

Penalty Guidelines – Prohibited Substances

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Penalty Guidelines – Prohibited Substances

Introduction

It is crucial for the proper functioning of greyhound racing and the welfare of the greyhounds themselves that all greyhounds are free of prohibited substances when racing and kept free of permanently banned prohibited substances at all times. This not only ensures a level playing field but also ensures that the greyhounds are not exposed to unnecessary risks. Penalties must not only be fit for purpose, and provide specific and general deterrence, but also ensure that registered persons, the wider greyhound industry, and the community can be confident that greyhounds race free of prohibited substances and that GRV takes a zero-tolerance approach to permanently banned prohibited substance use in greyhound racing.

The obligation to present each greyhound for racing free of prohibited substances rests with the trainer of the greyhound, however the obligation may also extend to the owner or person in charge of the greyhound in certain circumstances. Similarly, the trainer is responsible for ensuring that the greyhound is free of permanently banned prohibited substances at all times, however that responsibility may also extend to the owner or person in charge of the greyhound at the time that the greyhound is sampled.

If a prohibited substance or permanently banned prohibited substance is detected in a sample, for presentation charges and out of competition testing, it is not necessary for Stewards to determine how or why the substance was detected in the sample from the greyhound.

The penalty ranges provided are indicative but not mandatory. Each individual case will be considered on its merits.

The Rules of Racing (Rules), including those dealing with prohibited substances, are available on GRV's [Greyhound Care website](#).

Registered persons should be aware that Rules are subject to change and therefore must ensure they keep up to date with the most current rules.

A greyhound returning a positive sample must be disqualified from the relevant event/s, and any prize money must be returned to GRV within 14 days of disqualification. This is a consequence of the positive sample and is not considered when setting the appropriate level of penalty for the offence/s.



Offences

Rules related to prohibited substances include:

GAR 136 provides authority for the testing and sampling of greyhounds at any time, including when nominated for an event, presented for a trial, or presented for a test or examination.

GAR 137 sets out the prohibited substances.

GAR 138 sets out the exempted substances.

GAR 139 sets out the permanently banned prohibited substances and related rules.

GAR 139(2) allows for sampling of a greyhound at any time (out of competition testing) and makes it an offence for a permanently banned prohibited substance to be present in a greyhound at any time.

GAR 139(7) makes it an offence to be in possession of a permanently banned prohibited substance.

GAR 140 sets out the prohibited substances subject to a threshold.

GAR 141 sets out the presentation charge and provides that a greyhound nominated for an event, presented for a trial or presented for a test or examination must be presented free of any prohibited substance.

GAR 142 sets out the administration offences where a prohibited substance was detected in a sample from a greyhound presented for an Event and, which include not only direct administration of a prohibited substance, but also attempting, helping or causing someone else to administer the substance.

GAR 143 sets out the most serious administration offences where a prohibited substance was administered to a greyhound for the purpose of affecting its condition, behaviour or performance, or preventing the greyhound from starting in an Event. Again, the provisions cover not only direct administration but also attempting, helping or causing someone else to administer the substance.

GAR 144 sets out the offences relating to the administration, acquisition or possession of a permanently banned prohibited substance. Again, the provisions also cover attempting, helping or causing someone else to acquire, possess or administer the substance.

GAR 145 sets out the restrictions on treatments prior to an Event (currently race day and day prior) and the offences relating to administering a treatment in the days prior to the meeting that the greyhound is nominated to compete in.

GAR 146 sets out those therapeutic substances subject to a screening limit.



GAR 147 sets out those residue substances subject to a residue limit.

GAR 148 sets out the requirements that must be met when possessing any substance (prohibited substance, exempted substance, or other substance) to avoid breaching the Rules.

GAR 149 sets out the prohibitions on possession of substances and items on a racecourse or in a vehicle or trailer that could be used to administer prohibited substances.

GAR 150 sets out the prohibited methods that may be misused to administer doping agents or related substances.

GAR 151 sets out the requirements relating to the keeping of treatment records.

GAR 156(i) makes it an offence to prevent, attempt to prevent, interfere with or attempt to interfere with the carrying out of any testing or sampling.

Penalty Guidelines

These guidelines will influence both the penalty issued by GRV Stewards where that matter is being determined by them, and the penalty submission made by GRV prosecutors where the matter is being determined by the Victorian Racing Tribunal (VRT).

The penalties that may be applied are linked to the category and status of the prohibited substance and the potential pharmacological effects the prohibited substance can have on the condition, behaviour or performance of the greyhound.

The type and level of penalty imposed considers various factors, such as the need to:

- ensure acceptable standards of animal welfare in the industry;
- account for the potential impact on the performance, health and wellbeing of the greyhound;
- deter the individual from committing similar offences (specific deterrence);
- deter others in the industry from committing similar offences (general deterrence);
- demonstrate to the industry and the wider public that the relevant conduct is not acceptable;
- ensure any penalty imposed is appropriate and proportionate;
- 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 with animal welfare protected.



While offences are treated on an individual basis, the level of penalty is influenced by the precedent set by the VRT as well as relevant findings in other jurisdictions.

A penalty range has been developed to provide an indication of where the penalty sought from the VRT or imposed by Stewards may fall depending on the aggravating and/or mitigating factors relevant to that individual case.

Mitigating factors may lower the penalty from the average while aggravating factors will increase the level of penalty appropriate in the circumstances.

Aggravating factors

Aggravating factors that may be considered include (but are not limited to):

- compliance history including continuing or repeat offending, prior warnings, reminders of responsibility;
- actual or potential impact on the greyhound(s);
- lack of remorse or responsiveness;
- failure to cooperate with an inquiry or investigation;
- lack of response to any prior GRV interventions, information or education;
- evidence that the prohibited substance was illegally obtained;
- any other relevant factors of the case that are deemed aggravating.

Mitigating factors

Mitigating factors that may be considered in applying an appropriate penalty in the specified range include (but are not limited to):

- 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;
- cooperation with inquiry and key admissions;
- any other relevant factors that are deemed to be mitigatory.

A penalty may be partially suspended based on the nature of the offence, the circumstances of the breach, and any aggravating or mitigating factors. If part of a penalty is suspended and a further prohibited substance offence occurs during the penalty suspension period, the suspended part of the penalty may be imposed in full.



Permanently banned prohibited substances versus prohibited substances

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

Prohibited substances are the substances set out in GAR 137 which are prohibited unless they are an exempted substance (see GAR 138). These substances can be possessed and used providing that it is done so in accordance with the Rules (GAR 148). Prohibited substances 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 (GAR 151).

Permanently banned prohibited substances are a group of prohibited substances identified under the Rules (GAR 139) that have no place in the sport. These substances cannot be in a greyhound's system at any time. Not only are they banned on race day, but they also cannot be present in an out-of-competition sample. Registered persons are not permitted to possess, acquire, attempt to acquire, administer, allow to be administered, or attempt to administer any of these substances to a greyhound at any time.

Appeal

Where the Stewards issue a penalty that is a fine over \$250, suspension or disqualification, the person may appeal to the VRT. Appeals must be lodged with the VRT by 5pm on the third day after the person received the notice of decision from the Stewards. Further information can be found at the [VRT website](#).

Where the Stewards issue a penalty of a fine under \$250, the person may apply to the Racing Integrity Commissioner (RIC) and request that the RIC direct the VRT to hear and determine the appeal. The RIC may direct the VRT if the RIC considers that it is in the public interest to do so. Further information can be found on the [RIC website](#).

Both GRV and the registered person can appeal the penalty issued by the VRT to the Victorian Civil and Administrative Tribunal (VCAT). Applications must be lodged within 28 days from the date of the VRT decision. An appeal can only relate to the penalty as VCAT cannot hear an appeal related to the finding of guilt. Further information regarding the VCAT appeal process can be obtained from the [VCAT website](#).

Penalty Guide – Prohibited substances

Examples provided below for each type of substance do not describe every scenario or



substance at any given time. The categorisation of prohibited substances can be difficult. Stewards acting on expert advice may choose to categorise a substance as having a higher or lower impact.

