25 November 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MRS DONNA DEAN**

**Date of hearing:** 20 November 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Marilyn Harbison.

**Appearances:** Mr Damien Hannan appeared on behalf of the Stewards.

Mrs Donna Dean represented herself.

**Charge:** 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: Charge 1**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound *“Bag Of Tricks”*.
3. *“Bag Of Tricks”* was nominated to compete in, Race 4, RAPIDVITE ANIMAL PRODUCTS, Grade 7, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 8 April 2020 (**the Event**).
4. On 8 April 2020, you presented *“Bag Of Tricks”* at the Event not free of any prohibited substance, given that:
5. A post-race sample of urine was taken from *“Bag Of Tricks”* at the Event (**the Sample**);
6. Sotalol was detected in the Sample.

**Charge 2**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound *“Bubba Jo”*.
3. *“Bubba Jo”* was nominated to compete in, Race 3, AUSTRALIAN QUALITY PET FOODS, Mixed 6/7, conducted by the Warragul Greyhound Racing Club at Warragul on 17 April 2020 (**the Event**).
4. On 17 April 2020, you presented *“Bubba Jo”* at the Event not free of any prohibited substance, given that:
5. A Pre-race sample of urine was taken from *“Bubba Jo”* at the Event (**the Sample**);
6. Sotalol was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mrs Donna Dean is a registered greyhound trainer and the trainer of the greyhounds *“Bag Of Tricks”* and *“Bubba Jo”*. *“Bag Of Tricks”* competed in Race 4 at Cranbourne on 8 April 2020. *“Bubba Jo”* competed in Race 3 at Warragul on 17 April 2020. Both greyhounds returned positive swabs for Sotalol.
2. Sotalol is a prohibited substance under the Greyhounds Australasia Rules (“GAR”). It is a medication used to treat abnormal heart rhythms in humans. It is a beta blocker. It slows the heartbeat and can produce fatigue, dizziness and nausea in a dog. It is capable of affecting the condition and performance of a greyhound and any affect is more likely to be negative.
3. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mrs Dean with two offences under GAR 83(2) by presenting each of the abovementioned greyhounds for an event while not free of a prohibited substance. She has pleaded guilty to the charges. We find them proven.
4. Mrs Dean has no idea how the contamination occurred and has said that she does not take Sotalol and nor does any member of her family or anyone assisting her. Nonetheless, the offences are ones of absolute liability.
5. In setting a penalty, we take into account the guilty pleas, general and specific deterrence and the importance of maintaining a level playing field by having a drug free industry. We also take into account recent penalties in like matters and Mrs Dean’s previous transgression of GAR 83(2) concerning arsenic. She is currently suspended as at 1 November 2020 by a decision of the Victorian Civil and Administrative Tribunal (“VCAT”) and the suspension will expire on 31 December 2020.
6. In all the circumstances, we impose a penalty of 3 months suspension, commencing on 1 January 2021. We impose a penalty only on charge 1 as Mrs Dean had not been interviewed about the event of 8 April 2020 by the time the 17 April 2020 event had taken place. There will be no penalty on charge 2 which related to circumstances which arose before Mrs Dean was told about the first charge.
7. In addition, *“Bag of Tricks”* is disqualified from Race 4 at Cranbourne on 8 April 2020 and *“Bubba Jo”* is disqualified from Race 3 at Warragul on 17 April 2020.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal