12 December 2019

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MRS DEBBIE BEWLEY**

**Date of hearing:** 10 December 2019

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall (Deputy Chairperson) and Ms Judy Bourke.

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

Mrs Debbie Bewley represented herself.

**Charges:** Greyhounds Australasia Rule (GAR) 83 (1A) states:

A person who-

1. administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;
2. aids, abets, counsels or procures any person to administer a prohibited substance to a greyhound; or
3. has prior knowledge of a prohibited substance being administered to a greyhound which is detected in any sample taken from such greyhound that has been presented for an Event or when subject to any other contingency provided for pursuant to these Rules, shall be guilty of an offence.

Greyhounds 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:** On 28 January 2019 at Ballarat, you presented ‘Destini Jaguar’ at the Event not free of any prohibited substance, given that:

1. A post-race sample of urine was taken from ‘Destini Jaguar’ at the Event (**the Sample**); and
2. Levaminsole and Aminorex was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mrs Debbie Bewley is a registered greyhound trainer and the trainer of the greyhound ‘Destini Jaguar’. Destini Jaguar competed in and won race 4 at Ballarat on 28 January 2019. A post race sample of urine taken from the greyhound showed the presence of the prohibited substance, Levaminsole and its metabolite, Aminorex.
2. Stewards of Greyhound Racing Victoria (GRV) have charged Mrs Bewley under GAR 83 (1A) and (2) with administering a prohibited substance to a greyhound which has been presented for an event whilst not being free of a prohibited substance.
3. Mrs Bewley has pleaded guilty to the charges. She trains in partnership with her husband, Mr Michael Bewley. Mr Bewley gave the greyhound Fido’s Closasole tablets the day prior to the event with Mrs Bewley’s knowledge and consent.
4. Fido’s Closasole tablets contain Levaminsole. On 31 May 2018, GRV published a warning to trainers about using dog worming tablets containing Levamisole and specifically warned against using Fido’s Closasole. Mr Bewley either did not see or did not heed that warning. He was an experienced person in the industry. His wife relied on him as she had only been training since August 2018. Nonetheless Mrs Bewley is responsible for the actions of Mr Bewley. Mrs Bewley no long uses Fido’s Closasole. This case involved an honest mistake. This is whey the financial penalty we impose is lower than those previously given.
5. In setting a penalty we also take into account general deterrence and the importance of keeping a drug free industry by monitoring a level playing field. We also take into account Mrs Bewley’s remorse her good character and her co-operation with the Stewards. We further take into account recent penalties in the cases before the GRV Racing Appeals and Disciplinary Board.
6. Dr Karamatic has given evidence that Levaminsole is difficult to characterise for the purposes of GRV’s penalty guidelines document. It may be classified as an over the counter medication but its metabolite, aminorex, has strong stimulant properties and may be classified under the heading ‘stimulants and depressants’. Depending on one’s view of the prohibited substances the guideline document recommends a minimum penalty ranging from a $500 fine to a three month suspension. We are informed by that document but not bound by it. In all the circumstances, given that the administration of Levaminsole was an honest mistake, we consider that a suspension of 3 months should be imposed on the administration charge. We fully suspend that suspension pending no further breach of GAR83 in the next 12 months. We also impose a $300 fine. We impose no extra penalty on the presentation charge which arose out of the same substratum of facts.
7. In addition, ‘Destini Jaguar’ is disqualified from race 4 at Ballarat on 28 January 2019.

Mark Howard
Registrar, Victorian Racing Tribunal