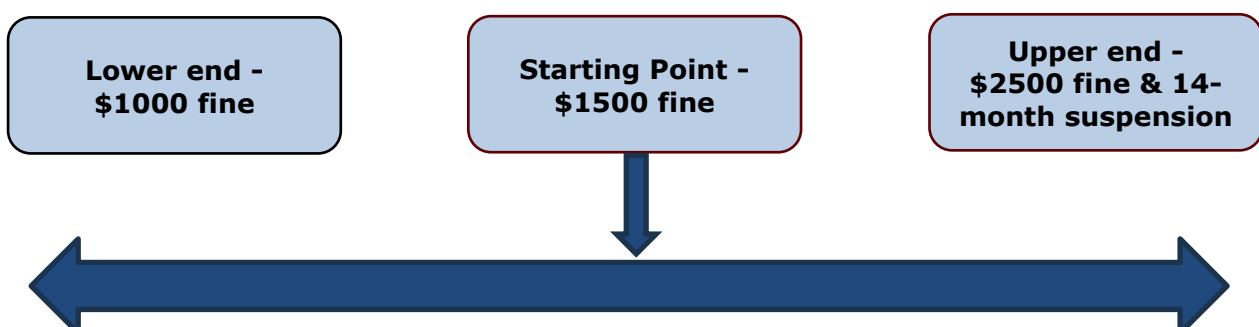
Therapeutic substances

This category of substances include:

- 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 veterinarian.
- 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 not limited to: anti-cramp or anti-spasmodic muscle relaxants (e.g. quinine or hyoscine), simple anti-cough medications (e.g. pholcodine, guaifenesin or dextromethorphan), diuretics (e.g. frusemide or hydrochlorothiazide), non-steroidal anti-inflammatories (NSAIDs) (e.g. diclofenac, meloxicam, carprofen, ketoprofen, flunixin, piroxicam, tolafenamic acid, firocoxib, phenylbutazone), local anaesthetics (including lignocaine, bupivacaine, procaine), corticosteroids (including dexamethasone, methylprednisolone, fludrocortisone, prednisolone), analgesics (e.g. gabapentin, codeine, tramadol), antifibrinolytic agents (e.g. tranexamic acid or aminocaproic acid), metformin, levamisole, phenylpropanolamine, desmopressin, cimetidine, ranitidine, dipyrrone.

Recommended Penalty Range Guidelines



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. They include 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, beta-blockers (e.g. atenolol, sotalol, timolol, bisoprolol, labetalol), alkaloids, barbiturates (e.g. pentobarbitone, phenobarbitone), xylazine, salbutamol, clenbuterol, arsenic, cobalt, diazepam, minoxidil, synephrine, venlafaxine, fluoxetine, pramiracetam, modafinil, ephedrine, meclofenoxate, ethanol, benazepril, irbesartan, losartan, probenecid, brompheniramine, ephedrine, pseudoephedrine, atropine, acepromazine, lamotrigine, bethanidine.

Recommended Penalty Range Guidelines



Permanently banned prohibited substances

This section includes all substances listed in GAR 139 as amended from time to time and they should not be present in a greyhound at any time. It is the responsibility of the registered person to ensure that they are aware of the substances listed as, or meeting the criteria of, a permanently banned prohibited substance.

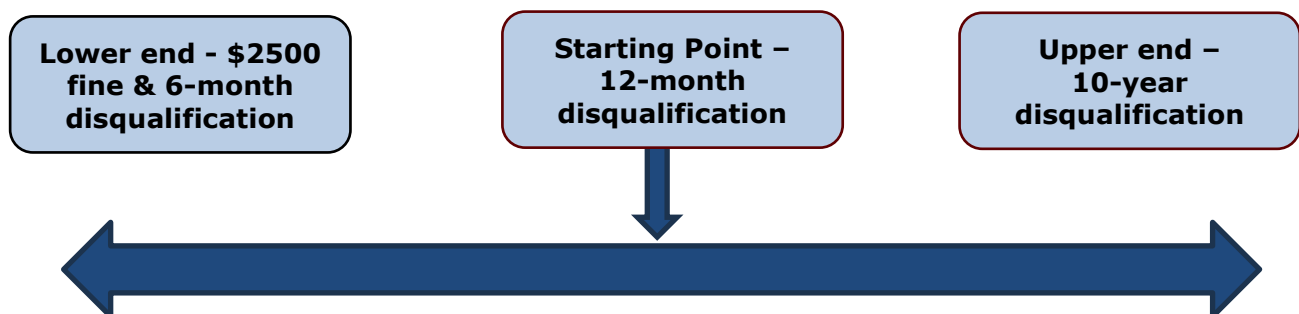
Examples include but are not limited to: EPO, SARMS (e.g. ostarine, andarine), gonadotropins (e.g. gonadorelin), anabolic androgenic steroids (e.g. testosterone, nandrolone, methandriol, methandienone, boldenone, stanozolol, ethyloestrenol (unless an exempted substance), corticotropins, growth hormones, ITPP, cocaine, amphetamines, methamphetamines, benzylpiperazine, morphine, cathinone, pethidine, tapentadol, buprenorphine, oxycodone, ketamine, dermorphins and other unregistered proteins or peptides, hydrocortisone (excluding topical preparations) and bisphosphonates.



Recommended Penalty Range Guidelines**Administration, acquisition or possession**

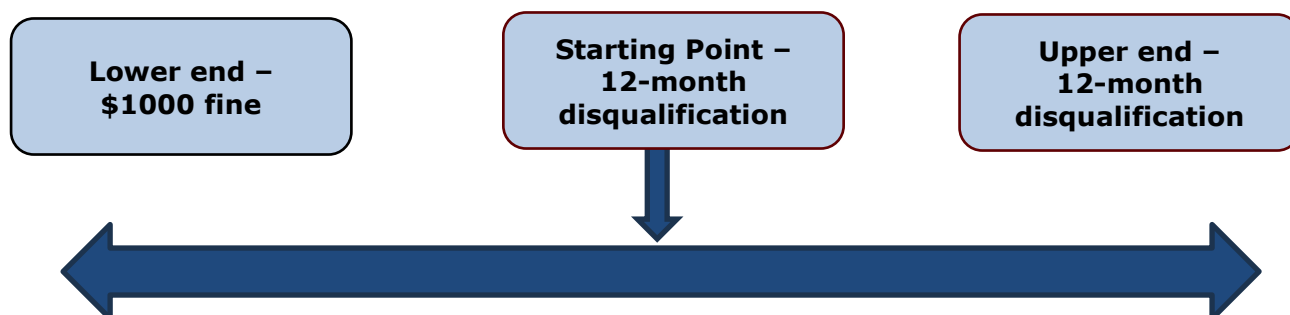
Administration, acquisition or possession of a permanently banned prohibited substance of a permanently banned prohibited substance. These offences also include:

- allowing or causing to be administered,
- aids, abets, counsels or procures,
- attempting to administer, acquire or possess.

Recommended Penalty Range Guidelines

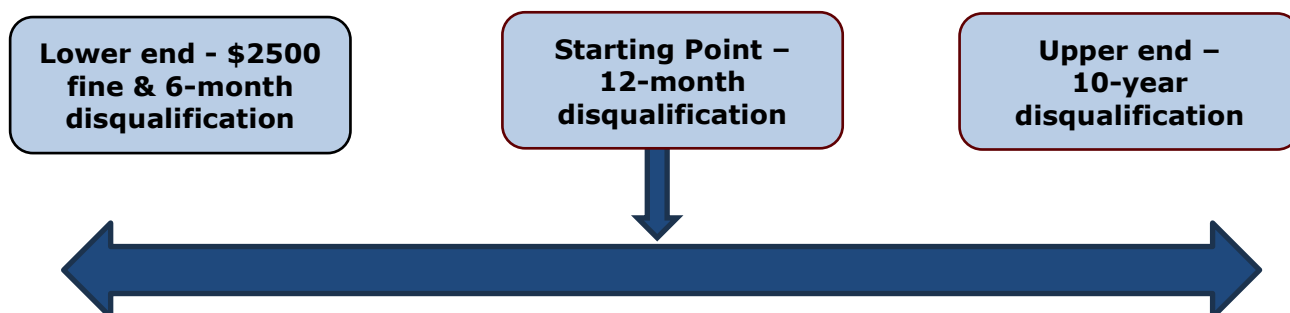
Prior knowledge of a prohibited substance being administered

Recommended Penalty Range Guidelines



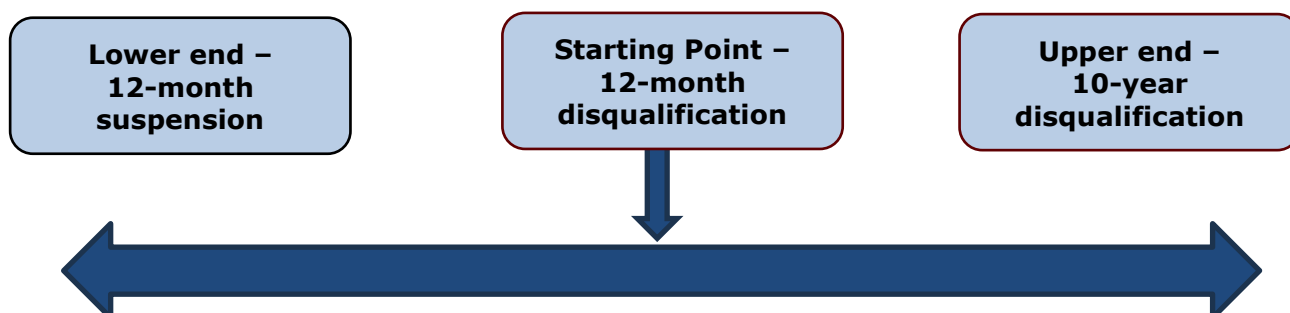
Treatment prior to an Event

Recommended Penalty Range Guidelines



Failure to provide a sample, interfering with a sample being taken

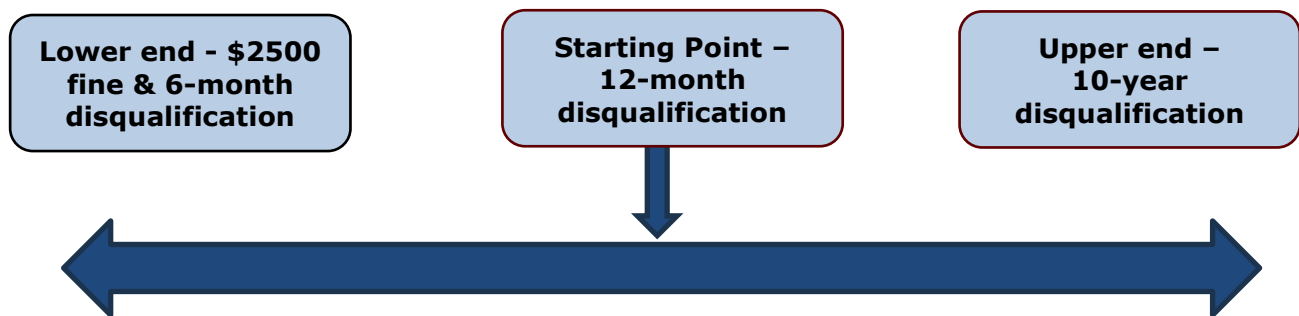
Recommended Penalty Range Guidelines



Possession of a prohibited substance or instrument that could be used to administer a substance on course

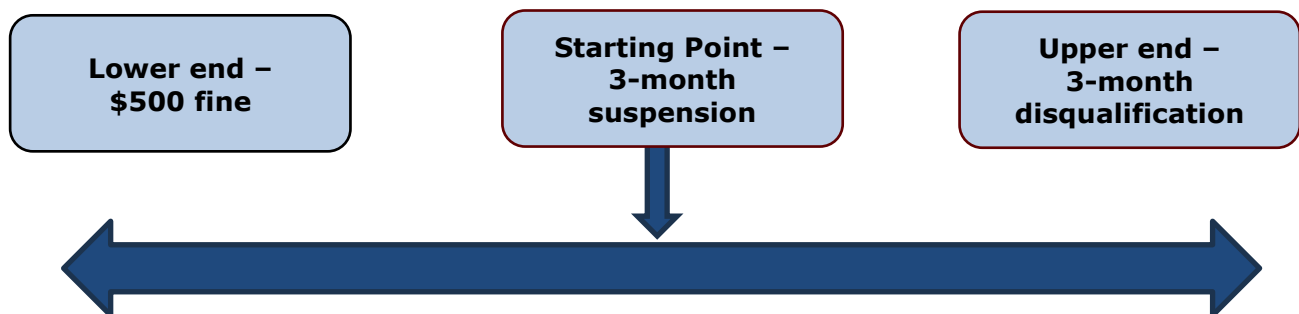
Possession includes the storage or keeping of a prohibited substance or instrument that could be used to administer a substance in a vehicle or trailer being used to transport greyhound/s.

Recommended Penalty Range Guidelines



Failure to keep required treatment records

Recommended Penalty Range Guidelines





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