21 December 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GARRY BARNSLEY**

**Date of hearing:** 15 December 2022

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Ms Maree Payne.

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

Mr Garry Barnsley represented himself.

**Charges:** 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.

 GAR 84A(1) states:

 (1) The person in charge of a greyhound must keep and retain records detailing all vaccinations, antiparasitics and medical treatments administered to a greyhound from the time the greyhound enters their care until the greyhound leaves their care and for a minimum of two (2) years. Such record of treatment must be produced for inspection when requested by a Steward or a person authorised by the Controlling Body. Any person responsible for a greyhound at the relevant time who fails to comply with any provision of this rule shall be guilty of an offence.

**Particulars of charges:** **Charge 1: 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 “Block Busted”.
3. Block Busted was nominated to compete in, Race 2, MCKENZIES CLEANING & MAINT. FINAL (VICGREYS), Maiden Final, conducted by the Sale Greyhound Racing Club at Sale on 27 March 2022 (the Event).
4. On 27 March 2022, you presented Block Busted at the Event not free of any prohibited substance, given that:

(a) A post-race sample of blood was taken from Block Busted at the Event (the Sample);

(b) Meloxicam was detected in the Sample.

 **Charge 2: GAR 84A(1)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules.
2. You were at all relevant times the Trainer of the greyhound “Block Busted”.
3. On or around April 2022, you administered treatments, namely the substances “Amoxicillin” and “Tribrissen” to Block Busted (the Treatments).
4. The Treatments were not recorded in your treatment records when you produced them to GRV Senior Steward Mrs Catherine Scarlett and GRV Steward Scott Sutton upon their request.

**Pleas:** Guilty

**DECISION**

Mr Garry Barnsley is a public trainer and has had a long association with the greyhound racing industry, being first registered as a participant in 1997. The most probable source of the prohibited substance, meloxicam, is from knackery meat, which Mr Barnsley feeds to his greyhounds, but stops using this product three days before racing. The potential for cross-contamination from the use of knackery meat is very well known, particularly through publications to the industry from Greyhound Racing Victoria (“GRV”). It is the probable cause of the first offence.

In relation to the second charge, it arises after a kennel mate which was sick was prescribed “Amoxicillin” and “Tribrissen” and Mr Barnsley administered these drugs to “Block Busted” to help prevent further sickness through his kennels.

In relation to penalty, we note that this offending resurrects a suspended fine of $1,000 imposed on 22 June 2021. We also note that Mr Barnsley, who is 84 years old, has been a very long term industry participant with an otherwise very good record. He has pleaded guilty to these two offences and he is now on a reduced government pension, as his wife has serious health issues. He is currently training two greyhounds.

As submitted on behalf of GRV, penalties in this case should reference principles of general and specific deterrence and reflect the need for drug free racing and a level playing field for all industry participants.

In respect of Charge 1, we impose a period of four months suspension of licence, which is wholly suspended for 24 months. In addition, we impose a $1,500 fine of which $1,000 is suspended for 24 months. This penalty in turn triggers the imposition of a part suspended fine of $1,000 imposed on 22 June 2021.

In relation to Charge 2, we impose a fine of $100, noting that this offence was a genuine oversight given Mr Barnsley’s previous efforts to maintain treatments in his log book.

For the sake of clarity, this then leaves Mr Barnsley liable to pay a total fine in relation to today’s proceedings of $1,600, plus a four month period of licence suspension and $1,000 each wholly suspended for two years.

In addition, the Tribunal orders that Block Busted be disqualified from Race 2 at Sale on 27 March 2022 and any prizemoney be forfeited to GRV.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal