3 June 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**DANIEL GIBBONS**

**Date of hearing:** 26 May 2022

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Judge Julie Nicholson.

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.

Mr Daniel Gibbons represented himself.

**Charges:** Greyhounds Australasia Rule (“GAR”) 83(1A) states:

 (1A) A person who –

(a) administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;

 (b) aids, abets counsels or procures any person to administer a prohibited substance to a greyhound; or

(c) 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:

(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.

**Particulars of charges: Charge 1: GAR 83(1A)**

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 “Agnet Bale”.
3. Agnet Bale was presented for, and competed in, Race 1, CONGRATULATIONS PHOENIX SLOT HOLDERS, Mixed 6/7, conducted by The Meadows Greyhound Racing Association at The Meadows on 15 September 2021 (the Event).
4. You administered, or caused to be administered, to Agnet Bale, a prohibited substance, being Desmopressin, which was detected in a sample taken from Agnet Bale in that:

(a) you administered a product containing Desmopressin, namely “Minirin tablets”, to Agnet Bale on or around 14 September 2021;

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

(c) Desmopressin was detected in the Sample.

 **Charge 2: 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 “Agnet Bale”.
3. Agnet Bale was nominated to compete in Race 1, CONGRATULATIONS PHOENIX SLOT HOLDERS, Mixed 6/7, conducted by The Meadows Greyhound Racing Association at The Meadows on 15 September 2021 (the Event).
4. On 15 September 2021, you presented Agnet Bale at the Event not free of any prohibited substance, given that:

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

(b) Desmopressin was detected in the Sample.

**Plea:** Guilty

**DECISION**

Mr Daniel Gibbons, you have pleaded guilty to the following two charges:

Charge 1: administering a prohibitive substance, namely desmopressin, to your greyhound Agnet Bale on or about 14 September 2021.

Charge 2: presenting your greyhound Agnet Bale in Race 1 at The Meadows meeting held on 15 September 2021 when it was not free of a prohibited substance, namely desmopressin.

Desmopressin can affect the performance of a greyhound. This is the first time that this drug has come under the notice of the authorities by producing a positive result. Minirin is a tablet that is prescribed by veterinary surgeons for the treatment of water diabetes in greyhounds. It contains desmopressin. Your treatment records disclose that you gave Agnet Bale minirin on or about 14 September 2021. Minirin had been prescribed by your veterinarian surgeon, Dr Michael Bell, to give to your greyhounds.

Dr Steven Karamatic, Chief Veterinarian at Greyhound Racing Victoria (“GRV”), in his report of 21 November 2021 stated that he was unaware of the use of desmopressin tablets the day prior to racing to prevent water diabetes occurring in greyhounds where symptoms more commonly present in the one to four days after racing.

At the Stewards inquiry held on 6 December 2021, you stated that the vet had told you to administer the minirin tablets whenever the dog was drinking more than a litre of water a day. You stated that you had been told by two different vets that, as long as this was recorded in your treatment records and that you do not use it on race day, all should be well.

Mr Gibbons provided his treatment records to the Stewards. These fully disclosed the dates and times on which he had administered the minirin tablets to his greyhound. In addition, the treatment records show that he had given the minirin tablets to a number of his other greyhounds without them producing a positive result.

You first registered as a public trainer in the greyhound racing industry in 2019. You are a married man with two daughters. Your sole source of income is derived from the greyhound racing industry. You presently have some 50 race dogs under your supervision and 15 pups. You have an excellent training record. There was no challenge to your honesty by the Stewards or as to the circumstances involving these charges.

Principles of specific and general deterrence have a part to play in arriving at an appropriate penalty. It is vital that greyhounds race on a level playing field without the presence of prohibited drugs in their system.

Whilst the trainer is the person with the ultimate responsibility of ensuring that no prohibited substance is in a greyhound’s system on race day, the Tribunal has some sympathy for Mr Gibbons’ situation. There is no dispute that reputable veterinarians advised Mr Gibbons as to the use of the minirin tablets. There is no dispute that Mr Gibbons disclosed his full treatment records to the Stewards or as to the fact that other greyhounds which he had in training did not return a positive result. As stated, this is the first time such a drug has come under the notice of the authorities.

In all the circumstances, on Charge 1, we impose a fine of $1,500 with $500 of that penalty suspended for a period of 24 months. With respect to Charge 2, we impose a penalty of a $500 fine to be wholly suspended for a period of 24 months.

We order that Agnet Bale be disqualified from Race 1 at The Meadows on the 15 September 2021 and the finishing order be amended accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal