28 September 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**SIMON BARKER**

**Date of hearing:** 2 September 2021

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Ms Maree Payne.

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

Mr Simon Barker represented himself.

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

(2) 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 “Hold The Line”.

3. Hold The Line was nominated to compete in, Race 5, Mannings Greyhound Complex, Grade 7, conducted by the Bendigo Greyhound Racing Association at Bendigo on 2 January 2021 (**the Event**).

4. On 2 January 2021, you presented Hold The Line at the Event not free of any prohibited substance, given that:

1. A pre-race sample of urine was taken from Hold The Line, upon arrival to the course, prior to kennelling, at the Event (**the Sample**);
2. Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Simon Barker is a registered greyhound trainer and the trainer of the greyhound “Hold The Line”, which competed in Race 5 at Bendigo on 2 January 2021. A pre-race sample of urine taken from the greyhound showed the presence of arsenic at a mass concentration of greater than 800 nanograms (“ng”) per millilitre (“ml”).
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Barker under Greyhounds Australasia Rule (“GAR”) 83(2) with presenting a greyhound for an event whilst not being free of a prohibited substance.
3. Under GAR 83(11), arsenic at a mass concentration of above 800 ng/ml will result in a breach of GAR 83(2). Mr Barker has pleaded guilty to the charge. The result of the testing in this case was 1105 (A Sample) and 899 (B Sample). Soil testing undertaken at Mr Barker’s property showed a higher level of arsenic than would usually be expected, which probably explains the threshold breach in this case.
4. Recently, Mr Barker has removed all soil from his property which may have been contaminated and rehoused the greyhound in another area free from contamination.
5. In determining a penalty, we take into account Mr Barker’s plea, general deterrence, his excellent record since 1988 and efforts to remove contaminated soil from his property. In addition, we note recent penalties in like matters. We impose a suspension of six months, wholly suspended for a period of 24 months.
6. In addition, Hold The Line is disqualified from Race 5 at Bendigo on 2 January 2021.

Kathleen Scully  
Assistant Registrar, Victorian Racing Tribunal