8 October 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**LES WEEKS**

**Date of hearing:** 23 September 2021

**Panel:** Judge John Bowman (Chairperson) and Mr Robert Abrahams.

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

Mr Les Weeks represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 83(2)(c) states:

The owner, trainer or person in charge of a greyhound-

(c) 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.

GAR 83(1A)(c) states:

A person who -

(c) 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.

**Particulars of charge: Charge 1: GAR 83(2)(c)**

1. You are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (“GRV”) (licence number 155303) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times a person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Tyabb, Victoria.
3. On 15 June 2020, you presented the greyhound “Dyna Yardo” (NFERY) at Warragul Greyhound Racing Track for veterinary assessment for the purpose of a period of incapacitation or prohibition being varied or revoked, whilst not free of any prohibited substance, given that:
4. A sample of urine was taken from Dyna Yardo (NFERY) (sample V704749); and
5. Dexamethasone was detected in the sample V704749.

**Charge 2: GAR 83(1A)(c)**

1. You are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (“GRV”) (licence number 155303) and a person bound by The Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times a person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Tyabb, Victoria.
3. You had prior knowledge of a prohibited substance being administered to “Dyna Yardo” on 15 June 2020 in that you:
4. On 15 June 2020, obtained veterinarian treatment for the greyhound Dyna Yardo (NFERY) from Veterinarian Dr Desmond Fegan of “Walnut Veterinary Clinic”;
5. You authorised veterinarian Dr Desmond Fegan to administer “Dexamethasone” to the greyhound Dyna Yardo (NFERY);
6. On 26 July 2020, Investigative Stewards asked you “Can you tell me about the conversation that you had with Des Fegan around the treatment of Dyna Yardo on that day”. In response, you stated you told Dr. Fegan “I’d rather get it sorted now. Give him the injection now…”.

**Plea:** Guilty to Charge 1

Charge 2 withdrawn by the Stewards

**DECISION**

Mr Les Weeks, you have pleaded guilty to a breach of Greyhounds Australasia Rule (“GAR”) 83(2)(c).

We say at the outset that this is an unusual case. The dog in question, “Dyna Yardo”, had only been trained by you for a very short time. Just prior to coming to you, it had been injured in a race at Warragul on 25 May 2020. It had been stood down for 60 days.

On 15 June 2020, because you were going to take another dog to Warragul, you also took Dyna Yardo to a veterinarian, Dr Desmond Fegan. This seems to have been more in relation to a back or shoulder condition. Dr Fegan gave the dog an injection containing dexamethasone, known as dex and is a prohibited substance. Dr Fegan did warn you of presenting the dog for assessment, as it could result in a sample being taken from Dyna Yardo.

As you were taking the another dog to the Warragul track, you decided to take Dyna Yardo as well for assessment. We accept that when you arrived at the track and saw the on-track veterinarian, Dr Victoria Cole, you virtually immediately told her that Dyna Yardo had received the injection containing dex that morning. She was uncertain as to what to do. She went away and returned with a Steward. A urine sample was taken and proved positive for dex. You were subsequently charged with a breach of GAR 83(2)(c).

We accept that you were completely upfront with the Stewards and Dr Cole about the visit with Dr Fegan and the injection containing dex. You raised this shortly after the arrival at the Warragul track and before anything further happened. We accept that you were honest and forthright throughout. Your error was in not taking the advice of Dr Fegan and deciding to take the dog to the track that day and effectively make ongoing enquiries there.

You should have been aware of the Rule and the problems that can arise in relation to prohibited substances. We repeat that we accept that you were quite open and upfront. You have admitted your error and your lack of familiarity with the Rule and the appropriate procedures.

In relation to your background, you are aged 74. You are a hobby trainer with a maximum of four dogs in kennels at your Tyabb residence. You have been a trainer for 16 years, since retiring from the workforce. You have a very good record.

There has been a recent case with some similarities to yours and in relation to a breach of the same Rule. That is the case of Greyhound Racing Victoria (“GRV”) v Kevin Wright, the date of hearing being 24 August 2021. There was a plea of guilty. The penalty imposed by this Tribunal was a fine of $1,000, with $500 of that being suspended for a period of 12 months pending no further breach of the Rule.

We consider your position to be even less blameworthy than that in Mr Wright’s case. We refer to what we have said above. You were effectively enquiring as to what to do. Your only fault was not fully understanding the Rule.

In the circumstances, you are fined $500, but $250 of that is suspended for a period of 24 months pending no further breach of the relevant Rule.

Kathleen Scully  
Assistant Registrar, Victorian Racing Tribunal