

GREYHOUND AND HARNESS RACING APPEALS TRIBUNAL

TRIBUNAL: B. R. THORLEY, JUDGE

Assessor: Dr Peter Knight

APPEAL OF Mr GEORGE THANOS

DECISION

This is an appeal by the trainer George Thanos against a finding of guilt of a breach of Rule 122 in that he presented the greyhound Koo Pepe for a race at Appin on 2 December 2006 when there was present in it prohibited substances. The urine sample taken from the dog post race was submitted for analysis and came back positive to a bewildering number of drugs and their metabolites. These were amphetamine phentermine, phenylbutazone, meloxicam, ibuprofen, caffeine, theobromine, theophylline and paraxanthine. The Appellant was subjected to a period of disqualification of three years. The stewards inquired into these matters on the hearing dates 3 April, 15 May and 4 June 2007. At the conclusion of those endeavours they reached the results which we have described above.

The Appellant has appeared before this Tribunal today on his own behalf. However, he has not really advanced any particular argument to support his appeal. He simply claimed that he ought to have been given the benefit of doubt and that he should not have been found guilty. However, it is extraordinarily difficult to see where there has been any area where doubt should have been resolved in his favour.

On a number of occasions this Tribunal has adverted to events which could appear to be a non-compliance with the protocol established by the Authority for the taking of bodily samples for drug analysis. Even as recently as but a week ago the Tribunal made similar observations in relation to a harness racing appeal. There are two matters here which could have caused concern, depending upon what view of the facts one would take. Here, it could be suggested that there were deficiencies in the protocol observance in, first, the wearing of gloves during the handling of sample procedures and, secondly, a time lapse between when the sample bottles were rinsed with the control solution and when they were in fact filled with the urine taken from the greyhound. We draw attention to these matters, not because we think they are of any particular relevance in the instant appeal but because they are examples of how it is that an attack can be

successfully launched upon the sampling and analytical procedures. There is, it seems to us, ever a need for the stewards to ensure that those who are charged with the taking of samples follow the protocols which have been laid down, and that there be at all times a proper understanding of, and familiarity with, the terms of the protocol generally.

The events which we have instanced are not of particular relevance here because it appears to us that there is no possible ground for any suggestion (as has been made by the present Appellant) that there was an external contamination of the samples during the taking of the urine from this particular greyhound. We are of this mind because the clear evidence from Dr Vine of the Victorian analytical laboratory is that the metabolites of caffeine which were found on this occasion were in what he describes as "quite large quantities". The race was run at 2.50 p.m. and the samples were taken at 3.40 p.m., that is to say, about 50 minutes after the running of the race. It would be impossible for metabolites of the dimension described to appear in the urine of a dog as a result of any ingestion which occurred during that period of time. Moreover, the totality of the drugs which were found here simply stagger the imagination to suggest that some person was able to introduce into the urine from Koo Pepe such a wide variety of ingredients deliberately designed to produce for this Appellant the adverse result which he now faces.

The simple fact is that he did present the dog with these prohibited substances. He has had multiple prior offences for breaches of the drug rules. The time had come when a severe penalty was bound to have been imposed. We see no error in that which the stewards did in that regard.

The appeal is dismissed. The findings and orders are confirmed.

The appeal deposit is forfeit.

22 August 2007

B. R. Thorley, Judge