

RACING APPEALS TRIBUNAL

RAT 19/17

DATE: FRIDAY 16 JUNE 17

TRIBUNAL: **PRESIDENT:** MR T ANDERSON QC
MS LISA MICHALANNEY, GRSA STEWARD,
GREYHOUND RACING SA LTD APPEARS FOR
STEWARDS
APPELLANT: MR T PRICE

IN THE MATTER of an Appeal by **Mr Tracie Price** against a decision of Greyhound Racing SA Ltd Stewards

BREACH OF RULE: GAR 83 (2) (a) which states:

*“The owner, trainer or person in charge of a greyhound-
(a) nominated to compete in an Event:
shall present the greyhound free of any prohibited substance”.*

PENALTY: 2 MONTHS SUSPENSION

\$5000.00 fine

DETERMINATION

The Appellant, Mr Price appeals from a decision of the stewards of GRSA upon a conviction for presenting a greyhound not free of a prohibited substance.

The appeal is related only to penalty.

The stewards suspended Mr Price for two months and fined him \$5,000.

The circumstances briefly were that a sample taken from the greyhound 'Flying Flutter' at Mt Gambier on Sunday, 1 January 2017 and also at Mt Gambier on Sunday, 22 January 2017 recorded readings of phenobarbitone, which is a prohibited substance.

Mr Price pleaded guilty to both charges.

His personal circumstances include a business in which he provides meat for the greyhound industry and involves him travelling around both the south east of South Australia and in to Victoria in the conduct of that business.

The stewards specifically took into account that he is providing a broader service to farmers as well as the greyhound industry and employs a number of people in the local community.

It appears that Mr Price, on face value, took over the prescribed medication from a previous trainer although he apparently checked this medication and its withholding period before using it on the dog, 'Flying Flutter'. The medication was required to control the greyhound from having seizures.

Mr Price has never previously been in breach of the rules and is a successful trainer and breeder of greyhounds.

The argument on appeal was very simply that the penalty was too harsh especially having regard to penalties awarded in similar cases interstate. As I have said before, it is very difficult to reconcile decisions interstate with the local industry. There are many differing circumstances and in some states there is a codified scale of penalties which does not apply in South Australia.

The stewards particularly took into account that to impose a disqualification in these circumstances would have been crushing and I agree with that.

I have said several times that presenting a greyhound with a prohibited substance would normally require a period of disqualification. The stewards accepted that this was a case of special circumstances and therefore imposed a much lesser penalty, namely, the two month's suspension and a fine of \$5,000.

In my view, the reasoning of the stewards was quite correct and I can see nothing wrong in the steps they took in reaching their final decision.

As a result, I agree with their decision and therefore dismiss the appeal.

The applicable portion of the bond money will be refunded.