



**PENALTY GUIDELINES –
PROHIBITED SUBSTANCES**

2019

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Introduction

These guidelines have been formulated by Greyhound Racing Victoria (GRV) to provide advice to participants regarding the penalties that may be sought by GRV in prosecutions for prohibited substance related offences in the Racing Appeals and Disciplinary Board (RADB). These guidelines replace the 'Greyhound Racing Victoria Prohibited Substance Penalty Guidelines and Relevant Information Pertaining to Prohibited Substance Offences (2011)'.

The level of penalty sought by GRV as part of a prosecution for prohibited substance related offences is determined taking into account a number of considerations, including the need to:

- ensure acceptable standards of animal welfare in the industry;
- deter the individual from committing similar offences;
- deter others in the industry from committing similar offences;
- demonstrate to the industry that the relevant conduct is not acceptable;
- ensure any punishment imposed is appropriate and proportionate, taking into account the specific circumstances of the individual and the offence committed;
- ensure a level playing field for all participants and the betting public; and
- maintain community trust and public confidence in the integrity of greyhound racing.

Information has also been provided in these guidelines about:

- the types of aggravating factors that may be taken into account by GRV in making submissions to the RADB about an appropriate penalty for prohibited substance offences;
- the types of mitigating factors that GRV may take into account in making submissions to the RADB about an appropriate penalty for prohibited substance offences; and
- the range of penalties GRV will seek from the Racing Appeals and Disciplinary Board (RADB) for different categories of prohibited substance offences.

It is crucial for the proper functioning of greyhound racing that all greyhounds are presented for racing free of prohibited substances to ensure a level playing field. As such, penalties must be applied that make it clear to participants, the wider greyhound industry, and the community, that greyhounds must be presented free of prohibited substances on race day. Suggested minimum and maximum penalties have been developed to provide clarity as to GRV's approach to dealing with specific offences.

Participants should be aware that the obligation to present greyhounds free of prohibited substances rests with them, even where GRV is unable to determine how or why the substance came to be present.

Prohibited substance related offences are treated on an individual basis. Relevant previous findings (of any type and in any jurisdiction) may be taken into account by GRV when deciding on what level of the penalty GRV will submit as appropriate to the RADB.

These guidelines suggest clear and contemporary penalties for non-compliance that take a hard line on serious non-compliance. GRV acknowledges the need to allow for discretion when seeking penalties and in particular when dealing with unintentional low-level non-compliance.

The penalty ranges suggested in this document are only a guide, and are not in any way mandatory, nor do they bind the RADB in their decision making. Any aggravating or mitigating circumstances that may exist in each individual case will be considered.

Relevant rules

Rules dealing with prohibited substances are available on the GRV website (www.grv.org.au). Participants should be aware that rules are subject to change and must ensure they keep up-to-date with the most current rules.

Note that examples provided under categories are examples only and do not describe every scenario or substance at any given time.

Feeding, Medications, Supplements and Contamination

Great care and vigilance must be taken in the feeding of greyhounds to ensure they are presented for racing free of prohibited substances and are never administered permanently banned prohibited substances. Participants must ensure their greyhounds are only treated with medications dispensed and prescribed by a registered veterinarian. Participants must also be aware that human medications can carry over to dogs and this can result in a risk of offending under the rules.

Participants are responsible for making themselves aware of the Feeding, Medication and Supplement Guidelines on the GRV website:

<https://greyhoundcare.grv.org.au/health-and-well-being/feeding-medication-supplement-guidelines/> and applying vigilance in the feeding and training of greyhounds to ensure they compete free of prohibited substances, including that any prohibited substances are not administered accidentally. It is the responsibility of participants to carefully consider the use of any food to make sure that all greyhounds compete free of prohibited substances as defined in the Rules.

In addition, participants need to be aware of, and keep up to date with, any guidance issued, or notices published from time to time aimed at minimising the chances of returning a positive swab through potential contamination or other causes, including but not limited to overfeeding of supplements or administration of certain medications.

Penalty guidelines

The penalties that may be sought from the RADB are linked to the potential pharmacological effects the prohibited substance is capable of having on the condition, behaviour or performance of the racing greyhound. Aggravating factors that may be considered in seeking penalties include:

- prior offending (including outside of Victoria)
- impact on the greyhound(s)
- lack of remorse
- lack of response to any prior GRV interventions including prior warnings issued to the participant specifically, or widespread notices or educational material issued to the industry generally
- failure to cooperate with an inquiry or investigation
- evidence of suspicious betting activity
- evidence that the prohibited substance was illegally obtained
- finding of guilt or conviction under other Rules
- finding of guilt or conviction under the *Prevention of Cruelty to Animals Act 1986*
- finding of guilt or conviction under the *Domestic Animals Act 1994*
- finding of guilt or conviction under any other relevant legislation (for example, the *Drugs, Poisons and Controlled Substances Act 1981*)
- other features of the case which are deemed to be aggravating

Mitigating factors that may be considered include:

- an early guilty plea
- steps taken by the participant since the offence to ensure no similar breaches of the rules will occur in the future
- good previous record
- cooperation with inquiry and key admissions
- personal circumstances
- special circumstances
- character and personal references
- any other relevant factors that are deemed to be mitigatory

Disqualification of a greyhound from the relevant event/s is mandatory. While loss of prize money may be a large penalty, it may not be considered as part of any penalty given.

