22 February 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**TREVOR WHITFORD**

**Date of hearing:** 8 February 2021

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Judge Marilyn Harbison.

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

Mr Trevor 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.

**Particulars of charge: 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 *“Monaco Lights”.*

3. *“Monaco Lights”* was nominated to compete in, Race 3, FOLLOW @GRV\_NEWS ON TWITTER, Grade 5 T3, conducted by the Healesville Greyhound Racing Association at Healesville on 8 May 2020 (**the Event**).

4. On 8 May 2020, you presented *“Monaco Lights”* at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from *“Monaco Lights”* at the Event (**the Sample**);

(b) 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 Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at all relevant times, the trainer of the greyhound *“Monaco Lights”.*

3. *“Monaco Lights”* was nominated to compete in, Race 10, THE BARN FUNCTION CENTRE, Grade 5 T3, conducted by the Warragul Greyhound Racing Club at Warragul on 4 June 2020 (**the Event**).

4. On 4 June 2020, you presented *“Monaco Lights”* at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from *“Monaco Lights”* at the Event (**the Sample**);

(b) Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

**Plea:** Guilty

**DECISION**

Mr Trevor Whitford has pleaded guilty to two charges of breaching Greyhounds Australasia Rule 83(2).

Both charges relate to the performance of a dog which he trains, namely Monaco Lights (the dog).

On 8 May 2020 the dog finished 4th in Race 3 at Healesville. On 4 June 2020 the dog finished 3rd in Race 10 at the Warragul meeting.

Pre-race urine samples taken from the dog prior to each race returned a positive result for arsenic in excess of the allowed threshold.

An inspection by GRV Stewards on 3 June 2020 at Mr Whitford’s kennels did not reveal any products that could have been used on the dog that contained arsenic.

Apart from speculation, the only feasible hypothesis that could explain the high levels of arsenic relates to the kennel in which the dog was housed.

The kennels were built for Mr Whitford in 2018. It is clear that he specified to the builder the need to ensure that non-treated timber needed to be used to build the kennels. It is also clear that the timber supplier to the builder was asked that the timber used not have been treated with arsenic. Timber taken from the dog’s kennel was analysed and proved positive for arsenic. It is also clear that the subject dog had been chewing on the wood in its kennel even after Mr Whitford had applied paint as some further protection against the dogs chewing.

At the inspection of Mr Whitford’s kennels on 3 June 2020, the swab irregularity in relation to the dog’s performance on 8 May 2020 at Healesville was made known to him. In spite of this he chose to race the dog the next day at Warragul, where it finished third. On reflection, Mr Whitford says that he should have scratched the dog. However, he was coming to grips with a dog that had just been euthanised for a twisted bowel and he had other dogs racing that night. In other words, he just didn’t give it a thought.

Mr Whitford has been involved in the greyhound racing industry for a long time (over 45 years). He has never been charged with a serious offence and his activity record is suggestive of fines and warnings only. He is a professional participant who currently has responsibility for 40 greyhounds. In cases such as these, general and specific deterrence considerations are of prime importance, although also general deterrence in this case. The Stewards referred to recent penalties where 6 month suspensions with 4 months suspended for 12 months and a $500 fine have been imposed by the Tribunal.

In our opinion, this case is unique. Mr Whitford could do no more that tell his builder and the supplier of the need to ensure that the timber to be built met the standards of GRV. He did this and was assured that the job was completed according to his specifications. In our opinion, it would have been most prudent to scratch the dog from the Warragul race. Even so, we now know that Mr Whitford has attempted to cover up and/or remove the tainted wood from the kennel. In our opinion, this is not a case to impose a suspended sentence for a greater period of time than normal. It appears to us that it is very unlikely that tainted wood will be used at anytime by Mr Whitford.

In the event, the penalty for charges 1 and 2 is an aggregate penalty of 6 months suspension wholly suspended for 6 months in relation to the breach of Rule 83. There is a $500 fine to be imposed. In addition, Monaco Lights is disqualified from both races the subject of today’s hearing and any prize money won is forfeited to GRV.

Finally, we would urge GRV to consider making its own enquires with the supplier, Dalsons, about the supply of treated wood used to industry participants and advise the industry of its consultations and outcomes.

Mark Howard
Registrar, Victorian Racing Tribunal