23 March 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR DAVID BAKER**

**Date of hearing:** 12 March 2020

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall and Ms Amanda Dickens.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr David Baker represented himself.

**Charge:** Greyhound Australasia Rule (GAR) 83(2) states:

The owner, trainer or person in charge of a greyhound-

1. nominated to compete in an Event;
2. presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
3. presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked

shall present the greyhound free of any prohibited substance.

**Particulars of charge:**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (GRV) and a person bound by the GAR.
2. You were, at all relevant times, the trainer of the greyhound *“Sparky Girl”.*
3. *“Sparky Girl”* was nominated to compete in Event 9, GRV VIC BRED MAIDEN SERIES HT5, Maiden Heat, conducted by the Geelong Greyhound Racing Club at Geelong on 20 September 2019 (**the Event**).
4. On 20 September 2019, you presented *“Sparky Girl”* at the Event not free of any prohibited substance, given that:

(a)A post-race sample of urine was taken from *“Sparky Girl”* at the Event (the Sample);

(b) Phenobarbitone was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr David Baker is a registered greyhound trainer and at all material times was the trainer of the greyhound ‘Sparky Girl’. Sparky Girl competed in Race 9 at Geelong on 20 September 2019. A post-race swab of the greyhound showed the presence of Phenobarbitone.
2. Stewards of GRV have charged Mr Barker with presenting a greyhound for an event while not being free of a prohibited substance contrary to GAR 83(2).
3. Phenobarbitone is a barbiturate class drug which is used in the control of seizures in dogs. It is a prohibited substance and a depressant. It may also be used by humans. It has a potential negative effect on the performance of greyhounds.
4. Mr Baker has pleaded guilty to the offence. He believes that the source of the positive swab was the feeding of knackery meat. Mr Baker still uses knackery meat but ceases two or three days before racing. We note that GRV recommends no knackery meat within 72 hours of racing.
5. In setting a penalty we take into account general and specific deterrence, the importance of keeping a drug free industry and penalties in like recent cases. We also take into account Mr Baker’s good record over many years and his guilty plea.
6. In all the circumstances we impose a penalty of 2 months suspension to commence immediately.
7. In addition, ‘Sparky Girl’ is disqualified from Race 9 at Geelong on 20 September 2019.

Mark Howard
Registrar, Victorian Racing Tribunal