31 March 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**SHANE KEATING**

**Date of hearing:** 17 March 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Judy Bourke.

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

Mr Shane Keating represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 83(1A) states:

A person who –

1. administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;
2. aids, abets counsels or procures any person to administer a prohibited substance to a greyhound; or
3. 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:

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(1) states:

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: Charge 1**

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 “Woolybully Keats”.
3. “Woolybully Keats” was presented for, and competed in, Race 6, ROTTI SECURITY, Free For All, conducted by the Sale Greyhound Racing Club at Sale on 14 June 2020 (**the Event**).
4. You administered, or caused to be administered, to “Woolybully Keats”, a prohibited substance, being Pholcodine, which was detected in a sample taken from “Woolybully Keats” in that:
5. you administered a product containing Pholcodine, namely ‘Bisolvon Pholcodine Dry Forte’ to “Woolybully Keats” on or around 9 June 2020;
6. A post-race sample of urine was taken from “Woolybully Keats” at the Event (**the Sample**);
7. Pholcodine was detected 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 “Woolybully Keats”.
3. “Woolybully Keats” was nominated to compete in, Race 6, ROTTI SECURITY, Free For All, conducted by the Sale Greyhound Racing Club at Sale on 14 June 2020 (**the Event**).
4. On 14 June 2020, you presented “Woolybully Keats” at the Event not free of any prohibited substance, given that:
5. A post-race sample of urine was taken from “Woolybully Keats” at the Event (**the Sample**);
6. Pholcodine was detected in the Sample.

**Charge 3**

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 “Woolybully Keats”.
3. On or around 9 June 2020, you administered a treatment, namely ‘Bisolvon Pholcodine Dry Forte’ to “Woolybully Keats” (**the Treatment**).
4. The Treatment was not recorded in your treatment records when you produced them to GRV Steward Mr Brayden Jinks upon his request on 24 July 2020.

**Plea:** Guilty to all charges

**DECISION**

1. Mr Shane Keating is a registered greyhound trainer. At all material times he was the trainer of the greyhound “Woolybully Keats”. The greyhound competed in Race 6 at Sale on 14 June 2020 and won the race. A post-race sample showed the presence of Pholcodine. Pholcodine is a prohibited substance. It is contained in cough suppressant medicine used by humans. In this case, Mr Keating gave a small amount of Pholcodine to Woolybully Keats about 5 days before the race because the greyhound had a small cough. He was advised by an old unnamed trainer to do so if a greyhound had a cough and that the substance had a withholding period of 48 hours. That advice was wrong on both counts. As Greyhound Racing Victoria (“GRV”) warned in a veterinary fact sheet published on its website on 1 June 2020, there is a danger in giving personal cough medicine to greyhounds. Earlier in 2016, notice to the industry warned about the use of personal medications in greyhounds. Dr Steven Karamatic, in his report on this matter, noted that the withholding period for Pholcodine is very long and a positive swab could occur many weeks after administration.
2. Stewards of GRV have charged Mr Keating with three offences. First, the administration of a prohibited substance detected in a sample from a greyhound presented for an event (GAR 83(1A)). Second, the presentation of a greyhound for an event while not free of a prohibited substance (GAR 83(2)). Third, failure to record treatment in a treatment book (GAR 84A(1)). Mr Keating pleaded guilty to each charge at the earliest opportunity. On the third charge, Mr Keating said his omission to record the treatment was not deliberate.
3. Mr Keating has been an owner/trainer for about 30 years and a public trainer since 2018. He is a hobby trainer who has full time other work. He was remorseful and cooperative with the Stewards. He now realises that Pholcodine is not suitable for greyhounds and can mask the effects of kennel cough, thereby presenting a danger to other racing greyhounds. He has a good record, is of good character and was under work pressure at the time of the offence.
4. In setting a penalty, we have taken into account general deterrence and the importance of keeping a level playing field by prohibiting the use of prohibited substances. We also take into account the early guilty plea, Mr Keating’s good record and character and cooperation with the Stewards, as well as recent penalties in like matters.
5. In all the circumstances, we impose a penalty on the first charge of a fine of $1,000, with $500 suspended for a period of 12 months. On the second charge, we impose a fine of $500, wholly concurrent with the penalty of the first charge. On the third charge, we impose a penalty of a fine of $300.
6. In addition, Woolybully Keats is disqualified from Race 6 at Sale on 14 June 2020.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal