7 October 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR JOSHUA MOODY**

**Date of hearing:** 5 October 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Graeme Hicks (Deputy Chairperson).

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

Mr Joshua Moody represented himself.

**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:** 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 *“Goofey Express”.*

3. “*Goofey Express*” was nominated to compete in, Race 11, DOWNLOAD THE NEWWATCHDOG APP, Grade 5 T3, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 9 March 2020 (**the Event**).

4. On 9 March 2020, you presented *“Goofey Express”* at the Event not free of any prohibited substance, given that:

1. A pre-race sample of urine was taken from *“Goofey Express”* at the Event (**theSample**);
2. Salbutamol was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Joshua Moody is a registered greyhound trainer and the trainer of the greyhound ‘Goofey Express’. Goofey Express competed in race 11 at Cranbourne on 9 March 2020. A pre-race swab showed the presence of salbutamol. Salbutamol is a stimulant which is capable of affecting the condition or performance of a greyhound in a positive way. It affects the respiratory system of a greyhound. It is a prohibited substance.
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Moody under Greyhounds Australasia Rule (“GAR”) 83(2) with presenting a greyhound for an event while not being free of a prohibited substance. Mr Moody has pleaded guilty. We are comfortably satisfied that the charge is made out. This decision concerns the appropriate penalty for the offence under GAR 83(2).
3. Mr Moody is a hobby trainer who works full time in another occupation. At the relevant time he trained only two greyhounds. He trained them from premises which he shared with his friend Mr Reid. Mr Reid suffers from Chronic Obstructive Pulmonary Disease (“COPD”). He uses a ventolin inhaler. Mr Reid and Mr Moody help each other with their respective greyhounds.
4. It appears that the most likely cause of the positive swab was Mr Reid’s use of the inhaler containing salbutamol which is found in ventolin. The contamination was inadvertent. Mr Moody and Mr Reid both wear gloves now when they feed the greyhounds. GRV has warned trainers in various publications about being careful with personal medications. Nonetheless, the Tribunal still too often sees cases of this type before it.
5. In setting a penalty, we take into account Mr Moody’s guilty plea and his cooperation with the Stewards. We also take into account general deterrence and the importance of maintaining a level playing field by keeping a drug free industry. We further take into account Mr Moody’s good record in his 5 years of training and similar penalties in like matters in recent months.
6. In all the circumstances we impose a penalty of 6 months suspension, wholly suspended for 12 months on the condition that there are no breaches of GAR 83 in the next 12 months. We impose no fine given that Mr. Moody was not the person who used the prohibited drug and also given his financial circumstances in the current COVID-19 pandemic.
7. In addition, Goofey Express is disqualified from race 11 at Cranbourne on 9 March 2020.

Mark Howard
Registrar, Victorian Racing Tribunal