10 February 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**BARRY ANDERSON**

**Date of hearing:** 5 February 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Amanda Dickens.

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

Mr Barry Anderson 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.

**Particulars of charge: 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 “Barellen Jewel”.
3. “Barellen Jewel” was presented for, and competed in, Race 7, RACERS FUNCTION CENTRE, Mixed 6/7, conducted by the Shepparton Greyhound Racing Club at Shepparton on 20 February 2020 (**the Event**).
4. You administered, or caused to be administered, to “Barellen Jewel”, a prohibited substance, being Ibuprofen, which was detected in a sample taken from “Barellen Jewel” in that:
5. you administered two capsules of a product that contains Ibuprofen, namely ‘Advil’, to “Barellen Jewel” on both 18 February 2020 and 19 February 2020;
6. A pre-race sample of urine was taken from “Barellen Jewel” at the Event (**the Sample**);
7. Ibuprofen 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 “Barellen Jewel”.
3. “Barellen Jewel” was nominated to compete in, Race 7, RACERS FUNCTION CENTRE, Mixed 6/7, conducted by the Shepparton Greyhound Racing Club at Shepparton on 20 February 2020 (**the Event**).
4. On 20 February 2020, you presented “Barellen Jewel” at the Event not free of any prohibited substance, given that:
5. A pre-race sample of urine was taken from “Barellen Jewel” at the Event (**the Sample**);
6. Ibuprofen was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Barry Anderson is a registered greyhound trainer and, at all material times, was the trainer of the greyhound “Barellen Jewel”. Barellen Jewel competed in Race 7 at Shepparton on 20 February 2020. A pre-race urine sample taken from the greyhound showed the presence of Ibuprofen.
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Anderson under Greyhounds Australasia Rule (“GAR”) 83(1A) with administering a prohibited substance detected in a sample from a greyhound presented for an event. There is also a charge under GAR 83(2) of presenting a greyhound for an event while not free of a prohibited substance.
3. Ibuprofen is a non-steroidal, anti-inflammatory drug which provides pain relief. It is a prohibited substance which has toxic effects and associated side effects, including kidney failure. It can have a positive effect on performance by inducing an artificially pain free state. It can also have a negative effect because of possible toxic side effects. Much will depend on the dose given.
4. On the two days prior to the event, Mr Anderson gave Barellen Jewel two Advil tablets. Advil contains Ibuprofen. He did so because the greyhound had a sore shoulder. He had recently used Advil for pain relief for another greyhound.
5. Mr Anderson pleaded guilty to the offences. He did not know that Ibuprofen was a prohibited substance, despite warnings given by GRV to trainers about the use of substances for human use. He has been training for about 50 years and has never previously returned a positive swab in any of his greyhounds.
6. In setting a penalty, we take into account general deterrence, denunciation of the conduct and the importance of keeping a level playing field by maintaining a drug free industry and animal welfare issues. We also take into account the guilty plea, Mr Anderson’s very long good record and his cooperation with the Stewards.
7. In all the circumstances, on the first charge we impose a penalty of a $1,000 fine, with $500 suspended for 12 months pending no further breach of GAR 83 in the next 12 months. On the second charge, we impose a $500 fine. Given that the charge arose out of the same circumstances as the first charge, we make the penalty on the second charge wholly concurrent with that of the first charge.
8. In addition, Barellen Jewel is disqualified from Race 7 at Shepparton on 20 February 2020.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal