29 May 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR MICHAEL DEWAN**

**Date of hearing:** 21 May 2020

**Panel:** Judge John Bowman (Chairperson) and Justice Shane Marshall.

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

Mr Michael Dewan 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:**

**Charge 1**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (GRV) and a person bound by the GAR.
2. You were, at all relevant times, the trainer of the greyhound *“Shamrock Boy”.*
3. *“Shamrock Boy”* was nominated to compete in, Race 6, DOWNLOAD THE NEW WATCHDOG APP, Mixed 6/7, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 5 November 2019 (**the Event**).
4. On 5 November 2019, you presented *“Shamrock Boy”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine, upon arrival to the course, prior to kennelling was taken from *“Shamrock Boy”* at the Event (**the Sample**);
	2. Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

**Charge 2**

1. You are, and were at all relevant times, a trainer licensed by GRV and a person bound by the GAR.
2. You were, at all relevant times, the trainer of the greyhound *“Shamrock Boy”.*
3. *“Shamrock Boy”* was nominated to compete in, Race 6, DOWNLOAD THE NEW WATCHDOG APP, Mixed 6/7, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 5 November 2019 (**the Event**).
4. On 5 November 2019, you presented *“Shamrock Boy”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine, upon arrival to the course, prior to kennelling was taken from *“Shamrock Boy”* at the Event (**the Sample**);
	2. Romifidine was detected in the sample.

**Plea:** Guilty

**DECISION**

1. Mr Michael Dewan is a registered greyhound trainer. He is the trainer of the greyhound Shamrock Boy. Shamrock Boy competed in race 6 at Cranbourne on 5 November 2019. A pre-race sample taken from the greyhound showed the presence of arsenic. Arsenic at a mass concentration of greater the 800 nanograms per millilitre in a sample is a prohibited substance. The pre-race sample also showed the presence of Romifidine.
2. Arsenic is a depressant which is a naturally occurring trace element and which is normally present in low levels as a result of normal dietary intake and environmental exposure. Romifidine is also a prohibited substance. It is also a depressant.
3. The feeding of sardines within 48 hours of racing can cause a positive swab to arsenic at prohibited levels. The chewing or licking of treated timber is also another possible cause. GRV regularly issues warning to trainers about avoiding arsenic contamination.
4. Stewards of GRV have charged Mr Dewan under GAR 83(2) with two offences of presenting a greyhound for an event while not free of a prohibited substance. Mr Dewan has pleaded guilty to both charges.
5. Mr Dewan has been a trainer for about 2 years. At the relevant time he had been training for about 18 months. This occasion was the first time any of his greyhounds had been swabbed. Mr Dewan believed that the arsenic reading could have arisen from the dog having access to potting mix or from sardines, which he no longer uses as food for his dogs.
6. Romifidine is used as a sedative for horses. Mr Dewan thought the potting mix may have been responsible for both positive swabs as well. Another possible source was the meat given to the greyhound. Mr Dewan now uses human consumption meat.
7. In setting penalty, the Tribunal takes into account general deterrence and the importance of keeping a level playing field by maintaining a drug free industry. We also take into account Mr Dewan’s plea. We further have regard to other penalties given in like cases, Mr Dewan’s co-operation with the Stewards and the inadvertent nature of the contaminations.
8. On the arsenic charge we impose the following penalty: 6 months suspension with 4 months suspended for 12 months pending no further breach of GAR 83 and a fine of $500.
9. On the Romifidine charge we impose the following penalty: We impose a suspension of 4 months with 2 months suspended for 12 months. Only one month of this penalty shall be served cumulatively with the penalty under charge 1.
10. Shamrock Bay is disqualified from race 6 at Cranbourne on 5 November 2019.

Mark Howard
Registrar, Victorian Racing Tribunal