15 April 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**ROBERT WHITFORD**

**Date of hearing:** 9 April 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Marilyn Harbison.

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

Mr Robert Whitford 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.

GAR 84A(1) states:

(1) The person in charge of a greyhound must keep and retain records detailing all vaccinations, antiparasitics and medical treatments administered to a greyhound from the time the greyhound enters their care until the greyhound leaves their care and for a minimum of two(2)years. Such record of treatment must be produced for inspection when requested by a Steward or a person authorised by the Controlling Body. Any person responsible for a greyhound at the relevant time who fails to comply with any provision of this rule shall be guilty of an offence.

**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.
2. You were at all relevant times the trainer of the greyhound “Ricky Racoon”.
3. “Ricky Racoon” was nominated to compete in, Race 1, EVERY RACE LIVE ON THEWATCHDOG APP, Tier 3 - Maiden, conducted by the Healesville Greyhound Racing Association at Healesville on 28 August 2020 (**the Event**).
4. On 28 August 2020, you presented “Ricky Racoon” at the Event not free of any prohibited substance, given that:
5. A post-race sample of urine was taken from “Ricky Racoon” at the Event (**the Sample**);
6. Caffeine and its metabolites (theophylline, paraxanthine and theobromine) were detected in the Sample.

**Charge 2**

1. You were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Racing Victoria Rules of Racing.
2. On 30 September 2020, you failed to produce treatment records for inspection, upon direction from Steward Ms Demi Barber, a person authorised by the Controlling Body, for greyhounds for which you were the responsible person at the relevant time.

**Plea:** Guilty to all charges

**DECISION**

1. Mr Robert Whitford is a registered greyhound trainer and the trainer of the greyhound “Ricky Racoon”. Ricky Racoon competed in Race 1 at Healesville on 28 August 2020. Ricky Racoon won the race, but a post-race sample of urine taken from the greyhound showed the presence of the prohibited substance caffeine and its metabolites.
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Whitford with breaching Greyhounds Australasian Rule (“GAR”) 83(2) by presenting a greyhound for an event while not free of a prohibited substance. Mr Whitford pleaded guilty to the offence at the earliest opportunity and also pleaded guilty to a second offence under GAR 84A(1) of failing to produce treatment records.
3. Mr Whitford was cooperative with Stewards. He informed them that he believed that the source of the positive swab was the use of shampoo containing caffeine when washing Ricky Racoon three days prior to the race. He hinted that it was also possible that his grandkids may have given the greyhound chocolate.
4. Mr Whitford is 85 years old and has been training for about 50 years. He is a hobby trainer and has about six greyhounds in training. In setting a penalty in this matter, we have taken Mr Whitford’s advanced age into account.
5. Mr Whitford does not have a good record when it comes to positive swabs. In April 2018, a greyhound trained by him tested positive for caffeine. His licence was suspended for three months. In October 2016, a greyhound trained by him tested positive to Atenolol. In the 2016 case, the source of the positive swab was likely to have been Mr Whitford’s personal medication. In the 2018 case, the source of the positive swab was unknown.
6. In assessing penalty, we take into account general deterrence, specific deterrence and the importance of maintaining a level playing field by keeping a drug free industry. We take into account penalties in like recent cases and Mr Whitford’s poor record concerning prohibited substances and a previous offence involving caffeine. We also take into account his age.
7. In all the circumstances, we impose a penalty of six months suspension on the presentation charge, with three months suspended for 24 months. The suspension shall commence immediately.
8. On the record keeping charge, we impose a penalty of a $300 fine.
9. In addition, Ricky Racoon is disqualified from Race 1 at Healesville on 28 August 2020.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal