

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

Mr DARREN CRITCHLEY

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| Date of hearing: | 22 nd November 2023 |
| Stewards Panel: | Ross Neal (Chair); Tracy Canham |
| Present: | Mr Darren Critchley (Respondent) |
| Rule: | Greyhound Australasia Rule 141(1)(a) <i>The owner, trainer, or other person in charge of a greyhound nominated to compete in an Event must present the greyhound free of any prohibited substance.</i> |
| Charge: | That Mr Critchley, being the trainer and person in charge of MR TEN PERCENT, did present the greyhound to race at a meeting of the Launceston Greyhound Racing Club on Monday 21 st August 2023 when not free of a prohibited substance, namely, Caffeine, Theophylline, Paraxanthine, and Theobromine. |
| Plea: | Admitted |

1. Background

- (a) The Respondent, Mr Critchley is a licensed greyhound trainer based at Dodges Ferry, Tasmania.

- (b) On Monday 21st August 2023 Mr Critchley transported MR TEN PERCENT to Launceston to compete in Race 7 at a meeting of the Launceston Greyhound Racing Club.
- (c) MR TEN PERCENT competed in Race 7 and was subject to a post-race urine sample.
- (d) The sample obtained from MR TEN PERCENT was given the unique sample number V807937.
- (e) On Monday 2nd October 2023 Racing Analytical Services Ltd advised that sample number V807937 had returned an adverse result to the prohibited substances Caffeine, Theophylline, Paraxanthine, and Theobromine.
- (f) When advised of the result, Mr Critchley stated in explanation that he believed the irregularity may have arisen from him providing MR TEN PERCENT with an over-the-counter substance named *Voost*. Mr Critchley further stating that while he normally treated the greyhound, upon returning home, with a *Berocca*, this had been out of stock at his local supermarket, so in consequence had had taken the next product available, this being *Voost*.
- (g) On Tuesday 24th October 2023, the Racing Science Centre confirmed the presence of Caffeine, Theophylline, Paraxanthine, and Theobromine in sample V807937.

2. Penalty Discussion

2.1 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) That in a 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) That penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in greyhounds.

3. Respondents Penalty Submissions

- 3.1 When addressing the Panel on penalty Mr Critchley indicated that his passion was greyhound racing and that, until now, he had an exemplary record spanning in excess of 30 years.
- 3.2 Mr Critchley added that he had not checked the constituents of *Voost* as he assumed the product was similar to *Berocca*, and in hindsight he should have.

4. Outcome

- 4.1 In determining penalty in this matter, the stewards are mindful of penalties imposed for similar breaches both in Tasmania and Interstate.
- 4.2 We find that this matter is best dealt with by way of a combination of a suspension and a fine. This to reflect the seriousness of the offence and the need to discourage other from similarly offending.
- 4.3 However, we are mindful of Mr Critchley's long and clear record with regard to judicial matters and this must stand in his favour.
- 4.4 In determining penalty, we find that a suspension of 4 months is appropriate in all circumstances, with this to be fully stayed for a period of 2 years. This being to hold Mr Critchley accountable should he re-offend within this period. In addition, Mr Critchley is fined \$500.00
- 4.5 In reaching this determination the Stewards factored the following relevant considerations.
 - i. Mr Critchley's co-operation throughout the investigation.
 - ii. The admission of the charge.
 - iii. Mr Critchley's previously unblemished record with respect to prohibited substance offending – 30 years.
 - iv. The need for both specific and general deterrence.

5. Disqualification Of Greyhound

- 5.1 Pursuant to GAR 141(4) MR TEN PERCENT is disqualified from Race 7, the Launceston Greyhound Racing Club on Monday 21st August 2023.

Decision Date: 22nd November 2023