15 July 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR JAMES FORBES**

**Date of hearing:** 10 July 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms June Smith.

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

Mr James Forbes 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 trainer licensed by Greyhound Racing Victoria (GRV) (member no. 68477) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

1. You were at all relevant times the trainer of the greyhound *“Kimimela”* (VFNLX)*.*

1. *“Kimimela”* was nominated to compete in, Race 10, BURNS ARCHER REALTY, conducted by the Geelong Greyhound Racing Club at Geelong on 17 September 2019.

1. On 17 September 2019, you presented *“Kimimela”* at the Event not free of any prohibited substance, given that:
	1. A post-race sample of urine was taken from *“Kimimela”* following race 10 at the Event (**V639987**);
	2. ‘Dehydronorketamine’ and ‘17-methylmorphinan-3-ol’ were detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr James Forbes is a registered greyhound trainer and the trainer of the greyhound, Kimimela. Kimimela competed in and won Race 10 at Geelong on 17 September 2019. A post-race swab showed the presence of two prohibited substances. The first was Dehydronorketamine, a metabolite of Ketamine. The second was 17-methylmorphinan-3-ol’, a metabolite of Dextromethorphan.
2. Stewards from Greyhound Racing Victoria (‘GRV’) have charged Mr Forbes with failing to present a greyhound for an event whilst not having a prohibited substance in the greyhound’s system, pursuant to Greyhounds Australasia Rule (‘GAR’) 83(2). Mr Forbes has pleaded guilty to the charge.
3. Ketamine is a sedative which provides pain relief. It is used in the anaesthesia of horses and cattle. Its effect on the performance of a greyhound is more likely to be negative depending on the dose. It is a permanently banned prohibited substance. Dextromethorphan is a stimulant which is found in Benadryl cough mixture. It can reduce pain. It could also mask the signs of kennel cough, thereby presenting a danger to other dogs.
4. The most likely source of the ketamine was the feeding of knackery meat. The most likely source of dextromethorphan is the cough mixture which was located at the kennel inspection. Mr Forbes now feeds chicken and kangaroo meat.
5. In setting a penalty the Tribunal takes into account general deterrence. It also takes into account the importance of keeping a level playing field by keeping a drug free industry. Previous penalties in similar cases also guide our discretion on penalty.
6. Taking all the above matters into account, including the presence of both drugs, as well as Mr Forbes guilty plea, we impose a penalty of 4 months suspension, with 2 months suspended pending no further breach of GAR83 in the next 12 months. The suspension shall commence immediately. The penalty reflects the significance of the prohibited substance ketamine, with little significance placed on the substance dextromethorphan. In addition, Kimimela is disqualified from Race 10 at Geelong on 17 September 2019.

Mark Howard
Registrar, Victorian Racing Tribunal