15 April 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**LINDSAY MORSHEAD**

**Date of hearing:** 8 April 2021

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Ms Judy Bourke.

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

Mr Lindsay Morshead 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 charges: 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 “Ginger Bar”.
3. “Ginger Bar” was nominated to compete in, Race 4, BYERS ELECTRICAL (1-3 WINS) (275+RANK), Restricted Win, conducted by the Shepparton Greyhound Racing Club at Shepparton on 25 June 2020 (**the Event**).
4. On 25 June 2020, you presented “Ginger Bar” at the Event not free of any prohibited substance, given that:
5. A post-race sample of urine was taken from “Ginger Bar” 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 “Esmay”.
3. “Esmay” was nominated to compete in, Race 11, GREYHOUND CLUBS VICTORIA, Grade 5, conducted by the Shepparton Greyhound Racing Club at Shepparton on 12 October 2020 (**the Event**).
4. On 12 October 2020, you presented “Esmay” at the Event not free of any prohibited substance, given that:
5. A pre-race sample of urine was taken from “Esmay” at the Event (**the Sample**);
6. Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

**Plea:** Guilty to all charges

**DECISION**

Mr Lindsay Morshead, you have pleaded guilty to breaching Greyhounds Australasian Rule (“GAR”) 83(2).

You presented your greyhound, “Ginger Bar”, in Race 4 at the Shepparton Greyhound Racing Club meeting held on 25 June 2020 when it was not free of a prohibited substance, namely Arsenic. Arsenic is a substance which can affect the performance of a greyhound.

The cause of you presenting your greyhound whilst not free of a prohibited substance was unknown at the time.

At a Stewards inquiry held on Monday, 21 September 2020, you told Stewards that you had seen your greyhound chewing a leather cricket ball and that the ball may have contained Arsenic. You also told Stewards that you had seen your greyhound with a rock in its mouth. You told Stewards that there was no evidence that your greyhound had chewed Copper Chrome Arsenic (“CCA”) treated timber.

You have also pleaded guilty to a second charge of breaching GAR 83(2).

On 12 October 2020, you presented your greyhound, “Esmay”, in Race 11 at the Shepparton Greyhound Racing Club meeting held on 12 October 2020 when it was not free of a prohibited substance, namely Arsenic.

Soil testing in the area where your greyhounds were housed contained elevated readings of Arsenic.

In his veterinary report of 15 January 2021, Dr Steven Karamatic stated “there is Arsenic contaminated soil present in the environment of these greyhounds, and it appears feasible that exposure to this environment has caused a urinary arsenic threshold breach”.

Stewards accept that in respect of both charges, soil contamination was the cause of the elevated readings above the threshold for Arsenic.

You are 78 years of age and you have been a trainer now for over 55 years. You have an excellent record over that period of time. You no longer train any greyhounds from your property due to soil contamination.

We have taken into account your pleas of guilty, your cooperation with the Stewards, your personal circumstances and your training history.

General deterrence and, to a far lesser extent, specific deterrence each have their part to play in arriving at an appropriate penalty.

In all the circumstances, on charge one, you are suspended for a period of six months, to be wholly suspended for a period of 12 months. On charge two, you are suspended for a period of six months, to be wholly suspended for a period of 12 months. Such penalties are to be served concurrently.

We order that Ginger Bar be disqualified from Race 4 at the Shepparton Greyhound Racing Club meeting held on 25 June 2020 and that Esmay be disqualified from Race 11 at the Shepparton Greyhound Racing Club meeting held on 12 October 2020.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal