21 December 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**RODNEY CLARK**

**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 Rodney Clark represented himself.

**Charges:** 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.

GAR 142(1) states:

(1) An offence is committed if a person:

(a) administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;

(b) aids, abets, counsels or procures the administration of or an attempt to administer a prohibited substance to a greyhound; or

(c) has prior knowledge of a prohibited substance being administered or attempted to be administered to a greyhound,

which is established in any sample taken from a greyhound presented for an Event or when subject to any other contingency pursuant to the Rules.

GAR 151(1) states:

(1) The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:

(a) from the time the greyhound enters their care until the greyhound leaves their care; and

(b) for a minimum of two years

**Particulars: Charge 1: GAR 141(1)**

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 “Aston Handley”.
3. Aston Handley was nominated to compete in Race 2, FOLLOW @GRV\_NEWS ON TWITTER, Mixed 6/7, conducted by the Shepparton Greyhound Racing Club at Shepparton on 4 March 2023 (the Event).
4. On 4 March 2023, you presented Aston Handley at the Event not free of any prohibited substance, given that:
5. A post-race sample of urine was taken from Aston Handley at the Event (the Sample);
6. Caffeine, Theophylline, Paraxanthine and Theobromine were detected in the Sample.

**Charge 2: GAR 142(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 “Aston Handley”.
3. Aston Handley was presented for, and competed in, Race 2, FOLLOW @GRV\_NEWS ON TWITTER, Mixed 6/7, conducted by the Shepparton Greyhound Racing Club at Shepparton on 4 March 2023 (the Event).
4. You administered, or caused to be administered, to Aston Handley, a prohibited substance, being Caffeine, which was detected in a sample taken from Aston Handley in that:
5. You administered a product containing Caffeine, namely “ViG High Potency Energy Support Formula”, to Aston Handley on or around 3 March 2023;
6. A post-race sample of urine was taken from “Aston Handley” at the Event (the Sample);
7. Caffeine, Theophylline, Paraxanthine and Theobromine were detected in the Sample.

**Charge 3: GAR 141(1)**

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 “Aston Handley”.
3. Aston Handley was nominated to compete in Race 2, HIP POCKET BENDIGO, Grade 6, conducted by the Bendigo Greyhound Racing Association at Bendigo on 10 March 2023 (the Event).
4. On 10 March 2023, you presented Aston Handley at the Event not free of any prohibited substance, given that:
5. A pre-race sample of urine was taken from Aston Handley at the Event (the Sample);
6. Caffeine, Theophylline, Paraxanthine and Theobromine were detected in the Sample.

**Charge 4: GAR 142(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 “Aston Handley”.
3. Aston Handley was presented for, and competed in, Race 2, HIP POCKET BENDIGO, Grade 6, conducted by the Bendigo Greyhound Racing Association at Bendigo on 10 March 2023 (the Event).
4. You administered, or caused to be administered, to Aston Handley, a prohibited substance, being Caffeine, which was detected in a sample taken from Aston Handley in that:
5. You administered a product containing Caffeine, namely “ViG High Potency Energy Support Formula”, to Aston Handley on or around 9 March 2023;
6. A pre-race sample of urine was taken from Aston Handley at the Event (the Sample);
7. Caffeine, Theophylline, Paraxanthine and Theobromine were detected in the Sample.

**Charge 5: GAR 151(1)**

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 “Aston Handley”.
3. On or around 3 March 2023 and 9 March 2023, you administered a treatment, namely the substance “ViG High Potency Energy Support Formula” to Aston Handley (the Treatment).
4. The Treatment was not recorded in your treatment records when you produced them to GRV Senior Steward Ms Roslyn Fazulla upon her request on 15 April 2023.
5. The Treatment is required to be recorded in your treatment records.

**Pleas:** Guilty

**DECISION**

1. Mr Rodney Clark is a registered greyhound trainer and the trainer of the greyhound “Aston Handley”. Aston Handley competed in Race 2 at Shepparton on 4 March 2023 and in Race 2 at Bendigo on 10 March 2023.
2. On each occasion, the greyhound returned a positive swab to the substance, caffeine and its metabolites. This was a consequence of the greyhound being given “ViG High Potency Energy Support Formula”, which contains caffeine. Caffeine is known to be a performance enhancing substance.
3. Mr Clark faces two charges under Greyhounds Australasia Rule (“GAR”) 141(1), regarding the presentation of a greyhound for an event while not free of a prohibited substance. He also faces two charges under GAR 142(1) for administering a prohibited substance found in a swab taken from a greyhound. Mr Clark also failed to enter the administration of the tablets in his treatment record book and has also been charged with one offence under GAR 151(1).
4. Mr Clark has pleaded guilty to each of the five offences at an early stage. We propose to sentence Mr Clark primarily on one administration charge and to impose a concurrent sentence for each presentation charge and the remaining administration charge. The record keeping offence will be dealt with cumulatively. We also will use one administration charge as the lead effective producer of a sentence.
5. In setting penalties on the first four charges relating to breaches of the Rules regarding prohibited substances, we take into account general and specific deterrence and the importance of keeping a level playing field by aiming for a drug free industry. We also take into account the early guilty pleas and Mr Clark’s total cooperation with Stewards. We further take into account Mr Clark’s prior offending with respect to caffeine in 2016. However, little weight should be attached to that prior offence, as it was the result of an honest mistake and occurred over seven years ago. For all intents and purposes, we propose to treat Mr Clark’s current offending in respect of caffeine as being in the nature of a first offence. To that extent we have had regard to recent penalties in like cases involving caffeine.
6. In all the circumstances, we impose the following penalties:

Charge 1: four months suspension fully suspended for a period of 24 months pending no further breach of the Rules of greyhound racing relating to a prohibited substance and a $1,000 fine. This penalty is concurrent with the penalty imposed on Charge 2.

Charge 2: four months suspension fully suspended for a period of 24 months pending no further breach of the Rules of greyhound racing relating to a prohibited substance and a $1,000 fine.

Charge 3: four months suspension fully suspended for a period of 24 months pending no further breach of the Rules of greyhound racing relating to a prohibited substance and a $1,000 fine. This penalty is concurrent with the penalty imposed on Charge 2.

Charge 4: four months suspension fully suspended for a period of 24 months pending no further breach of the Rules of greyhound racing relating to a prohibited substance and a $1,000 fine. This penalty is concurrent with the penalty imposed on Charge 2.

Charge 5: $300 fine.

1. In addition, Aston Handley is disqualified from Race 2 at Shepparton on 4 March 2023 and Race 2 at Bendigo on 10 March 2023.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal