8 February 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**ROBERT PALMER**

**Date of hearing:** 2 February 2021

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

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

Mr Robert Palmer 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 *“Sneakin’ Sally”.*

3.*“Sneakin’ Sally”* was nominated to compete in Race 1, GRV VICBRED MAIDEN HT1, Maiden Heat, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 10 June 2020 (**the Event**).

4.On 10 June 2020, you presented *“Sneakin’ Sally”* at the Event not free of any prohibited substance, given that:

(a)A post-race sample of urine was taken from *“Sneakin’ Sally”* at the Event (**the Sample**); and

(b) 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 *“Sneakin’ Sally”.*

3.*“Sneakin’ Sally”* was nominated to compete in Race 2, TAB – LONG MAY WE PLAY (0-1 WIN), Restricted Win, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 24 June 2020 (**the Event**).

4.On 24 June 2020, you presented *“Sneakin’ Sally”* at the Event not free of any prohibited substance, given that:

(a)A post-race sample of urine was taken from *“Sneakin’ Sally”* at the Event (**the Sample**);

(b) Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Robert Palmer is a registered greyhound trainer and the trainer of the greyhound “Sneakin’ Sally”. Sneakin’ Sally competed in Race 1 at Cranbourne on 10 June 2020 and Race 2 at Cranbourne on 24 June 2020. On each occasion post-race swabs taken from the greyhound showed the presence of arsenic at levels in excess of the threshold of 800 nanograms per millilitre - see Greyhounds Australasia Rule (“GAR”) 83(11).
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Palmer with presenting a greyhound for an event while not free of a prohibited substance in respect of each of the 2 events. Mr Palmer has pleaded guilty. It is common ground that the most likely cause of the contamination was the chewing of CCA treated pine posts by the greyhound.
3. An out of competition test on the greyhound at a GRV kennel inspection showed a level in excess of the threshold. None of Mr Palmer’s other greyhounds showed such a level.
4. Arsenic is a prohibited substance at or above 800ng/ml. This has been the case since 1 July 2016. Arsenic is a naturally occurring trace element normally present in greyhounds at very low levels as a result of dietary intake and environmental exposure. It can affect the condition or performance of a greyhound depending on the dosage.
5. Arsenic is commonly found in CCA treated timber. In statements published to the industry in March 2017 and March 2018, GRV warned trainers about the possible exposure to positive swabs for arsenic occurring as a result of dogs chewing CCA treated timber.
6. Since these events, Mr Palmer has removed CCA treated timber from his kennels.
7. In setting penalties, we take into account the guilty pleas, Mr Palmer’s good record over almost 30 years of training, his cooperation with the Stewards and the fact that he was not aware that the timber in the kennels was CCA treated. We also take into account general deterrence and the importance of keeping a level playing field by maintaining a drug free industry. We are further guided by recent penalties in like matters.
8. In all the circumstances, on each charge we impose a penalty of 6 months suspension with 4 months suspended for 12 months pending no further breach of GAR 83 in that time. We also impose a $500 fine on each charge. Because the second offence arose at a time when the first offence had not come to Mr Palmer’s attention, we order that the penalties on the second charge be made wholly concurrent with penalties on the first charge. Sneakin’ Sally is disqualified from race 1 at Cranbourne on 10 June 2020 and from race 2 at Cranbourne on 24 June 2020.

Mark Howard
Registrar, Victorian Racing Tribunal