The categorisation of prohibited substances can be difficult. The Stewards, acting on expert advice, may choose to categorise a substance as having a higher or lower impact or the RADB may determine the appropriate penalty without considering the category. In addition, certain mitigating circumstances may bring a penalty under the suggested minimum, while aggravating circumstances may result in penalties higher than the suggested maximum.

It is important to note that the likely source of the prohibited substance in question, as well as the potential impact on the dog's performance and health and wellbeing, may be relevant in determining a penalty.

Permanently banned prohibited substances versus prohibited substances

It is important to distinguish between permanently banned prohibited substances and prohibited substances.

Permanently banned prohibited substances are a group of prohibited substances that are so concerning from a welfare and integrity perspective that they are deemed to have no place in the sport at all. These substances cannot be in a greyhound's system at any time – ie not only are they banned on race day but also cannot be present in an out-of-competition sample. Participants are also not permitted to possess, acquire, attempt to acquire, administer or attempt to administer any of these substances at any time from birth to retirement of a greyhound.

Prohibited substances can be possessed providing that it is done so in accordance with the rules (GAR84). They can be administered where reasonably indicated but must not be detected in a sample taken when a greyhound is presented for an Event, Satisfactory Trial, or examination to revoke a period of incapacitation. Any use must be recorded in treatment records.

All permanently banned prohibited substances are also prohibited substances, but not all prohibited substances are permanently banned prohibited substances.

Prohibited Substance Administration and Presentation Penalties

Three rules are covered under each of the substance categories:

GAR83(1) relates to a situation where a person administers a prohibited substance, aids in administration of a prohibited substance, or has prior knowledge of the administration of a prohibited substance, where the administration of the substance is for the purpose of preventing the greyhound from starting in an event, affecting its condition, behaviour or performance in an event. In relation to GAR83(1) offences, GRV has zero tolerance for cheating and will pursue higher penalties accordingly.

GAR83(1A) relates to a situation where a person administers a prohibited substance, aids in administration of a prohibited substance, or has prior knowledge of the administration of a prohibited substance and that substance is detected in any sample taken from a greyhound that has been presented for an event.

GAR83(2) requires that an owner, trainer or person in charge of a greyhound nominated for an event, presented for a trial or presented for a test or examination present the greyhound free of any prohibited substance.

Again, it is important that participants make themselves aware of the most current rules (www.grv.org.au).

Therapeutic substances

This section includes the following:

- Any substance registered for veterinary use in dogs by the Australian Pesticides and Veterinary Medicines Authority (APVMA) that is not referred to in a higher category, and is generally accepted as a therapeutic substance.
- Any substance not included in a higher category that is registered for human use by the Therapeutic Goods Administration (TGA) or is registered by the APVMA for species other than dogs. However, it must be accepted by GRV that such a substance could be prescribed to a racing greyhound for a genuine therapeutic reason by any reasonable veterinary surgeon.
- Substances available over-the-counter without prescription may be considered in this category when not suited to a higher category. This will be assessed on a case by case basis.
- Any substance capable of providing pain relief (analgesics) that is not a permanently banned prohibited substance. These are generally administered for the purpose of alleviating or disguising a painful condition and therefore could improve the performance of an injured greyhound and compromise its welfare by masking injury.

Examples include but are not limited to: Anti-cramp or anti-spasmodic muscle relaxants, simple anti-cough medications. Hyoscine, Cimetidine, Ranitidine, Frusemide, Pholcodine, Guaifenesin, Dextromethorphan, Quinine, Non-Steroidal Anti-inflammatories (NSAIDs – including diclofenac, meloxicam, carprofen, ketoprofen, flunixin, piroxicam, tolfenamic acid, firocoxib, phenylbutazone), Local Anaesthetics (including lignocaine, bupivacaine, procaine), Corticosteroids (including dexamethasone, methylprednisolone, fludrocortisone, prednisolone), Dipyrrone, Tramadol.

Penalty range within which GRV will recommend a penalty to the RADB	GAR83(1)	GAR83(1A)	GAR83(2)
Minimum penalty	Two year disqualification and \$3000 fine	One month suspension and \$1000 fine	\$500 fine
Maximum penalty	Life disqualification	Two year disqualification and \$2000 fine	Twelve month disqualification and \$2000 fine

Stimulants, depressants and other prohibited substances

These substances are largely those which can affect (enhance or reduce) the condition, behaviour or performance of the racing greyhound and are considered by GRV to have no reasonable therapeutic pre-race indications and includes any other prohibited substance that does not appropriately fit into the higher or lower category.

