21 December 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**LESLIE KENYON**

**Date of hearing:** 8 December 2023

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

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

Mr Leslie Kenyon did not attend the hearing.

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

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

(a) nominated to compete in an Event;

must present the greyhound free of any prohibited substance.

**Particulars:** 1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 30469) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

 2. You were, at all relevant times, the trainer of the greyhound “Lily Crackers” (VKWUJ).

 3. “Lily Crackers” (VKWUJ) was nominated to compete in Race 9, NP ELECTRICAL, Maiden, conducted by the Geelong Greyhound Racing Club at Geelong on 30December 2022. **(the Event).**

4.On 30 December 2022, you presented “Lily Crackers” (VKWUJ) at the event not free of any prohibited substance, given that:

 (a) A pre-race sample of urine was taken from “Lily Crackers” (VKWUJ) at the event **(the Sample).**

 (b) Amphetamine, 4-Hydroxyamphetamine, Methamphetamine, Oripavine and Thebaine were detected in the sample.

 **Plea:** Guilty

**DECISION**

1. Mr Leslie Kenyon is a registered greyhound trainer. He has been charged by Stewards of Greyhound Racing Victoria (“GRV”) with presenting a greyhound for an event while not free of a prohibited substance contrary to Greyhounds Australasia Rule (“GAR”) 141(1)(a).
2. The Charge arises in circumstances where a greyhound, “Lily Crackers” trained by Mr Kenyon returned a positive swab to amphetamine, methamphetamine and their metabolites as well as opiate derivatives. Lily Crackers competed in Race 9 at Geelong on 30 December 2022.
3. Mr Kenyon advised the Registrar of the Tribunal that he did not wish to participate in the hearing. We heard the matter with only Mr Pearce of the GRV in attendance and treated the matter as if it was the subject of a not guilty plea.
4. The evidence relied on by Mr Pearce makes us comfortably satisfied that the Charge is made out. The pre-race sample was taken in the usual way and two licenced testing authorities revealed the presence of prohibited substances.
5. Accordingly, we find the Charge proven and we will now hear submissions on penalty.

**PENALTY**

1. On the question of penalty, we take into account Mr Kenyon’s unblemished record in respect of prohibited substances. However, the substances in this matter are extremely serious ones, which is an aggravating factor. General deterrence therefore looms large in this matter, as does specific deterrence. Mr Kenyon has not assisted the Tribunal regarding possible sources for the presence of the prohibited substance.
2. In all the circumstances, the Tribunal considers that the penalty imposed should be one of 12 months disqualification to commence immediately. Additionally, Lily Crackers is disqualified from Race 9 at Geelong on 30 December 2022.

Mark Howard

Registrar, Victorian Racing Tribunal