4 August 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MARTIN HANKE**

**Date of hearing:** 1 August 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Maree Payne.

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.

Mr Martin Hanke represented himself.

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

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

 (a) nominated to compete in an Event;

 (b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or

 (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.

**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.

1. You were at all relevant times the trainer of the greyhound *“Affair Bit”.*

1. “*Affair Bit*” was nominated to compete in Race 11, 42 DAYS UNTIL THE TOPGUN, Grade 5, conducted by The Meadows Greyhound Racing Association at The Meadows on 25 September 2021 (**the Event**).

1. On 25 September 2021, you presented *“Affair Bit”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Affair Bit”* at the Event (**the Sample**);
	2. Lamotrigine 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.

1. You were, at all relevant times, the trainer of the greyhound *“Affair Bit”.*

1. *“Affair Bit”* was nominated to compete in Race 8, PETER BROWN CUSTOM HOMES, Mixed 4/5, conducted by the Bendigo Greyhound Racing Association at Bendigo on 16 March 2022 (**the Event**).

1. On 16 March 2022, you presented *“Affair Bit”* at the Event not free of any prohibited substance, given that:
	1. A post-race sample of urine was taken from *“Affair Bit”* at the Event (**the Sample**);
	2. Lamotrigine was detected in the Sample.

**Charge 3**

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 *“After Affair”.*

1. *“After Affair”* was nominated to compete in Race 2, SKY RACING HT 2, Maiden Heat, conducted by The Meadows Greyhound Racing Association at The Meadows on 23 March 2022 (**the Event**).

1. On 23 March 2022, you presented *“After Affair”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“After Affair”* at the Event (**the Sample**);
	2. Lamotrigine was detected in the Sample.

**Pleas:** Guilty to all charges

**DECISION**

1. Mr Martin Hanke is a registered greyhound trainer. He regularly takes medication containing lamotrigine. Occasionally when Mr Hanke has taken that drug he has failed to wash his hands properly before handling and feeding his greyhounds. Consequently, he has contaminated his greyhounds on occasions and led to positive swabs being produced to the prohibitive substance, Lamotrigine.
2. Lamotrigine is used to treat epilepsy. It is capable of affecting the condition or performance of a greyhound in a negative way. Greyhound Racing Victoria (“GRV”) has communicated with trainers through the Greyhound Monthly Magazine about the dangers of contamination arising from the use of personal medications, including an article in the July 2020 edition. Mr Hanke is dyslexic and cannot recall reading and/or understanding that article. He now washes his hands thoroughly before feeding his greyhounds and handling them on race day.
3. The first positive swab the subject of charges made against Mr Hanke under Greyhounds Australasia Rule (“GAR”) 83(2) by GRV Stewards for presenting a greyhound for an event whilst not free of a prohibited substance occurred after a race 11 at the Meadows on 25 September 2021 and concerned a greyhound called “Affair Bit”.
4. A post-race swab from Affair Bit showed the presence of lamotrigine. Mr Hanke was advised of the positive swab by letter from GRV on 25 October 2021 and in a kennel inspection conducted on 3 November 2021. A preliminary inquiry was held with Mr Hanke on 8 December 2021.
5. On 16 March 2022, Mr Hanke presented Affair Bit to compete in race 8 at Bendigo. A post-race swab showed the presence of lamotrigine. On 23 March 2022, he presented “After Affair” compete in race 2 at the Meadows. A pre-race sample showed the presence of lamotrigine.
6. Stewards conducted a preliminary inquiry with Mr Hanke on 24 June 2022 in respect of the positive swabs on 16 and 23 March 2022. Mr Hanke was aware as of 16 March 2022 that he had a previous positive swab on 25 September 2021 in respect of lamotrigine. We are concerned that he had not taken steps to avoid another positive swab to the same prohibited substance after his experience in 2021.
7. This concern is reflected in our penalty for the 16 March 2021 reflected in charge 2. The failure to take steps to avoid a repeat of the 25 September 2021 positive swab also resulted in a positive swab on 23 March 2022. However, on 23 March 2022 Mr Hanke would not have been aware of the 16 March 2022 positive swab. This is referred in the penalty for the offence relevant to the third charge.
8. Mr Hanke has pleaded guilty to three GAR 83(2) offences. His offending was entirely inadvertent, but he should have taken greater care to avoid a repeat of the first offence after being on notice of the possibility of a reoccurrence.
9. In setting penalties, we take into account the guilty pleas, Mr Hanke’s relatively good record, general and specific deterrence and his good character. We note that Mr Hanke has a prior offence to lamotrigine in 2019 which should have made him more aware of the dangers of contamination. We also take into account the importance of maintaining a level playing field by keeping a drug free industry.
10. In all the circumstances we impose the following penalties:

(a) On the first charge we impose a penalty of 4 months suspension, but wholly suspend that suspension pending no further breach of GAR 83(2) in the next 24 months.

(b) On the second charge we impose a penalty of 4 months suspension with 2 months suspended for a period of 24 months pending no further breach of GAR 83(2) in that period.

(c) On the third charge we impose a 4 month suspension, but wholly suspend that suspension for a period of 24 months pending no further breach of GAR 83(2) in that period.

11. Affair Bit is disqualified from race 11 at the Meadows on 25 September 2021 and race 8 at Bendigo on 16 March 2022. After Affair is disqualified from race 2 at the Meadows on 23 March 2022 and the subsequent final on 2 April 2022 at the Meadows. The finishing orders of the abovementioned events are to be amended accordingly.

12. The effective immediate period of 2 months suspension shall commence immediately.

Mark Howard
Registrar, Victorian Racing Tribunal