6 December 2019

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR STEPHEN WHYTE**

**Date of hearing:** 2 December 2019

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall and Ms Maree Payne.

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

Mr Stephen Whyte represented himself.

**Charge:** Greyhounds Australasia Rule 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** On 15 March 2019 at Sale, you presented ‘Weeona Raph’ at the Event not free of any prohibited substance, given that:

1. A post-race sample of urine was taken from ‘Weeona Raph’ at the Event (**the Sample**); and
2. Salbutamol was detected in the Sample.

**Charge 2** On 4 July 2019 at Warragul, you presented ‘Weeona Lucky’ at the Event not free of any prohibited substance, given that:

1. A post-race sample of urine was taken from ‘Weeona Lucky’ at the Event (**the Sample**); and
2. Salbutamol was detected in the Sample.

**Charge 3** On 31 August 2019 at the Meadows, you presented ‘Weeona Bulldozer’ at the Event not free of any prohibited substance, given that:

1. On upon arrival at the course, prior to kennelling, a pre-race sample of urine was taken from ‘Weeona Bulldozer’ at the Event (**the Sample**); and
2. Salbutamol was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Stephen Whyte is a registered greyhound trainer and the trainer of the greyhounds ‘Weeona Raph’, ‘Weeona Lukcy’ and ‘Weeona Bulldozer’. Weeona Raph raced at Sale on 15 March 2019, Weeona Lucky raced at Warragul on 4 July 2019. Weeona Bulldozer raced at the Meadows on 31 August 2019. Each greyhound tested positive for Salbutamol.
2. Salbutamol is a prohibited substance under the Greyhounds Australasia Rules (GAR). It can affect the condition or performance of a greyhound in a positive way. It is a constituent of the commonly used asthma inhaler Ventolin.
3. Mr Whyte faces three charges of presenting the aforementioned greyhounds for an event while not being free of a prohibited substance under GAR83(2). Mr Whyte is a chronic asthmatic and uses a ventolin nebuliser. He has inadvertently contaminated his greyhounds. This is not the first time this has happened. On 9 December 2016, Mr Whyte was found guilty of two presentation charges relating to Salbutamol by the GRV Racing Appeals & Disciplinary Board. Mr Whyte was previously warned about the need to take care not to infect his greyhounds. In a decision on 9 December 2016, the RADB noted that the carelessness of Mr Whyte was very high. In that decision the Board imposed a fully suspended suspension of 3 months and a fine of $2,500.
4. In setting a penalty in these matters we take into account general and specific deterrence and the importance of keeping a drug free industry to maintain a level playing field. We note that by 31 August 2019, when Weeona Bulldozer was presented to race, the charge in respect of Weeona Raph was already the subject of a Stewards inquiry.
5. In all the circumstances and given Mr Whyte’s prior offence in December 2016, the Tribunal imposes a suspension on the Weeona Bulldozer charge of 6 months, but suspends 3 months of that period pending no further breach of GAR83 in the next 12 months. That suspension shall commence immediately. We also impose a fine of $2,500. We impose no extra penalty on the charges relating to Weeona Raph and Weeona Lucky.
6. In addition all 3 greyhounds are disqualified from the events referred to on 15 March 2019, 4 July 2019 and 31 August 2019 respectively.

Mark Howard
Registrar, Victorian Racing Tribunal