13 May 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GARRY ANDERS**

**Date of hearing:** 20 April 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Julie Nicholson.

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

Mr Garry Anders represented himself.

**Charge:** Greyhounds Australasia Rule (“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 charge:** 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 “Mr. Deeds”.

3. Mr. Deeds was nominated to compete in, Race 5, CASSIGN DESIGN (250+ RANK), Grade 7, conducted by the Warrnambool Greyhound Racing Club at Warrnambool on 27 September 2021 (the Event).

4. On 27 September 2021, you presented Mr. Deeds at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from “Mr. Deeds” at the Event (the Sample);

(b) Morphine and Codeine were detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Garry Anders is a registered greyhound trainer. According to records of Greyhound Racing Victoria (“GRV”), he has been a public trainer for about 11 years. However, he has been involved in the industry for far longer.
2. On 27 September 2021, Mr Anders presented “Mr. Deeds” to race in Race 5 at Warrnambool. A pre-race swab showed the presence of morphine and codeine.
3. Morphine and codeine are both permanently banned and prohibited substances under the Rules. Morphine is commonly used as a sedative, while codeine is commonly used to provide pain relief. In low to medium doses, together, they can affect the condition or performance of a greyhound in a positive way by inducing an artificially pain free state. In high doses, they can affect the condition and performance of a greyhound in a negative way by causing sedation.
4. Stewards of GRV have charged Mr Anders with presenting a greyhound for an event while not free of a prohibited substance contrary to Greyhounds Australasia Rule (“GAR”) 83(2). Mr Anders has pleaded guilty to the offence.
5. The most likely cause of the positive swab is the feeding of bread which contained poppy seeds to Mr Deeds. Since 2016, GRV has regularly warned participants about the danger of greyhounds eating bread containing poppy seeds and leading to positive swabs for morphine and codeine. Mr Anders is not computer literate and was not aware of the warnings. He also did not read about them when published in written GRV communications to the industry. Mr Anders said he fed toast to his greyhounds for breakfast every morning and did not check to see if the bread contained poppy seeds, as he was not aware of the danger.
6. In setting a penalty, we take into account the following matters: -
* The guilty plea;
* Mr Anders remorse and cooperation with the Stewards;
* Mr Anders’ good record;
* Recent penalties in like matters; and
* The importance of keeping a level playing field by maintaining a drug free industry.
1. In all the circumstances, we consider that the appropriate penalty is a four month suspension, fully suspended for a period of 18 months pending no further breach of GAR 83 in that time. Stewards submitted that, because of a notice to the industry on 1 September 2021 about the frequency of positive swabs arising from feeding of substances containing ingredients that may lead to transgressions of the Rules, penalties should be increased. The Stewards asked for a penalty double that which has been ordinarily given by the Tribunal in recent matters. We do not believe that it is appropriate to make an example of Mr Anders, but we give notice to the industry that the Tribunal will consider higher penalties in future cases. The increase from three to four months suspension, albeit fully suspended for a period of 18 months, is a step in that direction.
2. In addition, Mr Deeds is disqualified from Race 5 at Warrnambool on 27 September 2021.

Kathleen Scully
Acting Registrar, Victorian Racing Tribunal