Examples include but are not limited to: Caffeine, Theobromine, Prolintane, Heptaminol, Atenolol, Sotalol, Timolol, Alkaloids, Pentobarbitone and other barbiturates, Xylazine, Salbutamol, Clenbuterol, Arsenic, Cobalt, Diazepam, Minoxidil, Synephrine, Venlafaxine, Fluoxetine, Pramiracetam, Modafinil, Ephedrine, Meclofenoxate, Ethanol.

Penalty range within which GRV will recommend a penalty to the RADB	GAR83(1)	GAR83(1A)	GAR83(2)
Minimum penalty	Two year disqualification and \$3000 fine	Twelve month suspension and \$2000 fine	Three month suspension and \$1500 fine
Maximum penalty	Life disqualification	Five year disqualification and \$3000 fine	Twelve month disqualification and \$3000 fine

Permanently Banned Prohibited Substances

This section includes all substances listed in GAR79A as amended from time to time and which should not be present in a greyhound at any time.

Examples include but are not limited to: EPO, Gonadotropins, Corticotropins, Growth Hormones, ITPP, SARMS, Cocaine, Amphetamines, Methamphetamines, Benzylpiperazine, Morphine, Buprenorphine, Oxycodone, Ketamine, Dermorphins and other unregistered proteins or peptides, and Anabolic androgenic steroids including testosterone, nandrolone, methandriol, boldenone, stanozolol, ethyloestrenol (unless an exempted substance), etc.

Penalty range within which GRV will recommend a penalty to the RADB	GAR83(1)	GAR83(1A)	GAR83(2)
Minimum penalty	Three year disqualification and \$5000 fine	Eighteen month disqualification and \$3500 fine	Twelve month disqualification and \$2500 fine
Maximum penalty	Life disqualification	Life disqualification	Three year disqualification and \$5000 fine

Other offences

Possession of a permanently banned prohibited substance (GAR79A(7))

It is an offence under GAR79A(7) to possess, at the premises used in relation to the training or racing of greyhounds, a permanently banned prohibited substance.

Examples include but are not limited to those listed above under 'Permanently Banned Prohibited Substances'.

Penalty range within which GRV will recommend a penalty to the RADB	GAR79A(7)
Minimum penalty	Six month disqualification and \$3000 fine
Maximum penalty	Life disqualification

Possession of prohibited substance (GAR84)

It is an offence under rule GAR 84 to possess, at the premises used in relation to the training or racing of greyhounds, a prohibited substance unless that substance has been registered or labelled, or prescribed, dispensed or obtained, in compliance with the relevant State or Commonwealth legislation.

Penalty range within which GRV will recommend a penalty to the RADB	GAR 84
Minimum penalty	\$1500 fine
Maximum penalty	Life disqualification

Raceday treatment (GAR83A)

It is an offence under GAR 83A to administer, or cause to be administered, any treatment to a greyhound on the day of a meeting without Stewards' permission, until the greyhound is no longer presented for an event.

Treatment includes:

- Controlled drugs administered by a veterinarian;
- Prescription animal remedies and prescription only medicines;
- Any injectable substances not already specified in this rule;
- Pharmacist only and pharmacy only medicines;
- All veterinary and other substances containing other scheduled and unscheduled prohibited substances.

Penalty range within which GRV will recommend a penalty to the RADB	GAR 83A
Minimum penalty	\$1500 fine
Maximum penalty	Life disqualification

Treatment records to be kept (GAR84A)

Under rule GAR 84A, all records regarding vaccinations, antiparasitics and medical treatments administered to a greyhound must be kept and retained for a minimum of two years and must be produced for inspection when requested.

Penalty range within which GRV will recommend a penalty to the RADB	GAR84A
Minimum penalty	\$500 fine
Maximum penalty	Three month disqualification

Possession on course (GAR84B)

It is an offence under GAR 84B to possess a prohibited substance, or a syringe, needle or other instrument which could be used to administer a prohibited substance to a greyhound, on a racecourse, or in a motor vehicle or trailer being used for the purpose of travelling to or from a racecourse.

Penalty range within which GRV will recommend a penalty to the RADB	GAR84B
Minimum penalty	\$500 fine
Maximum penalty	Twelve month disqualification

Failing to provide a sample (GAR86(h))

It is an offence under GAR 86(h) to prevent, attempt to prevent, interfere with or attempt to interfere with the carrying out of a test or examination, including the collection of a sample for the purposes of testing for prohibited substances, without Stewards' permission.

Penalty range within which GRV will recommend a penalty to the RADB	GAR86(h)
Minimum penalty	Twelve month disqualification
Maximum penalty	Life disqualification

Requirement for returning from disqualification

Where the registration of a participant has been cancelled for a prohibited substance related breach, re-registration will be at the discretion of GRV. Participants are advised to refer to the registration requirements at www.grv.org.au.