21 December 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**JAKE DEAN**

**Date of hearing:** 13 December2023

**Panel:** Judge Kathryn Kings (Deputy Chairperson) and Ms Amanda Dickens.

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.

Mr Jake Dean 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 “Send Me Dizzy”.

3. Send Me Dizzy was nominated to compete in Race 12, SPORTSBET MAKE IT A MULTI, Grade 5 T3, conducted by the Healesville Greyhound Racing Association at Healesville on 15 March 2023 (the Event).

4. On 15 March 2023, you presented Send Me Dizzy at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Send Me Dizzy 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**

Mr Jake Dean is a trainer licensed by Greyhound Racing Victoria and bound by the Greyhounds Australasia Rules (“GARs”). He is a trainer aged 19, whose family has been in the industry for many years. He is the trainer of the greyhound “Send Me Dizzy”. Send Me Dizzy was nominated to compete in Race 12 at Healesville on 15 March 2023.

On 15 March 2023 Mr Dean presented Send Me Dizzy at the event, not free of any prohibited substance. A pre-race sample of urine was taken from Send Me Dizzy, and arsenic was detected in the sample at a concentration of 1252 nanograms per millilitre (“ng/ml”). A subsequent confirmatory analysis by the Racing Chemistry Laboratory in Perth reported an arsenic concentration of 1190ng/ml.

GAR 140(g) has the effect that arsenic at or below a mass concentration of 800 ng/ml will not breach the Rules. The concentration in the sample was shown to be greater than 800 ng/ml. Therefore, the sample contained a prohibited substance under the Rules. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Dean with a presentation offence pursuant to 141(1), which proscribes the presentation of a greyhound for an event whilst not free of a prohibited substance.

GRV Chief Veterinarian, Dr Steven Karamatic, provided a report. He said arsenic is a prohibited substance as defined by the GARs. There were no products found during the kennel inspection as listed on the Swab Irregularity Report that would be labelled to contain arsenic in sufficient amounts to cause a breach of the threshold. Further, arsenic is a general tissue poison and, in sufficient doses, can cause highly fatal gastroenteritis or nervous signs, such as convulsions.

Send Me Dizzy had previously tested positive to arsenic. Mrs Catherine Scarlett, Senior Steward, noted that the greyhound has remained in the same kennel as it was in previously. As in the previous Veterinary Report, there were areas of wood that had been chewed inside the door of Send Me Dizzy’s kennel. Photos taken showed evidence of chewing timber in the kennel on the property. This timber is Copper Chrome Arsenate (“CCA”) treated timber. Mr Dean also stated that it gets wet at the property and puddles form around the wood and as a result arsenic can be found in the water.

On this occasion, the greyhound was muzzled two days prior to racing and on race day. The greyhound had not chewed the kennels. It was also reported that Send Me Dizzy was placed in the empty yard containing dirt three to four times per day, for around 20 minutes, wearing a muzzle. Mr Dean suggested that it was possible that she could have eaten dirt while in the emptying yard.

Dr Karamatic stated in his report that two days should be sufficient time to allow for most orally ingested arsenic to be eliminated in the urine, but this would depend on the form in which it was ingested. If the dog could eat dirt through the muzzle, then it could lick and possibly chew CCA treated timber through its muzzle. Licking or chewing of CCA timber is a likely reason for an arsenic urinary threshold breach. At the time of notification of the positive sample, a further sample was taken which was within normal limits except for the race day sample. This confirmed the greyhound was exposed to a higher level of arsenic than normal.

In imposing a penalty, we have taken into account Mr Dean’s guilty plea, his cooperation with the Stewards throughout the investigation and the importance of specific and general deterrence. We also acknowledge the importance of maintaining a level playing field by having a drug free industry. We take into consideration recent penalties in like matters.

We accept Mr Dean’s evidence that this was inadvertent and that he has covered the treated pine with fibro covering. He has removed the treated pine posts inside the kennels. Greyhound racing is his sole source of income.

In all the circumstances, we impose a penalty of six months suspension, with four months suspended for 24 months pending no further breach of the Rules of greyhound racing relating to prohibited substances.

Additionally, Send Me Dizzy is disqualified from Race 12 at Healesville on 15 March 2023 and the finishing order is amended accordingly.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal