22 January 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**CHRISTOPHER GLEN**

**Date of hearing:** 22 January 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Des Gleeson.

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

Mr Christopher Glen, supported by Mrs Belinda Glen, represented himself.

**Charge:** Greyhounds Australasia Rule (“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:** 1.You are and were at all relevant times a public trainer/breeder licenced by Greyhound Racing Victoria (licence number 310037) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You were at all relevant times the trainer of the greyhound ‘Glory Road’ (NGSVD).

3. ‘Glory Road’ was nominated to compete in Race 3 at The Meadows Greyhound Racing Club meeting on 25 March 2020 (**the Event**).

4. On 25 March 2020, you presented ‘Glory Road’ at the event not free of any prohibited substances, given that;

1. A pre-race sample of urine was taken from ‘Glory Road’ at the Event (**the Sample**);
2. Morphine and Codeine were detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Glen is a registered greyhound trainer and the trainer of the greyhound “Glory Road”. Glory Road competed in Race 3 at The Meadows on 25 March 2020. A sample of urine taken before the race from the greyhound showed the presence of Morphine and Codeine.
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Glen with presenting a greyhound for an event while not free of a prohibited substance under Greyhounds Australasia Rule (“GAR”) 83(2).
3. Mr Glen has pleaded guilty to the charge. He takes medication that contains Morphine and Codeine. He believes he transmitted the prohibited substances by reason of the greyhound licking his sweat or, more likely, ingesting his vomit.
4. Morphine and Codeine are permanently banned substances for which penalty guidelines suggest a 12 month disqualification and a $2,500 fine. However, recent cases in the previous Racing Appeals and Disciplinary Board (“RADB”) resulted in penalties of up to 5 months disqualification, mainly because of inadvertent exposure by the feeding of bread with poppy seeds. The exposure here was also inadvertent. For consistency, the penalty in this matter should be no more than a few months effective suspension. The guidelines referred to above inform us, but do not bind us. However, as we explain in the final paragraph, permanently banned substances are in a special category.
5. In setting a penalty, we take into account general and specific deterrence and the importance of maintaining a drug free industry by keeping a level playing field. We also take into account the guilty plea, Mr Glen’s good record and recent penalties in like matters.
6. In all the circumstances, we impose a penalty of 12 months suspension, with 10 months suspended for 24 months and impose a fine of $1,500, with $1,000 suspended for 24 months. In addition, Glory Road is disqualified from Race 3 at The Meadows on 25 March 2020.
7. We agree with the Stewards that, unless exceptional circumstances apply, a wholly suspended sentence, should not now be ordered in the case of permanently banned prohibited substances. In the circumstances of this case, a mostly suspended sentence is justified, having regard to the fact that, at the time, Mr Glen had only been recently diagnosed with Leukemia.

Kathleen Scully
Acting Registrar, Victorian Racing Tribunal