On various dates in or around March 2021, Metronidazole administered to the greyhound “Providence Bale”;

(e) On various dates in or around early 2021, Prazosin administered to greyhounds registered in Ms Andrea Dailly’s name and kennelled at the Premises;

(f) On various dates from in or around April 2021, Pentosan Polysulfate Sodium (PPS) administered to the greyhound “Shima Shine”;

(g) On various dates from in or around April 2021, carprofen administered to greyhounds registered in Ms Andrea Dailly’s name and kennelled at the Premises.

**Pleas:** Andrea Dailly: Guilty to all Charges

Tom Dailly: Guilty to Charges 1 – 7

 Charge 8 withdrawn by the Stewards

**DECISION**

Mr Thomas Dailly and Mrs Andrea Dailly, you have each been charged with a number of offences to which you are pleading guilty. You train as a partnership, each being a licensed person. As a matter of practice and routine, you carry out different ranges of tasks, but, as a partnership, you are jointly and separately liable for the activities of that partnership. You run a big and very successful training operation involving a large number of greyhounds.

The charges against you are, of course, quite separate, although some seven charges are identical. We repeat that you are charged as quite separate and individual trainers.

Charges 1 to 7 against you, Mr Dailly, are effectively identical to Chrge 3 to 9 against you, Mrs Dailly. The charges are for seven breaches of Greyhounds Australasia Rule (“GAR”) 84A(1), which could be summarised as being a failure to keep proper records. We regard you as being partners equally responsible for the breaches. On each instance, we regard the first three charges, being Charges 1 to 3 for Mr Dailly and Charges 3 to 7 for Mrs Dailly, as being more serious than the remaining charges. As shall be discussed, Charges 1 and 2 against you, Mrs Dailly, are not laid against Mr Dailly. Charge 1 concerns a breach of GAR 83(2) – that is, a presentation charge. Charge 2 relates to a breach of GAR 86(d) – essentially making a false or misleading statement.

We turn now to our findings in relation to the individual trainers.

**1. Thomas Dailly**

Of the seven breaches of GAR 84A(1) – the failure to keep proper records – Charges 1, 2 and 3 are more serious than Charges 4 to 7. Each of Charges 1, 2 and 3 concerns the failure to keep records of administration of substances over a period and involving a considerable number of administrations. We would emphasise that there is no suggestion of any infringement of the Rules in relation to the timing of such administration. Nevertheless, these three breaches represent repeated and substantial breaches of the Rule. We need not go into the details of the submissions involved. What is more significant is the repeated failures to record administration over a period of time. We would also emphasise the importance of proper record keeping and the important role this plays in the work of the Stewards.

On each of Charges 1, 2 and 3, you are fined $1,000. Charges 4, 5, 6 and 7 concern more isolated and what could be described as much smaller breaches. On each, you are fined the sum of $300.

Thus, you are fined a total amount of $4,200.

**2. Andrea Dailly**

In our opinion, similar penalties to those in the case of Thomas Dailly should be imposed. We again emphasise the significant role of accurate record keeping and its importance in the work done by the Stewards.

Accordingly, on Charges 3, 4 and 5 in each instance you are fined the sum of $1,000. On Charges 6, 7, 8 and 9 you are fined $300 in each instance.

The total amount of fines is $4,200.

We turn now to Charges 1 and 2. Charge 1 is the presentation charge. It concerns the greyhound, “Radek Bale”, which competed at Sandown in Race 5 on 27 May 2021. The dog returned a pre-race urine sample positive to the prohibited substance, desmopressin. How this substance came to be in the dog’s system is a mystery. However, you were responsible for the presentation and have pleaded guilty accordingly. In all the circumstances, you are fined the sum of $1,500, of which $1,000 is suspended for a period of 12 months.

We turn now to Charge 2, the making of a false statement to the Stewards. This arose in the context of the inquiry into Radek Bale and the sample taken on 27 May 2021. You denied that ethyloestrenol was administered to your registered greyhounds. On 27 September 2021, you informed Stewards that you had given a daily dose of Orabalin, which contains ethyloestrenol, to all your female greyhounds.

Clearly the information given to them on 27 May 2021 was false and three months later you admitted this and have pleaded guilty to the breach of GAR 86(d).

The giving of false information to the Stewards is a serious matter. To state the obvious, it is dishonest and obstructs their investigation. It is to your credit that you later admitted this and have pleaded guilty today.

In our opinion, a period of suspension is warranted. You are suspended for a period of three months, of that period, two months are in turn suspended for a period of 12 months. Should you offend again during the next 12 months, that period of two months suspension will be activated. The suspension shall start immediately.

Finally, Radek Bale is disqualified from Race 5 at Sandown on 27 May 2021 and the finishing order is amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal