8 September 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**KEVIN TIRCHETT**

**Date of hearing:** 8 September 2022

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

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

Mr Kevin Tirchett represented himself.

**Charges:** Greyhounds Australasia Rule (“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 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 charges: Charge 1: GAR 83(1A)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound *“Jerry Buzzard”.*
3. *“Jerry Buzzard”* was nominated to compete in, Race 10, GREYHOUNDS CLUBS VICTORIA, Tier 3 - Grade 6, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 8 November 2021 (**the Event**).
4. You administered, or caused to be administered, to *“Jerry Buzzard”,* a prohibited substance, being Cobalt, which was detected in a sample taken from *“Jerry Buzzard”* in that:
	1. You are responsible for the feeding of, and administration of supplements to, “*Jerry Buzzard*”;
	2. A pre-race sample of urine was taken from *“Jerry Buzzard”* at the Event (**the Sample**);
	3. Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample; and
	4. The mass concentration of cobalt detected in the sample could only be caused by the administration of cobalt.

**Charge 2: 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.

1. You were, at all relevant times, the trainer of the greyhound *“Jerry Buzzard”.*

1. *“Jerry Buzzard”* was nominated to compete in, Race 10, GREYHOUNDS CLUBS VICTORIA, Tier 3 - Grade 6, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 8 November 2021 (**the Event**).

1. On 8 November 2021, you presented *“Jerry Buzzard”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Jerry Buzzard”* at the Event (**the Sample**); and
	2. Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in **the Sample**.

**Pleas:** Guilty to both charges

**DECISION**

Mr Kevin Tirchett you have pleaded guilty to the following two charges.

Charge 1 – you administered or caused to be administered to your greyhound Jerry Buzzard when it was nominated to compete in race 10 at the Cranbourne Greyhound Racing Club meeting conducted on 8 November 2021, when it was not free of a prohibitive substance, namely cobalt, when above the threshold limit.

Charge 2 – you presented your greyhound Jerry Buzzard in race 10 at the Cranbourne Greyhound Racing Club meeting conducted on 8 November 2021, when it was not free of a prohibited substance, namely cobalt, when above the threshold limit.

Dr Steven Karamatic, Chief Veterinarian at Greyhound Racing Victoria, in his report of 22 January 2022 stated that ‘Healthy Care Mega B Energy Booster’ tablets contain cobalt.

Your personal circumstances. You are a 75 year old pensioner in poor health. You have been a registered public trainer of greyhounds since 1985 and possibly longer, as GRV records do not go back further than this date. You told Stewards that you have been training greyhounds for approximately 40 to 50 years. You are a hobby trainer and you have three greyhounds in work. In an interview on 16 February 2022 with Mr Alex Kitching, Deputy Chief Steward, you told him that you regularly give your greyhounds the same feed. When questioned about your use of the Mega B Energy Booster tablets you stated that you give your greyhounds half a tablet every second day but not on race days. You were cautioned by Stewards on 6 October 2020 of a high cobalt reading in one of your other greyhounds. However, since that date, you have been training and racing your greyhounds without any issues of a positive swab. Unfortunately, Stewards did not tell you of a subsequent test in 2021 that one of your other greyhounds was near or slightly over the permissible level.

Principles of specific and general deterrence have a part to play in arriving at an appropriate penalty. It is vital that greyhounds race on a level playing field without prohibited substances in their system.

We have taken into account your personal circumstances and your history within the greyhound racing industry, together with your pleas of guilty and your cooperation with the Stewards. In particular, in our opinion you have an outstanding record that over some 40 years as a trainer you have no relevant prior offences.

In all the circumstances we impose the following penalties.

Charge 1 – we impose a penalty of 12 months suspension with 11 months of that suspension to be suspended for a period of 12 months.

Charge 2 – we impose a penalty of 12 months suspension with 11 months of that suspension to be suspended for a period of 12 months.

We direct that such penalties are to be served concurrently. The suspension shall start immediately.

We order that Jerry Buzzard be disqualified from race 10 at the Cranbourne Racing Club meeting conducted on 8 November 2021 and the finishing order be amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal