24 August 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR MARTYN EMPSON**

**Date of hearing:** 14 August 2020

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

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

Mr Martyn Empson 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 *“Ninetymile Lenny”.*

3. *“Ninetymile Lenny”* was nominated to compete in, Race 10, GREYHOUND RACING FORMULA, Grade 5 T3, conducted by the Warragul Greyhound Racing Club at Warragul on 6 February 2020 (**the Event**).

4. On 6 February 2020, you presented *“Ninetymile Lenny”* at the Event not free of any prohibited substance, given that:

1. A pre-race sample of urine was taken from *“Ninetymile Lenny”* at the Event (**the Sample**);

(b) Acetazolamide was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Martyn Empson is a registered greyhound trainer and the trainer of the greyhound ‘Ninetymile Lenny’. Ninetymile Lenny competed in Race 10 at Warragul on 6 February 2020. A pre-race swab showed the presence of the prohibited substance Acetazolamide.
2. Stewards of Greyhound Racing Victoria (‘GRV’) have charged Mr Empson with breaching Greyhounds Australasia Rule (‘GAR’) 83(2) by presenting a greyhound for a race while not being free of a prohibited substance. Mr Empson has pleaded guilty.
3. At about the time of the race Mr Empson was taking a tablet called ‘Diamox’. Diamox contains Acetazolamide. Acetazolamide can affect the condition behaviour or performance of a greyhound. It appears that the most likely cause of the contamination was inadvertent exposure of Ninetymile Lenny to a Diamox tablet. Mr Empson was using Diamox to treat a condition which was causing mini strokes. It is also used as an altitude sickness medicine.
4. GRV industry veterinarian, Dr Evans, has given evidence that Acetazolamide causes an increase in blood oxygen in a greyhound and is a performance enhancer. It can also mask the detection of other drugs because it increases the excretion of acidic drugs. It is also detrimental to the health of the greyhound. Contamination of greyhounds with the drug must be avoided.
5. In setting a penalty in this matter we take into account Mr Empson’s guilty plea and good record in his relatively short time as a trainer. We also take into account general deterrence. Specific deterrence does not loom large because Mr Empson no longer takes Diamox. We also take into account the importance of keeping a level playing field by maintaining a drug free industry and animal welfare considerations.
6. In all the circumstances we impose a penalty of 3 months suspension with 2 months suspended for 12 months pending no further breach of GAR83 in that time. The suspension shall commence immediately. The period of suspension may have been higher but for the personal circumstances of Mr Empson in being a carer for his wife and not deriving income from work outside his greyhound training activities.
7. In addition, Ninetymile Lenny is disqualified from Race 10 at Warragul on 6 February 2020, an event which the dog won. Prize money from the race will be forfeited as a consequence and the placings amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal