11 March 2025

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GEOFFREY DALTON**

**Date of hearing:** 17 February 2025

**Date of decision:** 17 February 2025

**Panel:** Judge Marilyn Harbison (Deputy Chairperson), Ms Judy Bourke and Ms Maree Payne.

**Appearances:** Ms Rachel Matulis, instructed by Ms Yana Podolskaya, appeared on behalf of the Stewards.

Mr Geoffrey Dalton represented himself.

Mr Peter Onley appeared as a witness.

**Charges and particulars:**

**Charge No. 1 of 2**

Greyhounds Australasia Rule 141(1) reads as follows:

**Rule 141 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 of Charge**

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 *“Soda Apache”* (VJRHH).
3. *“Soda Apache”* was nominated to compete in Race 10, CITY VIEW BISTRO, conducted by the Meadows Greyhound Racing Club at Broadmeadows on 06 March 2024 (**the Event**).
4. On 6 March 2024, you presented *“Soda Apache”* at the Event not free of any prohibited substance, given that:
   1. A pre-race sample of urine was taken from *“Soda Apache”* at the Event (**the Sample**);
   2. COCAINE, BENZOYLECGONINE and ECGONINE METHYL ESTER was detected in the sample.

**Charge No. 2 of 2**

Greyhounds Australasia Rule 151(1) reads as follows:

**Rule 151 Treatment records to be kept**

1. *The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:*
2. *from the time the greyhound enters their care until the greyhound leaves their care; and*

*(b) for a minimum of two years.*

**Particulars of Charge**

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 “Soda Apache”.
3. On 11 April 2024 you failed to comply with subrule (1) to retain Treatment Records for greyhound “Soda Apache”.

