11 March 2025

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**ARTHUR GARRATT**

**Date of hearing:** 20 February 2025

**Date of decision:** 20 February 2025

**Panel:** Magistrate Peter Reardon (Deputy Chairperson) and Mr Greg Childs.

**Appearances:** Ms Yana Podolskaya appeared on behalf of the Stewards.

Mr Arthur Garratt represented himself.

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

**Greyhound to be free of prohibited substances**

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

1. *nominated to compete in an Event;*
2. *presented for a satisfactory trial or such other trial as provided for by the Rules; or*
3. *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 *“Rhoswen”.*

3. *“Rhoswen”* was nominated to compete in Race 2, KHANS HOSPITALITY SERVICES, Maiden, conducted by the Warragul Greyhound Racing Club at Warragul on 14 May 2024 (**the Event**).

 4. On 14 May 2024, you presented *“Rhoswen”* at the Event not free of any prohibited substance, given that:

1. A pre-race sample of urine was taken from *“Rhoswen”* at the Event (**the Sample**);
2. Phenobarbitone was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Arthur Garratt you are pleading guilty to one charge. It is a breach of Greyhounds Australasia Rule (“GAR”) 141(1), which is frequently referred to as a presentation charge.
2. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (“GRV”), bound by the GARs and were at all relevant times the trainer of the greyhound, “Rhoswen”.
3. Rhoswen was nominated to compete in Race 2, the Khans Hospitality Services Maiden, conducted by the Warragul Greyhound Racing Club on 14 May 2024.
4. On 14 May 2024, Rhoswen was presented at the event not free of a prohibited substance, given that a pre-race sample of urine taken from the greyhound tested positive to Phenobarbitone.
5. Rhoswen went on to compete in Race 2 and finished second in the event.
6. The urine sample was shown to contain Phenobarbitone and RASL’s analysis confirmed the presence of the substance. The report of Dr Steven Karamatic, Chief Veterinarian of GRV, states that Phenobarbitone is a prohibited substance as defined by the GARs.
7. Phenobarbitone is placed in the category “Stimulants, depressants and other prohibited substances” and is capable of affecting the condition, behaviour or performance of a greyhound and any effect on performance is more likely to be negative.
8. On Friday, 28 June 2024, Mr Max Hayden-Evans, Senior Steward, attended the kennel property of Mr Garratt.
9. Mr Hayden-Evans interviewed Mr Garratt, who was initially unable to explain how the substance had come to be detected in the sample. The kennel area was inspected and medications, supplements, refrigerated and non-refrigerated food were present, and photographs taken of them, as well as photographs of Rhoswen.
10. During the recorded interview, Mr Garratt further advised that Rhoswen did not have any recent injuries and advised that, at the time of the sample irregularity for Rhoswen, another of his greyhounds had been suffering from seizures and was on a prescribed medication for this condition.
11. The greyhound was “Chewcudda” who was no longer present at the property on account of it being euthanised after it collapsed from a seizure. Mr Garratt produced medication prescribed by his veterinary surgeon, Dr Bell, in April 2024 to Chewcudda which was labelled “Phenomar” 100mg, with instructions to give half a tablet to Chewcudda twice daily.
12. Mr Garratt advised Stewards at the time of testing Rhoswen that Chewcudda was on the medication and that contamination may be the most likely cause of the irregularity.
13. Mr Garratt told Stewards that he expected Rhoswen to perform well that day and that he did not bet on the greyhound as the odds were too short. He further stated that the greyhounds were routinely fed a mixture of kibble and kangaroo meat purchased from a pet meat distributor and that there had been no change in Rhoswen’s feeding and care regime leading up to the race and testing.
14. Mr Garratt was further interviewed by phone on Wednesday, 11 September 2024. He stated that he had been a trainer for 50 years and he elaborated on what he had told Stewards when interviewed on 28 June 2024. Chewcudda was kennelled beside Rhoswen and each dog had its own bowl which was labelled. Only Mr Garratt or his wife would feed and medicate (if required) the dogs.
15. The treatment books seemed up to date and he had no real explanation for the positive sample. When he gave the medications, he would break the tablets up with his bare hands and not use gloves.
16. Mr Garratt did not appear to be aware of GRV’s feeding medication and supplement guidelines published in August 2016 and July 2020 in Greyhound Monthly Victoria and emailed to all participants.
17. As previously stated, notices to the industry have been emailed to participants and published online, alerting all in the industry regarding the use of medications and the dangers of cross contamination. There were warnings that dog handlers should always wash their hands after dispensing medications with bare hands and wear gloves with food preparations in order to minimise licking of sweat or drug residue, neither of which Mr Garratt seemed to do.
18. The Tribunal accepts that the drug Phenobarbitone was not an enhancing drug and was probably caused by cross contamination. Nevertheless, it is important that the industry is drug free and that a level playing field is maintained. Therefore, there is a need for general deterrence.
19. The Tribunal takes into account Mr Garratt’s early indication of a guilty plea, his co-operation with the Stewards and his good record in the industry. It is his first offence concerning this Rule. He has now amended his feeding practices so that they are in compliance with GRV guidelines. Such a mistake is unlikely to occur again.
20. He is aged 76 years and his only helper is his wife. He trains only one dog and is a pensioner. No doubt he gets enjoyment from his training and has a very good record, only incurring one fine and some severe reprimands for non-related offences since his registration with GRV as a trainer in 1989.
21. The reference to the case of Baker is relevant, but the circumstances are different, in the sense that in Baker’s case the greyhound was fed meat purchased from a knackery, which is riskier. Therefore, Baker’s case would be considered a more serious breach.
22. It is important that the industry is drug free and that there is a level playing field for all participants and general deterrence is relevant in this particular case. However, specific deterrence is not so relevant because of Mr Garratt’s good record and his personal circumstances.
23. Therefore, the penalty should not be the same as that in Baker, but a message needs to be sent to trainers to take notice of guidelines sent out to them and the possible penalties for non-compliance with GRV Rules.
24. The Tribunal imposes a penalty of two months suspension, but this is wholly suspended for 12 months.
25. Further, the greyhound Rhoswen is disqualified from Race 2 at Warragul Greyhound Racing Club on 14 May 2024 and the finishing order is amended accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal