6 February 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR TERRY ROBERTS**

**Date of hearing:** 3 February 2020

**Panel:** Judge John Bowman (Chairperson), Judge Graeme Hicks (Deputy Chairperson) and Hon. Marilyn Harbison.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Terry Roberts represented himself.

**Charge:** 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:**

**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 *“Spirit Of Arlene”.*
3. *“Spirit Of Arlene”* was nominated to compete in, Event 9, SECURE RACING LOGISTICS DAMSELS DASH, Grade 5, conducted by the Sandown Greyhound Racing Club at Sandown on 1 August 2019 (**the Event**).
4. On 1 August 2019, you presented “Spirit Of Arlene” at the Event not free of any prohibited substance, given that:

(a)A pre-race sample of urine was taken from *“Spirit Of Arlene”* at the Event (the Sample);

(b) Theobromine was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Terry Roberts is a New South Wales registered trainer of greyhounds and is also registered in Victoria. He is the trainer of “Spirit Of Arlene”. “Spirit Of Arlene” competed in race 9 at Sandown on 1 August 2019. A pre-race urine sample taken from the greyhound showed the presence of theobromine, a metabolite of caffeine.
2. Stewards of Greyhound Racing Victoria (GRV) have charged Mr Roberts under Greyhounds Australasia Rule (GAR) 83(2) with presenting a greyhound for an event whilst not being free of a prohibited substance. Mr Roberts has pleaded guilty to the charge.
3. Theobromine is a stimulant. It is found in chocolate and cocoa containing products. It is capable of affecting the condition or performance of a greyhound and any effect is likely to be positive.
4. Mr Roberts told a preliminary inquiry into the positive swab that his elderly mother fed his greyhounds dark chocolate biscuits. His recently departed mother was nearly 90 years old and had dementia. Mr Roberts no longer buys anything containing chocolate.
5. In fixing a penalty, we take into account general deterrence, the importance of keeping a drug free industry and recent penalties in like cases. We also take into account that Mr Roberts has not been training for long and was not aware of the industry discussion about caffeine.
6. Taking all of the above matters into consideration, we impose a penalty of 2 months suspension which we fully suspend pending no breach of GAR83 in the next 12 months. “Spirit Of Arlene” is disqualified from race 9 at Sandown on 1 August 2019 and the finishing order amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal