21 December 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**ALAN BAYLISS**

**Date of hearing:** 14 December2023

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Danielle Hikri.

**Appearances:** Ms Amara Hughes appeared on behalf of the Stewards.

Mr Alan Bayliss represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 141(1) states:

 (1) The owner, trainer or other person in charge of a greyhound:

(a) nominated to compete in an Event;

(b) presented for a satisfactory trial or such other trial as provided for by the Rules; or

(c) presented for any test or examination for the purpose of a stand-down period being varied or revoked,

must present the greyhound free of any prohibited substance.

**Particulars:** 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 “Missy Ha Ha”.

3. Missy Ha Ha was presented for a satisfactory trial, as provided for under GAR 133, conducted by the Bendigo Greyhound Racing Association at Bendigo on 10 May 2023 (the Trial).

4. On 10 May 2023, you presented Missy Ha Ha at the Trial not free of any prohibited substance, given that:

(a) A sample of urine was taken from “Missy Ha Ha” at the Trial (the Sample);

(b) Gabapentin was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Alan Bayliss is a registered greyhound trainer and the trainer of “Missy Ha Ha”. That was presented for and completed a satisfactory trial at Bendigo on 10 May 2023. A urine swab taken from the greyhound showed the presence of the prohibited substance, gabapentin. Gabapentin is an analgesic and an anticonvulsant drug that is used to treat chronic pain, seizures and anxiety in dogs. Like procaine, it is used in the treatment of sick horses and cattle prior to euthanasia. It is sometimes found in not fit for human consumption meat or knackery meat. It has the capacity to assist the performance of a greyhound by inducing an artificially pain free state.
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Bayliss under Greyhounds Australasia Rule (“GAR”) 141(1) with presenting a greyhound for a satisfactory trial while not free of a prohibited substance. Mr Bayliss pleaded guilty to the offence at the earliest opportunity.
3. Mr Bayliss adamantly claims and has insistently claimed that he purchased fit for human consumption chicken meat, albeit at a pet shop. He said he does not feed knackery meat to his greyhounds. He realises that it would be likely to result in positive swabs if he did so. In over 50 years of training, he has never previously had a positive swab. The cause of the positive swab is a mystery to him. One possible explanation is that the chicken he purchased at the pet shop had come into contact with some other meat sold there. It may be best to avoid pet shops in purchasing meat in the future. That makes this case different from the usual knackery meat cases that the Tribunal has dealt with regularly since its inception and previously at the Greyhound Racing and Disciplinary Board (“RADB”).
4. In setting a penalty, we take into account the early guilty plea, Mr Bayliss’ good record over a long period as a trainer going back to 1972 and his genuine effort to attempt to find the cause of the positive swab. We also take into account general deterrence and the importance of keeping a level playing field by striving for a drug free industry. In addition, we take into account penalties in recent like cases as a guide. It can be no more than a guide in this case, as the matter has unusual features not common in most knackery meat cases where the cause of the positive swab is obvious.
5. Nonetheless, there is a guilty plea to a presentation charge for a drug which should not be in the industry and absolute liability applies, as is reflected in the guilty plea.
6. In all the circumstances, we impose a fine of $2,000c, but suspend $1,500 of that pending no further breach of any of the Rules of greyhound racing regarding prohibited substances for a period of 24 months.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal