

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

Geoffrey Kennedy

- Date of hearing:** 9th May 2024
- Stewards Panel:** Dominic Tyson (Chair), Tracy Canham and Ebony Morice-Smith.
- Present:** *Mr Geoffrey Kennedy (Respondent) & Mrs Emily Dunbabin*
- Rule:** *Greyhound Australasia Rule 141(1)(a) 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.*
- Charge:** That Mr Kennedy, being the trainer and person in charge of MY GIRL TENIKA, did present the greyhound to race at a meeting of the Hobart Greyhound Racing Club on Thursday 25th January 2024 when not free of a prohibited substance.
- Prohibited Substance:** Caffeine, Theophylline, Paraxanthine, and Theobromine
- Plea:** *Not Guilty*
- Inquiry Decision:** *Penalty imposed.*
- Penalty:** *Three-month suspension to commence midnight 4th June 2024.*

1. Summary of Facts

- 1.1. The Respondent, Mr Kennedy is a licensed greyhound trainer based at Claremont, Tasmania.
- 1.2. On Thursday 25th January 2024, Mr Kennedy transported MY GIRL TENIKA to Hobart to compete in Race 2 at a meeting of the Hobart Greyhound Racing Club.
- 1.3. MY GIRL TENIKA competed in Race 2 and was subject to a pre-race urine sample.
- 1.4. The sample obtained from MY GIRL TENIKA was given the unique sample number V780085.
- 1.5. On Wednesday 21st February 2024, Racing Analytical Services Ltd issued a Certificate of Analysis reporting that Caffeine, Theophylline, Paraxanthine, and Theobromine had been detected in sample V780085.
- 1.6. On Wednesday 27th March 2024, the Australian Racing Forensic Laboratory confirmed the presence of Caffeine, Theophylline, Paraxanthine, and Theobromine in sample V780085.

2. Penalty Discussion

- 2.1. Turning to the matter of penalty the Stewards are cognisant of the following Sentencing Principles 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.
- 2.2. 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.
- 2.3. That penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in racing greyhounds.

3. Respondents Penalty Submissions

3.1. When addressing the Panel on penalty Mr Kennedy indicated that he had been involved in the greyhound industry for over 50 years and held an exemplary record over that time.

4. Penalty

4.1. In determining the 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 suspension. This is to reflect the seriousness of the offence and the need to discourage others from similarly offending.

4.3. However, we are mindful of Mr Kennedy's long and clear record regarding judicial matters, and this must stand in his favour.

4.4. In reaching this determination the Stewards factored the following relevant considerations.

4.5. Mr Kennedy's cooperation throughout the investigation.

4.6. Mr Kennedy's previous record concerning prohibited substance offending namely 1 historical offence in 50 years.

4.7. The need for both specific and general deterrence.

5. Disqualification Of Greyhound

5.1. Pursuant to GAR 141(4) MY GIRL TENIKA is disqualified from Race 2, the Hobart Greyhound Racing Club on Thursday 25th January 2024.

6. Mr Kennedy was advised of his right to appeal.

Decision Date: 4th June 2024