12 June 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR JUSTIN HETHERTON**

**Date of hearing:** 4 June 2020

**Panel:** Judge John Bowman (Chairperson) and Mr Josh Bornstein.

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

Mr Justin Hetherton represented himself.

**Charge:** Greyhound 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 charges:**

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.

1. You were, at all relevant times, the trainer of the greyhound *“Queen Of Promise”.*

1. *“Queen Of Promise”* was nominated to compete in, Race 2, PROUDLY SUPPORTING GOOD FRIDAY APPEAL, Tier 3 - Maiden, conducted by the Healesville Greyhound Racing Association at Healesville on 20 September 2019 (**the Event**).

1. On 20 September 2019, you presented *“Queen of Promise”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Queen of Promise”* at the Event (**the Sample**);
	2. Salbutamol was detected in the Sample.

**Plea:** Guilty

**DECISION**

Mr Justin Hetherton, you have pleaded ‘guilty’ to a breach of GAR83(2). A dog trained by you, ‘Queen of Promises’, was to contest race 2 at Healesville on 20 September 2019. A pre-race swab revealed the presence of salbutamol, which can enhance performance. It can be found in medication used to treat asthma. We accept, as do the Stewards, that you suffer from asthma. The dog travelled with you to the Healesville meeting in your car. That seems to have been the likely source of the salbutamol.

Your background is that you are aged 27 years. You live with your partner and three children at Murchison, where your dogs are kennelled. You have been a public trainer since 2017 and currently train 5 dogs, three of which are owned by other people. Because of health problems, you are presently not following your occupation of a concreter. From what you have told us, you break about square on your greyhound activities. Your only other source of income is from Centrelink. You have some prior convictions for minor offences, but none in relation to matters such as this.

Participants in the industry must be aware of the risks associated with exposing greyhounds to medication designed for human consumption. Notices have been sent out concerning this. We appreciate that you have taken steps to ensure that this does not happen again, but general deterrence is an important consideration.

In all the circumstances, we are of the opinion that the appropriate penalty is a suspension for a period of 6 months, wholly suspended for a period of 12 months.

You are also fined $500, but, given your circumstances, we shall suspend $250 of that for a period of 12 months. If you commit another offence of this nature in the next 12 months, the 6 month suspension will operate, along with the additional $250 fine.

As we understand it, this race was never in fact conducted as the meeting was abandoned. Accordingly, there is no need for an adjustment of any finishing order.

Mark Howard
Registrar, Victorian Racing Tribunal