5 February 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR BRENDAN PURSELL**

**Date of hearing:** 28 January 2020

**Panel:** Judge John Bowman (Chairperson), Ms Heidi Keighran and Ms Maree Payne.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Brendan Pursell represented himself.

**Charge:** 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 *“Sustain The Rage”.*
3. *“Sustain The Rage”* was presented for, and competed in, Event 8, MEADOWS CONFERENCE & EVENT, Mixed 3/4, conducted by the Melbourne Greyhound Racing Club at the Meadows on 8 June 2019 (**the Event**).
4. On 8 June 2019, you presented “Sustain The Rage” at the Event not free of any prohibited substance, given that:

*(a)* A sample of urine was taken from *“Sustain The Rage”* at Lara at approximately 11.30am on 8 June 2019, being after that appointed scratching time for the Event of 8.30am on 8 June 2019 (the Sample);

(b) Nicotine was detected in the Sample.

**Plea:** Guilty

**DECISION**

Mr Brendan Pursell, you have pleaded ‘guilty’ to a breach of Rule 83(2). The breach involves the dog ‘Sustain the Rage’ which ran in race 8 at the Meadows on 8 June 2019. On that same day, Stewards attended at your training establishment at Lara at 11.30am. A urine sample then taken proved positive to nicotine, a prohibited substance.

At the time of the swab, you were overseas and had been for approximately 3 days. Mr Steven Menegazzo was looking after the dog in question. He was subsequently interviewed and could provide no explanation for the presence of nicotine. He is a non-smoker.

You are a smoker, but you say you are careful not to leave butts around your property. Further, a type of testing carried out by you showed that the dog was not interested in cigarette butts and showed no indication of eating it or otherwise becoming involved with it.

Thus, the presence of nicotine is a mystery. You have been a greyhound trainer since approximately 2007, having previously been in the harness racing industry. There are no prior convictions alleged against you for any offence. Thus, we treat you as having a clean record.

You are a full-time professional trainer, training 40 or more dogs. Thus, your ‘clean sheet’ as far as prior offences are concerned is all the more commendable.

Previous breaches of this rule on the basis of nicotine are effectively unknown. General deterrence is always important, even if this case involves a rarely seen substance.

Bearing in mind your record, the fact that you were overseas at the relevant time, the rarity of the offence involving nicotine and the mystery surrounding where it came from, we are of the view that a fine is appropriate. In this very unusual case, and would emphasise that it is very unusual, you are fined the sum $1,000, $750 of which is suspended for a period of 12 months. If you offend again, during that period, which we consider unlikely, the additional $750 is payable.

‘Sustain the Rage’ is disqualified from race 8 at the Meadows on 8 June 2019 and the finishing order amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal