

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

Mr TRENT ANTHONY

Date of hearing:	Wednesday 10 th May 2023
Stewards Panel:	Ross Neal (Chair); Ben Plunkett
Present:	Mr Trent Anthony
Rule:	Tasmanian Greyhound Rules of Racing
Charge:	That Mr Anthony as the trainer of DAPH'S ECHO presented that greyhound for the purposes of participating in Race 5 at the Launceston Greyhound Racing Club meeting on Monday 3 rd October 2022 when a pre-race urine sample taken from the greyhound revealed the presence of the prohibited substance THEOBROMINE
Plea:	Admitted
Penalty:	Six-month suspension

1. Background

- (a) The Respondent, Mr Anthony is a licensed greyhound trainer based at Rocherlea.
- (b) Mr Anthony is the trainer of the registered greyhound DAPH'S ECHO.
- (c) DAPH'S ECHO is a 2YO greyhound owned by Mr Anthony.
- (d) DAPH'S ECHO was correctly entered for, and presented for Race 5, the Simons Carpet One – Grade 5 event at the Launceston Greyhound Racing Club meeting on Monday 3rd October 2022.

- (e) DAPH'S ECHO was selected for a pre-race urine test which was undertaken by Office of Racing Integrity Steward Mr Dominic Tyson. Mr Anthony was present throughout the sampling process. The sampling process was not contested.
- (f) The sample collected from DAPH'S ECHO was allocated the unique number V773001.
- (g) DAPH'S ECHO was placed second in the event.
- (h) On Monday 7th November 2022 Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that THEOBROMINE had been detected in sample V773001. The control sample was clear.
- (i) RASL also advised that the reserve portion of the sample had been forwarded to the Racing Science Centre in Queensland for referee analysis.
- (j) On Wednesday 9th November 2022, Office of Racing Integrity Stewards attended Mr Anthony's property at Rocherlea, where Mr Anthony was advised of the irregularity. The Stewards then conducted an inspection of Mr Anthony's operation.
- (k) When questioned about what medications/drugs were kept on the property Mr Anthony produced two substances he used in the care of DAPH'S ECHO. These being firstly, a product labelled 'Palmers Coconut Hydrate' and secondly a product labelled 'Activite'
- (l) Mr Anthony stated that he treated DAPH'S ECHO daily with Palmers Coconut Hydrate by applying it to the greyhound's feet. The Activite was provided to DAPH'S ECHO 3-4 days out from racing.
- (m) On Monday 19th December 2022, the Racing Science Centre reported presence of THEOBROMINE in the reserve portion of sample V773001.
- (n) In consequence Mr Anthony was charged with a breach of GAR 141 (1) (a) with the particulars being that he presented DAPH'S ECHO to race on Monday 3rd October 2022 at a meeting of the Launceston Greyhound Racing Club when not free of a prohibited substance, namely THEOBROMINE.
- (o) Mr Anthony admitted the breach.

2. Submissions of the Respondent

- 2.1 At the substantive hearing today Mr Anthony had little more to add than the information provided on the day of him being notified of the irregularity, other than to acknowledge that he had not made robust enquiry about whether either Palmers Coconut Oil or Activite could give rise to adverse sample outcomes.

3. Penalty Approach

3.1 Turning to the matter of penalty the Stewards are cognisant of the following Sentencing Principles –

- (i) That penalties are designed to punish the offender for his/her wrongdoing. They are not meant to be retributive in the sense that the punishment is disproportionate to the offence, but the offender must be met with a punishment.
- (ii) In a greyhound racing context, it is very important that a penalty has the effect of deterring others from committing similar offences through the consideration of both general and specific deterrence.
- (iii) Penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of prohibited substances being detected in those performing duties which put at risk, both the health and wellbeing of other licence holders and greyhounds.
- (iv) In determining what, if any penalty, that is to be imposed, the Stewards endeavour to reach a proportionate balance between: the public interest; the interests of the offender; the interests of the industry as a whole; the seriousness of the offending; and any aggravating/mitigating factors.

4. Respondents Penalty Submissions

- 4.1 When addressing the Panel on penalty Mr Anthony outlined his personal circumstances and asked the panel to acknowledge the period of exclusion already served.
- 4.2 Mr Anthony also advised that he will now be taking greater care with respect to what products are used in the care of his dogs.

5. Penalty Discussion:

- 5.1 In approaching the matter of penalty, if any, to be imposed, the Panel have reflected on previous penalties imposed for breaches of the prohibited substance rules. These being both Tasmanian and Interstate decisions.
- 5.2 While these decisions are helpful to some degree, the divergence of outcomes for presentation cases spans a significant part of the penalty spectrum, and we find that we must reach an independent starting point with respect to this matter.
- 5.3 We note from reviewing Interstate decisions that the most favoured penalty imposed is one of a suspension of the trainer's licence for a modest period.
- 5.4 While there are obviously variations with respect to the quantum of suspension imposed in the Interstate jurisdictions (subjectives) it is not uncommon for the outcome (actual penalty less any stayed component) to be a period of suspension ranging from two to four months for a mid-range first

offence. Noting that the majority of the cases reviewed were premised around the end result (period of suspension actually served) being 50% of the base imposed.

- 5.5 We find these Interstate determinations helpful with respect to ensuring that Tasmanian penalties are 'in-step' with mainland best practice in such matters.
- 5.6 Having regard to all circumstances we believe that an appropriate starting point penalty for presentation cases is a suspension of the trainer's licence for a period of six (6) months. To which are applied the subjectives.

6. Discussion

- 6.1 The Prohibited Substance Rules impose an absolute obligation on trainers to ensure that they present their runners free of prohibited substances.
- 6.2 In consequence, trainers must take all reasonable steps, must be vigilant, and must take proper care, always, to avoid presenting a greyhound which could give rise to an adverse test result.
- 6.3 Resultantly, where there is a breach of the drug negligence rules trainers must expect to be levied with penalties reflecting the gravity of the offending.
- 6.4 In this case there is a high probability that the adverse result came about because of Mr Anthony treating DAPH'SS ECHO with the substances Palmers Coconut Extract and Activite.
- 6.5 Through his own admission he failed to ascertain whether either product contained a constituent that could give rise to an adverse sample result.
- 6.6 To this end we find his negligence to be mid-range, because a simple inspection of the labels of both products would have identified risks with using them on racing greyhounds.

7. Factors in Mitigation

- 7.1 In determining the appropriate penalty, the Stewards recognise the following factors in mitigation, and which are relevant to penalty discussions. These being -
 - (a) Mr Anthony has been fully cooperative throughout the ORI investigation.
 - (b) Mr Anthony's admission of the breach.
 - (c) Mr Anthony's previously clear record.
 - (d) Mr Anthony's personal circumstances and the submissions made by him with respect to the measures adopted to reduce any future risk.
 - (e) That Mr Anthony has been excluded from the industry since November 2022.

In considering the penalty to be levied upon Mr Anthony we are aware that he has not participated in greyhound racing since notification of the adverse sample result. This being a period of six months, and it is our position that this period should be regarded as time served.

8. Outcome

8.1 Having regards to all circumstances the Stewards make the following orders.

- (i) Mr Anthony's trainers' licence is suspended for a period of six-months. However, including consideration of the subjectives, the period of exclusion suffered by Mr Anthony is to be regarded as time served. This being a period of six (6) months. Therefore, no further period of exclusion is imposed.

9. Disqualification Of Greyhound

- 9.1 Pursuant to GAR 141 (4) DAPH'S ECHO is disqualified from Race 5 at the Launceston Greyhound Racing Club meeting on Monday 3rd October 2022 with the placing to be adjusted accordingly and to reflect the disqualification of DAPH'S ECHO.

Decision Date: 10th May 2023