31 March 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**JOHN MANGION**

**Date of hearing:** 11 March 2021

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Mr Robert Abrahams.

**Appearances:** Mr Liam Bourke appeared on behalf of the Stewards.

Mr John Mangion 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.

GAR 84A(1) states:

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 charge: Charge 1**

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 “Moonyeen”
3. “Moonyeen” was nominated to compete in, Race 2, BRIAN BEARD PLUMBING, Tier 3- Maiden, conducted by the Shepparton Greyhound Racing Club at Shepparton on 5 March 2020 (**the Event**)
4. On 5 March 2020, you presented “Moonyeen” at the Event not free of any prohibited substance, given that:
5. A post-race sample of urine was taken from “Moonyeen” at the Event (**the Sample**);
6. Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre 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.
2. You were at all relevant times the trainer of the greyhound “Awesome Asset”.
3. “Awesome Asset” was nominated to compete in, Race 6, racewith.com.au, Mixed 4/5, conducted by the Sandown Greyhound Racing Club at Sandown on 3 May 2020 (**the Event**).
4. On 3 May 2020, you presented “Awesome Asset” at the Event not free of any prohibited substance, given that:
5. A pre-race sample of urine was taken from “Awesome Asset” at the Event (**the Sample**);
6. Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

**Charge 3**

1. You were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Racing Victoria Rules of Racing.
2. On 3 June 2020 during a kennel inspection conducted by GRV Steward Mr Anthony Pearce, you, Mr John Mangion advised that you do not keep and maintain treatment records for greyhounds for which you were the responsible person at the relevant time.
3. You treat your greyhounds using anti-parasitics on a monthly basis, which is required to be recorded in treatment records.

**Charge 4**

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 “Taipan Jill”.
3. “Taipan Jill” was nominated to compete in, Race 3, TOP CAT VIDEO (0-1 WIN), Tier 3 -Restricted Win, conducted by the Shepparton Greyhound Racing Club at Shepparton on 10 September 2020 (**the Event**).
4. On 10 September 2020, you presented “Taipan Jill” at the Event not free of any prohibited substance, given that:
5. A pre-race sample of urine was taken from “Taipan Jill” at the Event (**the Sample**);
6. Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

**Charge 5**

1. You were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Racing Victoria Rules of Racing.
2. On 15 October 2020 during a kennel inspection conducted by GRV Steward Mr Anthony Pearce, you were requested to produce treatment records;
3. You advised that you do not keep and maintain treatment records for greyhounds for which you were the responsible person at the relevant time.

**Plea:** Guilty to all charges

**DECISION**

John Mangion, you have pleaded guilty to 3 charges of breaching Greyhounds Australasia Rule (“GAR”) 83(2).

Charge 1: on 5 March 2020 at the Shepparton Greyhound Racing Club meeting, you presented your greyhound “Moonyeen” in Race 2 when it was not free of a prohibited substance, namely arsenic.

Charge 2: on 3 May 2020 at the Sandown Greyhound Racing Club meeting, you presented your greyhound “Awesome Asset” in Race 6 when it was not free of prohibitive substance, namely arsenic.

Charge 4: on 10 September 2020 at the Shepparton Greyhound Racing Club meeting, you presented your greyhound “Taipan Jill” in Race 3 when it was not free of a prohibited substance, namely arsenic.

Arsenic is capable of causing, either directly or indirectly, an effect upon a greyhound’s nervous system, its cardiovascular system and/or digestive system. Within the Rules arsenic is placed in the category of “stimulants depressants and other prohibited substances”. On 28 March 2017, Greyhound Racing Victoria (“GRV”) published a warning to trainers regarding arsenic. They should be mindful that the chewing or licking of kennels or yards constructed with copper chrome arsenic (“CCA”) treated timber may result in breaches of the threshold for arsenic.

The likely cause of your 3 greyhounds presenting with arsenic in their systems is that each greyhound chewed CCA treated timber in its kennel.

You stated that you have been training since the late 1970s. We note the Stewards submitted that you have been a registered trainer since 1999. Whatever the situation, you have been training for a long time. You are 67 years of age and you live alone in your house at Numurkah. You have no family support and you are illiterate. You have a pension, but no other financial income. You told the Tribunal that the greyhounds are your life. The greyhounds that you train often come to you from other trainers because they are no good. It does not worry you that on a number of occasions they come last, such is your love of the greyhound industry. You have now constructed steel kennels.

We have taken into account your pleas of guilty and your cooperation with the Stewards. We also take into account general and specific deterrence and the importance of keeping a level playing field by maintaining a drug free industry. We have considered recent penalties in like cases.

Though illiterate, you were aware after March 2020 that there were risks in maintaining your kennels in the same condition where your greyhounds could chew CCA treated timber. You also have a prior offence for a presentation offence.

We state that we have taken into account principles of totality in arriving at an appropriate penalty.

In all the circumstances, we impose the following penalties:

Charge 1: we impose a penalty of 6 months suspension and a fine of $300.

Charge 2: we impose a penalty of 6 months suspension and a fine of $300.

Charge 4: we impose a penalty of 6 months suspension and a fine of $300.

We order that such penalties are to be served cumulatively and upon each other, making a total penalty of 18 months suspension. We order 14 months of that suspension is to be suspended for 12 months and the total fine is $900.

We order that Moonyeen, Awesome Asset and Taipan Jill each be disqualified from their respective race listed above and that the places in each race be amended accordingly.

Charge 3 and 5: you have pleaded guilty to breaching GAR 84A(1), in that you did not keep proper treating records in respect of your greyhounds Awesome Asset and Taipan Jill. We fine you $300 on each charge making a total of $600.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal