5 February 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MS DIANE GALEA**

**Date of hearing:** 29 January 2020

**Panel:** Judge John Bowman (Chairperson), Ms Judy Bourke and Ms June Smith.

**Appearances:** Ms Sharn Coombes appeared on behalf of the Stewards.

Ms Diane Galea represented herself.

**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 charges:**

**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 *“Sisco Ride”.*
3. *“Sisco Ride”* was presented for, and competed in, Event 9, SECURE RACING LOGISTICS, Mixed 4/5, conducted by the Sandown Greyhound Racing Club at Sandown on 24 February 2019 (**the Event**).
4. You administered, or caused to be administered, to *“Sisco Ride”,* a prohibited substance, being Levamisole, which was detected in a sample taken from *“Sisco Ride” in that:*

*(a)* On or about 22 February 2019, you administered a product containing Levamisole, namely Fido’s Closasole, to *“Sisco Ride”*;

(b) A post-race sample of urine was taken from *“Sisco Ride”* at the Event (**the Sample**);

(c) Levamisole and Aminorex were 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.

1. You were at all relevant times the trainer of the greyhound *“Sisco Ride”.*
2. “Sisco Ride” was nominated to compete in, Event 9, SECURE RACING LOGISTICS, Mixed 4/5, conducted by the Sandown Greyhound Racing Club at Sandown on 24 February 2019 (**the Event**).

1. On 24 February 2019, you presented *“Sisco Ride”* at the Event not free of any prohibited substance, given that:
	1. A post-race sample of urine was taken from *“Sisco Ride”* at the Event (**the Sample**);
	2. Levamisole and Aminorex were detected in the Sample.

**Plea:** Not Guilty

**DECISION**

Ms Diane Galea, who is not present today, was represented by her father. He has indicated she is pleading ‘not guilty’ to breaches of Greyhounds Australasia Rules 83(1A) and 83(2). In other words, she is contesting charges firstly of administration of prohibited substances and secondly presentation of a dog not free of a prohibited substance.

It is alleged that she was the trainer of ‘Sisco Ride’, which competed in race 9 at Sandown on 24 February 2019. A post-race urine sample revealed the presence of Levaminsole and Aminorex, which are prohibited substances.

No challenge was made to the manner in which the sampling procedure was carried out or to the test results. There is no dispute but that the prohibited substance was contained in anti-worming medication called Fido’s Closasole. The industry was specially warned about the substances in 2014 and about Fido’s Closasole in 2018.

We find the charges proven. When interviewed by Stewards on 15 July 2019, Ms Galea admitted that she administered the tablets some 3 days before the event. We would refer to pages 7 and 8 of the interview.

The defence of Ms Galea, as put forward by her father, was that she did not know that she was using a preparation that contained a prohibited substances and thus used this anti-worming medication on her dogs. Mr Galea, who is experienced in the industry, also uses the product.

Unfortunately, that is no defence. We are quite satisfied that Ms Galea administered the prohibited substances and did what she did not realising what was in the substance and that the dog presented at the races with that substance in its system. Hence the positive swab. Ignorance is no defence to these Rules and we find the charges proven.

**PENALTY**

The penalty suggested by the Stewards is an appropriate one. If there had been a guilty plea there may have been a discount on the penalty. For the purposes of general deterrence and letting the industry know that these matters are dealt with in a particular way, we will impose a suspension of three months with two months wholly suspended for the next 12 months. The greyhound Sisco Ride is disqualified from race 9 at Sandown on 24 February 2019 and the placing are amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal