11 October 2019

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR JASON WICKHAM**

**Date of hearing:** 7 October 2019

**Panel:** Judge John Bowman (Chairperson), Judge Graeme Hicks (Deputy Chairperson) and Justice Shane Marshall (Deputy Chairperson)

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

**Charge:** Greyhounds Australasia Rule 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:** “Ugo Girl” was nominated to compete in, Race 4, WEDDERMOOR PLUMBING & GAS, Grade 6 Aged Prize Money, conducted by the Geelong Greyhound Racing Club at Geelong on 30 April 2019 (the Event).

 On 30 April 2019, you presented “Ugo Girl” at the Event not free of any prohibited substance, given that:

1. A pre-race sample of urine was taken from “Ugo Girl” at the Event (the Sample);
2. Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Jason Wickham is a registered greyhound trainer and, at all material times, was the trainer of the greyhound “Ugo Girl”. Ugo Girl competed in race 4 at Geelong on 30 April 2019. A pre-race urine sample taken from the greyhound showed the presence of arsenic in excess of 1600 nanograms per millilitre, which is in excess of the threshold under Greyhounds Australasia Rule (GAR) 83(11).
2. Stewards of Greyhound Racing Victoria (GRV) have charged Mr Wickham with breaching GAR83(2) by presenting a greyhound for an event while not being free of a prohibited substance.
3. According to GRV’s Chief Veterinary Officer, Dr Karamatic, arsenic is a naturally occurring trace element that is normally present in greyhounds at low levels as a result of normal dietary intake. Dr Karamatic said that the chance of a greyhound exceeding the 800ng/ml threshold is less than 1 in 79,000 without the administration of arsenic.
4. On 1 July 2016, a urinary threshold of 800ng/ml was introduced into the GAR’s by the addition of GAR 83(11). Arsenic is a prohibited substance as defined in GAR 1 because it is capable of affecting the performance of a greyhound by its actions on the central or peripheral nervous system. It is also listed in schedule 1 to 9 of the Standard Uniform Schedule of Drugs and Poisons.
5. Before and after the introduction of GAR 83(11) there had been much publicity about the arsenic threshold and, in particular, avoiding feeding supplements containing arsenic. On 28 March 2017, GRV published a warning on its website about the possibility of high arsenic readings resulting from the chewing or licking of kennels constructed with CCA treated timber.
6. Mr Wickham told a preliminary inquiry into the positive swab that Ugo Girl had been chewing wood in the kennels and that treated pine was in the greyhound’s bedding. He said he inherited the bedding from a previous trainer and had, since the positive swab, changed all the bedding to get rid of the treated pine.
7. Dr Karamatic has given evidence that intermittent chewing of CCA treated wood may cause a high urinary arsenic concentration, but that it is unproven. However, it seems to us that the treated pine was the most likely cause of the high reading in this case.
8. Mr Wickham has pleaded guilty to the charge. We find it proven. In setting a penalty we take into account general deterrence and the importance of keeping a level playing field by maintaining a drug free industry. We also take into account penalties given in like recent cases by the GRV Racing Appeals and Disciplinary Board.
9. We impose a penalty of six months suspension but suspend four months of that period, pending no further breach of GAR 83 in the next 12 months. The suspension shall commence on 10 October 2019. We impose a fine of $500. We disqualify Ugo Girl from race 4 at Geelong on 30 April 2019.

Mark Howard
Registrar, Victorian Racing Tribunal