15 March 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**KEVIN WARD**

**Date of hearing:** 21 January 2021

**Panel:** Judge John Bowman (Chairperson) and Mr Josh Bornstein.

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

Mr Kevin Ward 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 and a person bound by the Greyhounds Australasia Rules.

2. You were, at all relevant times, the trainer of the greyhound “Pull Shot”.

3. “Pull Shot” was nominated to compete in, Race 9, TAB – LONG MAY WE PLAY, Tier 3–Grade 6, conducted by the Warragul Greyhound Racing Club at Warragul on 4 June 2020 (**the Event**).

4. On 4 June 2020, you presented “Pull Shot” at the Event not free of any prohibited substance, given that:

1. A pre-race sample of urine was taken from “Pull Shot” at the Event (**the Sample**);
2. Diclofenac was detected in the Sample.

**Plea:** Guilty

**DECISION**

Mr Kevin Ward, you have pleaded guilty to a breach of Greyhounds Australasia Rule (“GAR”) 83(2) in relation to a dog trained by you, “Pull Shot”, which ran second in Race 9 at Warragul on 4 June 2020.

A pre-race sample proved positive to Diclofenac, a substance found in some pain killers made for human consumption, including Voltaren. Diclofenac has pain killing attributes and has the potential to enhance the performance of a greyhound. You were taking Voltaren at the time. The wrapping paper or foil of the Voltaren tablets is accepted as being the likely source of the prohibited substance.

You have been a trainer for approximately 15 years. You have no other occupation. You train dogs at Mount Moriac and have something in the order of 15-20 dogs being trained at the property at the moment. You have raced a large number of dogs trained by you and have won with 50 or more dogs. You have been achieving better results since reducing that number. Some of the dogs are owned by you, but you also train for other owners and have some regular supporters. You have training track facilities on your 10 acre property. Thus, you are and have been a large and successful trainer in the industry. Given that, your record is quite impressive, with no convictions for prior similar offences. The only prior convictions are relatively minor matters, such as, weight variance, dress code, incorrect information concerning a scratching and the like. Given the size of your operation and involvement, we are of the view that this is a very good record.

We accept that what occurred was totally accidental. You have a problem with golden staph and have taken Voltaren daily for some 5 years. Since this incident occurred, you have been very careful of handwashing, correct disposal of Voltaren containers and the like. You have taken full responsibility for what occurred.

The industry was warned in 2016 concerning the risks associated with the taking of medications for human consumption. It is of great importance that every care be taken to ensure a level playing field and the appearance of a level playing field. This then causes the public to be confident that this is a properly run industry.

General deterrence is very important. In relation to specific deterrence, we are confident you have learned your lesson, that this will not occur again and that you will continue your substantial, successful involvement in the industry.

In all the circumstances, we are of the view that a fine of $500 is appropriate. Further, Pull Shot is disqualified from Race 9 at Warragul on 4 June 2020 and the finishing order is amended accordingly.

Kathleen Scully
Acting Registrar, Victorian Racing Tribunal