11 April 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**PETER GRICE**

**Date of hearing:** 25 March 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Dr Andrew Gould.

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

Mr Peter Grice did not attend the hearing.

**Charges and particulars:**

**Charge 1**

Greyhounds Australasia Rule (“GAR”) 83(2) states:

*(2) The owner, trainer or person in charge of a greyhound-*

1. *nominated to compete in an Event;*

1. *presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or*

1. *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.

1. You were at all relevant times the trainer of the greyhound *“Fleet Feet Pete”.*

1. “*Fleet Feet Pete*” was nominated to compete in Race 1, SUPPORT YOUR LOCAL BUSINESSES, Maiden, conducted by the Warragul Greyhound Racing Club at Warragul on 14 September 2021 (**the Event**).

1. On 14 September 2021, you presented *“**Fleet Feet Pete”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Fleet Feet Pete”* at the Event (**the Sample**);
	2. Theobromine was detected in the Sample.

**Charge 2**

GAR 84A(1) 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.*

**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 *“Fleet Feet Pete”.*
3. On 3 December 2021, during an inquiry with Deputy Chief Steward, Mr Alexander Kitching, you stated that you administered a treatment, namely the treatment “worming” to *“Fleet Feet Pete”* **(the Treatment).**

*Mr Grice: Well, I worm them every - - well, it depends. I can look at the dog and tell you if it needs worming or not, you know, it might get bloodshot eyes or something like that and then I'll worm them but then I don't worm them until about 3 days before the full moon, because like I read in a book years and years and years ago, if you worm them a few days before the full moon, it means that they breed in your body and the body has got all these eggs and they all come out of their shells a few days before the full moon, and so if I worm them then I know I'm getting all the worms out of them.*

*Chairman: Just going back to that, do you usually write or record when you are worming these greyhounds?*

*Mr Grice: No, I just do it when I think I need to do it.*

1. The Treatment was not recorded in your treatment records when you produced them to GRV Stewards Mr Rohan Berkhout and Mrs Heather Harvey on 21 October 2021 upon their request.

**Pleas:** Guilty to both charges

**DECISION**

1. Mr Peter Grice is a registered greyhound trainer. On 14 September 2021 he presented the greyhound “Fleet Feet Pete” for race 1 at Warragul. A pre-race sample of urine taken from the greyhound showed the presence of theobromine.
2. Theobromine is a stimulant. It produces wakefulness and increased mental activity. It has been used in greyhounds to increase chasing desire and is known to improve performance. It is found in chocolate and coffee.
3. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Grice with presenting a greyhound for an event while not free of a prohibited substance. That is a presentation charge under Greyhounds Australasian Rule (“GAR”) 83 (2). It is suggested that Mr. Grice administered a substance containing theobromine to Fleet Feet Pete.
4. Stewards of GRV have also charged Mr Grice with an offence under GAR 84A (1) – not recording worming treatment given to his greyhounds in a treatment book. When interviewed by Stewards, Mr. Grice considered it to be irrelevant what was put in a treatment book.
5. Mr Grice failed to appear to answer the charges. It was arranged by the Registrar for him to attend by telephone. He refused to make himself available for the telephone hearing which was arranged for him and notified to him.
6. We are comfortably satisfied that each charge is made out. The evidence from Racing Analytical Services Ltd about the positive swab is unequivocal. The admission made by Mr Grice about failing to record worming treatment in the treatment book also shows that he is guilty of that charge.
7. We now turn to the question of penalty for each charge.
8. On the presentation charge, we are guided by previous penalties in recent matters. However, Mr Grice should not be accorded the same penalty as those in his position with a good record and who have pleaded guilty. In all the circumstances, we impose a penalty of 3 months suspension with 2 months suspended for a period of 36 months. In addition, Fleet Feet Pete is disqualified from race 1 at Warragul on 14 September 2021.
9. On the treatment book charge, we impose a fine $750 with $250 suspended for a period of 36 months.
10. In each case, the suspended portion of the penalty is dependent respectively on no further breach of GAR 83 and GAR 84A in the next 36 months.

Mark Howard
Registrar, Victorian Racing Tribunal