29 September 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**JOHN GALEA**

**Date of hearing:** 22 September 2021

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Dr June Smith.

**Appearances:** Mr Anthony Pearce, instructed by Mr Marwan El-Asmar, appeared on behalf of the Stewards.

Mr John Galea 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 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 83A(1) states:

(1) No person without the permission of the Stewards may administer or cause to be administered any treatment to a greyhound at any time on the day of the meeting until that greyhound is no longer presented for an Event.

For the purposes of this Rule “treatment” includes:

a) All Controlled Drugs (Schedule 8) administered by a veterinarian;

b) All Prescription Animal Remedies and Prescription Only Medicines (Schedule 4);

c) Any injectable substance not already specified in this Rule

d) All Pharmacist Only (Schedule 3) and Pharmacy Only (Schedule 2) medicines;

e) All veterinary and other substances containing other scheduled and unscheduled prohibited

substances.

**Particulars of charges: Charge 1: GAR 83(2)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (“GRV”) (member no. 2000) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the trainer and the person who had care and custody of the greyhound “Cherokee Cat” (VHXYA).
3. Cherokee Cat was nominated to compete in Race 12 SIRES ON ICE conducted by the Ballarat Greyhound Racing Club at Ballarat on 1 July 2020 (“the Event”).
4. On 1 July 2020, you presented Cherokee Cat at the Event not free of any prohibited substance, given that:
5. A pre-race sample of urine was taken from Cherokee Cat before Race 12 at the Event (V704209) (“the Sample”).
6. ‘Oripavine, Thebaine, Codeine and Morphine’ were detected in the Sample.

**Charge 2: GAR 83(1A)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhound Australasia Rules (“GAR”).
2. You were, at all relevant times, the trainer of the greyhound “Sisco Ride”.
3. Sisco Ride was presented for, and competed in, Race 5, SUPER VICGREYS SERIESHT3, Grade 5 Heat, conducted by the Geelong Greyhound Racing Club at Geelong on 19 February 2021 (“the Event”).
4. You administered, or caused to be administered, to Sisco Ride, a prohibited substance, being Theobromine, which was detected in a sample taken from Sisco Ride in that:
5. you administered a product containing Theobromine, namely one (1) teaspoon of “Sustagen Dutch Chocolate”, to Sisco Ride on a daily basis, leading up to 19 February 2021;
6. A pre-race sample of urine was taken from Sisco Ride at the Event (“the Sample”);
7. Theobromine was detected in the Sample.

**Charge 3: GAR 83(2)**

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 (“GAR”).
2. You were, at all relevant times, the trainer of the greyhound “Sisco Ride”.
3. Sisco Ride was nominated to compete in, Race 5, SUPER VICGREYS SERIES HT3, Grade 5 Heat, conducted by the Geelong Greyhound Racing Club at Geelong on 19 February 2021 (“the Event”).
4. On 19 February 2021, you presented Sisco Ride at the Event not free of any prohibited substance, given that:
5. A pre-race sample of urine was taken from Sisco Ride at the Event (“the Sample”);
6. Theobromine was detected in the Sample.

**Charge 4: GAR 83A(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 (“GAR”).
2. You were, at all relevant times, the trainer of the greyhound “Sisco Ride”.
3. Sisco Ride was presented for, and competed in, Race 5, SUPER VICGREYS SERIES HT3, Grade 5 Heat, conducted by the Geelong Greyhound Racing Club at Geelong on 19 February 2021 (“the Event”).
4. You administered, or caused to be administered, to Sisco Ride, a Treatment containing the prohibited substance “Theobromine”, being the oral substance “Sustagen Dutch Chocolate”, on the day of the Meeting, and before Sisco Ride was no longer being presented for the Event (“the Treatment”).
5. You administered the Treatment without the permission of the Stewards.

**Pleas:** Not Guilty to all charges

**DECISION**

**Charge 1**

Licensed trained, Mr John Galea, has pleaded “Not Guilty” to a charge brought by Greyhound Racing Victoria (“GRV”). Stewards allege a breach of Greyhounds Australasia Rule (“GAR”) 83(2) in respect of the greyhound “Cherokee Cat” following a pre-race urine sample taken prior to the running of Race 12 at the Ballarat meeting held on 1 July 2020. The full particulars of the charge have been supplied and are stated above.

Dr Karamatic, Chief Veterinarian at GRV, has surmised that only the feeding of poppy seeds to a greyhound (e.g. such as bread or baked goods) could realistically cause the detection of oripavine, thebaine, codeine and morphine in a greyhound urine sample. Mr Galea has admitted to feeding bread which may have contained poppy seeds to his greyhounds. This is in spite of a notice to the greyhound racing industry by GRV in August 2016 about the risks associated with feeding of bread and other baked goods. In our view, the charge against Mr Galea is sustained.

In fixing an appropriate penalty, we note Mr Galea’s age and long association with the greyhound racing industry and his cooperation with the Stewards. He does, however, have two relevant prior matters. We again reiterate the need for general and, in this case, specific deterrence in determining a penalty. Mindful also, of penalties in like cases. We impose a period of six months suspension and order that Cherokee Cat be disqualified from Race 12 at Ballarat on 1 July 2020.

**Charges 2 – 4**

On 19 February 2021, the greyhound “Sisco Ride” competed in Race 5 at Geelong. A pre-race urine sample taken from the greyhound returned a positive result for the prohibited substance, theobromine. On that day, Mr Galea, was the trainer of the greyhound.

Subsequently, the GRV Stewards have issued three charges against Mr Galea for determination by this Tribunal. The full particulars of the relevant charges have been supplied and are stated above.

In respect of these charges, Mr Galea has pleaded “Not Guilty” to each charge. In their investigation, Stewards became aware that Mr Galea had been feeding his racing greyhounds “Sustagen Dutch Chocolate” on a daily basis. Mr Galea would add a teaspoon of the Sustagen with milk and feed it to the greyhounds as a source of vitamins, unaware that the product contained theobromine, which is a metabolite of chocolate. This is also in spite of notices issued by GRV to the industry in 2016 and 2020 about the risks of feeding chocolate to greyhounds.

In our view, it is clear that the source of the prohibited substance was the Sustagen product fed to the greyhound. In our opinion, it does not assist Mr Galea to say that he had no intention to cheat – the Rule is clear and strict, and the industry has previously been alerted to the dangers of feeding chocolate to greyhounds.

The charges against Mr Galea are proven.

We note his cooperation with the Stewards, that he has been a licensed participant for many years and his age and personal circumstances. His participation has deceased out. He does have relevant prior matters and we reiterate the need to ensure a level playing field for all who participate in greyhound racing. We are also minded of recent penalties.

In relation to Charge 2, we fix a period of six months suspension, with three months of that period of suspension wholly suspended for 24 months. This period of suspension is concurrent with the period of suspension imposed in relation to Charge 1.

On Charge 3, we fix a period of three months suspension. This period of suspension is concurrent with the period of suspension imposed in relation to Charges 1 and 2. We also order that the greyhound, Sisco Ride, be disqualified from Race 5 at Geelong on 19 February 2021.

On Charge 4, we impose a fine of $1,000.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal