18 September 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR GARY JOSKE**

**Date of hearing:** 28 August 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Julie Nicholson.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Gary Joske represented himself.

**Charge:** 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.

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 charges: 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 *“French Sugar”.*
3. *“French Sugar”* was presented for, and competed in, Race 6, OAKS AT LOGAN PARK (2-3 WINS), Tier 3 – Restricted Win, conducted by the Warragul Greyhound Racing Club at Warragul on 6 February 2020 (**the Event**).
4. You administered, or caused to be administered, to *“French Sugar”,* a prohibited substance, being Tetrahydrozoline, which was detected in a sample taken from *“French Sugar”* in that:

(a) you administered a product containing Tetrahydrozoline, namely ‘Murine Sore Eyes’, to *“French Sugar”* on 5 February 2020;

(b) A post-race sample of urine was taken from *“French Sugar”* at the Event (**the Sample**);

(c) Tetrahydrozoline 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 *“French Sugar”.*
3. *“French Sugar”* was nominated to compete in, Race 6, OAKS AT LOGAN PARK (2-3 WINS), Tier 3 – Restricted Win, conducted by the Warragul Greyhound Racing Club at Warragul on 6 February 2020 (**the Event**).
4. On 6 February 2020, you presented *“French Sugar”* at the Event not free of any prohibited substance, given that:

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

(b) Tetrahydrozoline was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Gary Joske is a registered greyhound trainer and the trainer of the greyhound ‘French Sugar’. French Sugar competed in and won Race 6 at Warragul on 6 February 2020. A post-race urine sample taken from the greyhound showed the presence of Tetrahydrozoline, which is a prohibited substance.
2. Stewards of Greyhound Racing Victoria (‘GRV’) have charged Mr Joske with administration of a prohibited substance which is detected in a sample taken from a greyhound under Greyhounds Australasia Rule (‘GAR’) 83(1A). He has also been charged with a presentation offence under GAR83(2). Mr Joske has pleaded guilty to the charges.
3. Tetrahydrozoline is contained in products such as Visine and Murine and is recommended only for humans to reduce eye soreness. It can affect the condition or performance of a greyhound in a negative way.
4. Mr Joske said that he was advised by other industry participants to use Murine on the greyhound because the greyhound had red and irritated eyes. French Sugar was subsequently diagnosed with pannus. Mr Joske did not realise that the eye drops contained a prohibited substance.
5. In setting a penalty we take into account general deterrence and the importance of keeping a level playing field by the maintenance of a drug free industry. We also take into account the guilty pleas, Mr Joske’s co-operation with the Stewards, animal welfare matters and recent penalties in like cases. We also take into account Mr Joske’s previous two year disqualification for administering a prohibited substance.
6. In all the circumstances, we impose a penalty of one month suspension and $1,000 fine on the first charge. We impose no extra penalty on the presentation charge as it arose out of the same substratum of facts. In addition, French Sugar is disqualified from Race 6 at Warragul. The prize money of $825 will have to be forfeited.
7. We have imposed a penalty only on the charge under GAR83(1A). The suspension shall commence immediately.

Mark Howard
Registrar, Victorian Racing Tribunal