15 July 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR PHILLIP DOWER**

**Date of hearing:** 10 July 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms June Smith.

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

Mr Phillip Dower 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.

1. You were, at all relevant times, the trainer of the greyhound *“Once A King”.*

1. *“Once A King”* was nominated to compete in, Race 10, SHEPPARTON WORKWEAR & SAFETY, Grade 5 T3, conducted by the Shepparton Greyhound Racing Club at Shepparton on 11 November 2019 (**the Event**).

1. On 11 November 2019, you presented *“Once A King”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Once A King”* at the Event (**the Sample**);
	2. Theobromine was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Phillip Dower is a registered greyhound trainer and the trainer of the greyhound “Once A King”. Once A King competed in Race 10 at Shepparton on 11 November 2019. A pre-race sample of urine taken from the greyhound showed the presence of the prohibited substance theobromine.
2. Stewards of Greyhound Racing Victoria (‘GRV’) have charged Mr Dower under Greyhounds Australasia Rule (‘GAR’) 83(2) with presenting a greyhound for an event while not free of a prohibited substance.
3. Theobromine is a stimulant which is contained in chocolate amongst other things. It is capable of affecting the condition, behaviour or performance of a greyhound. It produces wakefulness and increased mental activity and has been used to improve chasing desire in trials.
4. Mr Dower claims that he gave the dog a chocolate Big M drink two weeks before the event. He denies giving him anymore afterwards, but perhaps his memory maybe faulty as the substance is unlikely to be detected if taken more than 72 hours before an event. Mr Dower has pleaded guilty to the charge. He has been training in excess of 50 years and has a good record.
5. In setting a penalty we take into account Mr Dower’s guilty plea and his good record over a long period of time.
6. We also take into account the importance of general and specific deterrence and the need to maintain a level playing field by having a drug free industry.
7. Taking all those matters into account the Tribunal imposes a penalty of 2 months suspension fully suspended for a period of 12 months pending no further breach of GAR83 in the meantime.
8. Once a King is disqualified from Race 10 at Shepparton on 11 November 2019.

Mark Howard
Registrar, Victorian Racing Tribunal