**Pleas:** Guilty to both Charges.

**DECISION**

1. Mr Geoffrey Dalton is the trainer of “Soda Apache”. This greyhound competed at The Meadows on 6 March 2024 and a pre-race sample of urine was taken from the dog. The Stewards say that this sample contained three substances. They are cocaine, benzoylecgonine, and ecgonine methyl ester. As we understand it, the last two substances are metabolites of cocaine.
2. Mr Dalton was advised of the outcome of the testing on 11 April 2024 at his property in Hazlewood. The Stewards inspected his property and found nothing which contained or was connected to any of these substances.
3. Mr Dalton has been charged with one presentation offence arising out of the positive swab. He has pleaded guilty to this charge.
4. At the time that Mr Dalton was interviewed by the Stewards, he was asked to provide the treatment records of that greyhound for inspection. He did not have any records for the greyhound. He said that this was because the greyhound had only been in his care for six months and he had not treated the greyhound for anything during those six months. As a result of this, Mr Dalton has also been charged with one charge of failing to produce treatment records. Mr Dalton also pleaded guilty to this charge.
5. This Rule under which Mr Dalton has been charged provides that a person in charge of a greyhound must keep and retain written records detailing all treatments administered to the greyhound from the time the greyhound enters that person's care until the greyhound leaves their care and for a minimum of two years. Mr Dalton conceded before us that he had made an error in not requesting the dog’s treatment records when he had taken over the dog for training.
6. Dr Steven Karamatic, the Chief Veterinarian of Greyhound Racing Victoria (“GRV”), confirmed that the three substances were properly to be described as prohibited substances under the Rules and further that each was placed in the category of permanently banned prohibited substances. He gave evidence that there are no Australian veterinary medicines that contain any of the substances. Cocaine is a recreational drug and an effective local anaesthetic, having the capacity to enhance capacity for short term intense exertion in humans and in dogs.
7. Mr Dalton had no knowledge at all as to how his dog may have been exposed to cocaine. However, he called a witness to explain the circumstances surrounding the arrival of the dog at the track on the day of the race. Due to prior commitments, Mr Dalton was unable to take the dog to the track, although he attended the race meeting and handled the dog from about 7:00 pm on the night of the race. He gave evidence that he had asked a part owner of the dog, Mr Ashley Onley, to transport the dog to the track. As well as being a part owner of this dog, Mr Onley was also a registered handler. Mr Onley agreed that he used his father's purpose-built greyhound transport vehicle to transport the dog.
8. Unknown to Mr Onley, that van had been used in some suspicious circumstances in the days before he used it. The van was owned by Mr Peter Onley, the father of Ashley. In the days before the race, Mr Peter Onley came to know of the possibility that the van had been contaminated with drugs. He was very concerned. He arranged for informal testing of the van, which produced a positive result. He then contacted three senior employees of GRV to tell them the results and to see if he should do something to counteract the contamination. He was given some alternatives, but as they involved expense, he decided that instead he would simply not present any of the greyhounds that had been in the van until he was satisfied that they were clear of any contamination.
9. Unfortunately, his son, Mr Ashley Onley, did not know of this series of events, and so he used this very same van to transport Mr Dalton’s dog to the race, thus potentially exposing the dog to contamination.
10. The above evidence was given to us by Mr Peter Onley, and we are satisfied that his evidence was truthful. As counsel for the Stewards pointed out, it is not conclusive evidence that the van is the only possible source of the contamination. However, we are satisfied that this evidence puts this case in the category of cases where the owner has taken significant precautions to ensure that the greyhound is not exposed to prohibited substances. He entrusted care of the greyhound to his son, a registered handler. The greyhound was in the handler’s care for only a short period of time. The handler was also a part-owner of the dog and so could be reasonably expected to be vigilant in ensuring the dogs safety.
11. Mr Dalton has been an owner trainer since 1988 and a public trainer since 2012, so he has a great deal of experience in the industry.
12. Mr Peter Onley gave character evidence in relation to Mr Dalton. He has been sending his dogs for training to Mr Onley for five years and describes him as a conscientious and responsible trainer who has shown great care about the welfare of the dogs he has trained.
13. Mr Dalton also produced two other character references. The first was from Mr Shayne Jarvis, another GRV participant, who describes him as highly respected within the greyhound racing community, known for his integrity, professionalism and genuine love for the sport. The second was from Mr Peter Barry, an owner trainer, who also describes him to be of honest character and high integrity.
14. We note also that Mr Dalton has participated in the industry for over 40 years and has no relevant prior offences. This is a very good record indeed.
15. In sentencing for the presentation offence, we accept the submissions of the Stewards that the principal purpose of sentencing for this offence is general deterrence – that is the need to deter others within the industry from allowing their greyhounds to come into contact with prohibited substances. We note also that cocaine is a permanently banned substance. This makes the offending more serious, as there is no way that the dog could have come into contact with it except through a person engaging in illegal activity.
16. We also accept the submission of the Stewards that a participant cannot evade responsibility simply by handing over the care of a greyhound to another person, even if that person is another registered participant. We agree also that, as Mr Dalton is a very experienced trainer, he should have been well aware of this. It is inherently risky for a trainer to relinquish control of a greyhound, particularly in the hours leading up to a race.
17. However, each case must be dealt with on its own merits. In this case, we are satisfied that Mr Dalton made a reasonable decision in using the services of a handler to transport the dog to the track. He made sure that everything that was required for the dog was personally left by him to be picked up by Mr Ashley Onley. He did not know and had no way of knowing of the circumstances of the prior use of the van, which was otherwise a legitimate and safe purpose-built means of transport of the dog to the track.
18. Taking all these circumstances into account, the penalty which we impose is as follows.
19. On Charge 1, the presentation offence, we order a period of nine months disqualification with this disqualification to be fully suspended for a period of 12 months. In addition, Soda Apache is disqualified from Race 10 at the Meadows on 6 March 2024 and the finishing order is amended accordingly.
20. On Charge 2, the treatment records offence, we impose a fine of $300.

Mark Howard

Registrar, Victorian Racing Tribunal