18 October 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**LINA REPICI**

**and**

**PHILLIP REPICI**

**Date of hearing:** 6 October 2021

**Panel:** Judge John Bowman (Chairperson) and Mr Greg Childs.

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

Ms Lina Repici represented Mr Phillip Repici and herself.

**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-

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(2) states:

(1) 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.

(2) Each record of treatment kept in accordance with this rule must be made by midnight on the day on which the treatment was given and, as a minimum requirement, include the following information:

a) Name of the greyhound;

b) Date and time of administration of the treatment;

c) Name of the treatment (brand name or active constituent);

d) Route of administration;

e) Amount given;

f) Name and signature of person or persons administering and/or authorising treatment. For the purposes of sub-rule (2), “day” means the 24-hour period from 12:01am to 12 midnight on any calendar day.

(3) 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; 6 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 – Lina Repici**

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 “Parumba Barty”.

3. “Parumba Barty” was presented for, and competed in, Race 9, Rotti Security, Grade 7, conducted by the Sale greyhound Racing Club at Sale on 14 February 2021 (the Event).

4. You administered, or caused to be administered, to “Parumba Barty”, a prohibited substance, being Pholcodine, which was detected in a sample taken from “Parumba Barty” in that:

(a) You instructed Mr Phillip Repici to administer ‘Duro-Tuss’ cough liquid, to “Parumba Barty”;

(b) Mr Phillip Repici administered a product containing Pholcodine, namely the oral substance ‘Duro-Tuss’ cough liquid, to “Parumba Barty” between 29 January 2021 and 7 February 2021;

(c) A pre-race sample of urine was taken from “Parumba Barty” at the Event (the Sample);

(d) Pholcodine was detected in the Sample.

**Charge 2 – Lina Repici**

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 “Parumba Barty”.

3. “Parumba Barty” was nominated to compete in, Race 9, Rotti Security, Grade 7, conducted by the Sale greyhound Racing Club at Sale on 14 February 2021 (the Event).

4. On 14 February 2021, you presented “Parumba Barty” at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from “Parumba Barty” at the Event (the Sample);

(b) Pholcodine was detected in the Sample.

**Charge 3 – Lina Repici**

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 “Parumba Barty”.

3. Between 29 January 2021 and 7 February 2021; the oral substance “Duro-Tuss” cough liquid was administered to “Parumba Barty” (the Treatment).

4. These treatments were not recorded in treatment records by midnight on the day on which the treatment was given.

5. The treatments were recorded on 25 March 2021.

**Charge 1 – Phillip Repici**

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. “Parumba Barty” was presented for, and competed in, Race 9, Rotti Security, Grade 7, conducted by the Sale Greyhound Racing Club at Sale on 14 February 2021 (the Event).

3. You administered, or caused to be administered, to “Parumba Barty”, a prohibited substance, being Pholcodine, which was detected in a sample taken from “Parumba Barty” in that:

(a) you administered a product containing Pholcodine, namely the oral substance ‘Duro-Tuss’ cough liquid, to “Parumba Barty” between 29 January 2021 and 7 February 2021;

(b) A pre-race sample of urine was taken from “Parumba Barty” at the Event (the Sample);

(c) Pholcodine was detected in the Sample.

**Pleas:** Guilty

**DECISION**

Ms Lina Repici, you are pleading guilty to three offences. Your father, Mr Phillip Repici, through you is pleading guilty to one offence. He is in a hospital receiving regular treatment for his leukaemia and you are representing him in his absence. You are both licensed trainers. The Stewards agreed to go along with this arrangement, rather than having the matter adjourned until he is available, and we accept it is a sensible and convenient way to deal with the situation. The factual circumstances of your father’s offence are essentially identical to those in your case.

Two of the charges against you and the charge against your father arise out of Parumba Barty, a dog trained by you, which ran third in Race 9 at Sale on 14 February 2021. A pre-race urine sample proved positive to the prohibited substance Pholcodine. Pholcodine is a cough suppressant, which, in this instance, was contained in a cough liquid effectively designed for human consumption. Parumba Barty had been suffering from kennel cough. You were in hospital at the relevant time. You were there for the birth of your baby and you had some complications in the form of a blood clot. You instructed your father to treat Parumba Barty with the medication. We accept that, when it ran on 14 February 2021, the positive test resulted from this.

As a result, you have pleaded guilty to a breach of GAR 83(1A), the administration of a prohibited substance, given that you instructed your father to administer the substance.

You are also pleading guilty to a breach of GAR 83(2), which could be described as a presentation charge. You are further pleading guilty to a breach of GAR 84A(2) – that is, the failure to maintain proper treatment records. We shall come to that.

Because you were in hospital, you father took Parumba Barty to Sale for the race. He had previously performed the actual administration of the cough medicine. We would also point out that apparently a vet had been consulted concerning this treatment. You father is pleading guilty to a breach of GAR 83(1A).

Kennel cough is highly contagious. Medications that suppress it are prohibited substances. The industry has been circulated with information concerning the risks associated with the use, either deliberate or accidental, of medication designed for human consumption. Further, the risks associated with kennel cough are well known.

Your situation is that you live at home with your father, your mother having passed away some years ago. As stated, you and your father are both licensed. He is not in good health. Apart from the fact that you have just had a baby, and had some health complications, you also are unable to work due to a back injury suffered in recent times. Between you and your father, you have five dogs, including three retired dogs. Apart from Parumba Barty, you have a young greyhound which is yet to race.

Unfortunately, you do not have a good record in that, apart from some other offences, you have previously been found guilty of breaching Rule 83(1A). This also related to cough medicine. We take that into account. We also take into account other previous offenses.

The Stewards have sought by way of penalty for the breach of GAR 83(1A) a period of suspension of 6 months, with 3 months of that in turn suspended for 24 months. In relation to the breach of GAR 83(2) they seek a period of suspension for 3 months fully suspended for 24 months.

Given your record, but taking into account your circumstances and your plea of guilty, we are of the view that the penalties suggested by the Stewards are fair and reasonable. Accordingly, on Charge 1 you are suspended for a period of six months, with three months of that suspended for 24 months. That period commences immediately.

On Charge 2, you are suspended for a period of three months. This in turn is fully suspended for 24 months.

In other words, there is immediate suspension for three months, but six months suspension shall be hanging over you for 24 months and would be activated if you breach these Rules again during that period.

In relation to the breach of GAR 84A(2), being – the failure to maintain proper treatment records – you have previously breached this Rule. For that breach, you were fined $750. On this occasion, there are some extenuating circumstances. You were in hospital. You were uncertain as to whether cough medicine for humans had to be recorded. You did ultimately make the appropriate entries as a block, but it was considerably too late.

Weighing up all the circumstances, we think that an appropriate fine is $500.

Turning to your father, he has an excellent record. We appreciate that he is in ill health. He performed the administration on your instructions. We have determined that the appropriate penalty is suspension for a period of four months, but that suspension is entirely suspended for a period of 24 months.

Finally, Parumba Barty is disqualified from Race 9 at Sale on 14 February 2021 and the finishing order is amended accordingly. The prize money is to be refunded.

Mark Howard
Registrar, Victorian Racing Tribunal