

Racing Appeals & Disciplinary Board

Media Release

8 February 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Wednesday, 8 February 2017
Venue of Hearing: Law Institute of Victoria
470 Bourke St, Melbourne
Panel: Mr. Shane Marshall (Chairman), Mr. Terry O'Connor (Deputy
Chairman), and Mr. Peter Lee
Name of Person Charged: Mr. Joseph Sultana
Town: Newborough
Track: Traralgon
Dates: 23 May 2016 and 30 May 2016
GAR No: 83 (2)(3)

Offences Charged: (1) Mr. Joseph Sultana failed to present the greyhound 'Lucky
Andy' free of any prohibited substance for an event at the
Traralgon meeting held on 23 May 2016.

(2) Mr. Joseph Sultana failed to present the greyhound 'Gee
Whiz Gran' free of any prohibited substance for an event at the
Traralgon meeting held on 30 May 2016.

REPORT:

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of a post-race urine sample taken from the greyhound 'Lucky Andy' at the Traralgon meeting held on 23 May 2016 and the post-race urine sample taken from the greyhound 'Gee Whiz Gran' at the Traralgon meeting held on 30 May 2016 .

During the investigation, Stewards received evidence from registered trainer Mr. Joseph Sultana, Mr. Naomi Selvadurai (Racing Analytical Services Laboratory) and Dr. Steven Karamatic (GRV Chief Veterinarian).

After considering the evidence, Stewards charged Mr. Sultana with a breach of Greyhounds Australasia Rule 83(2)(3) as detailed above, given that the post-race urine samples taken

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from the greyhounds indicated the presence of the prohibited substances codeine and morphine.

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules a breach of GAR83 (2)(3) constitutes a Serious Offence. As a result on Wednesday, 8 February 2017 these matters were heard before the Racing Appeals and Disciplinary Board in the first instance under Greyhound Local Racing Rule 47.3 and Sections 83C(b) and 83M(1) of the Racing Act.

Mr. Joseph Sultana represented himself.

Mr. Marwan El-Asmar GRV Managing Principal Lawyer instructed by Ms. Heidi Lester GRV Chief Steward represented the Stewards Panel.

Mr. Joseph Sultana pleaded guilty to the charges.

DECISION:

1. Mr. Joseph Sultana is a registered trainer of greyhounds. At all material times he trained the greyhound "Lucky Andy" and "Gee Whiz Gran". Lucky Andy won race 1 at Traralgon on 23 May 2016. Gee Whiz Gran won race 4 at Traralgon on 30 May 2016. Post-race samples taken from each greyhound showed the presence of codeine and morphine.
2. Stewards of Greyhound Racing Victoria ("GRV") have charged Mr. Sultana in respect of each positive swab under Greyhound Australasia Rule ("GAR") 83 (2) and (3) with presenting a greyhound for an event while not being free of a prohibited substance. Mr. Sultana has pleaded guilty to the charges. In searching for a reason for the positive swabs, Mr. Sultana has referred to the fact that he was prescribed morphine based drugs to recover from a nose operation. Mr. Sultana believes that sweat transferred from him may have contaminated the feed of his greyhounds. At a stewards inquiry held into the positive swabs, Mr. Sultana referred to the fact that when he mixed breads together for feed, "occasionally one loaf of poppy seed might go into the whole mixture". Bread with poppy seeds has been known to contain morphine and codeine. At the hearing this morning Mr. Sultana discounted the poppy seeds theory.
3. However, we consider it more likely that the positive swabs have resulted from the use of bread containing poppy seeds. The contamination from sweat theory is more supposition, without any scientific verification. However, it remains a possibility that Mr. Sultana inadvertently contaminated his greyhounds in that way.
4. In a penalty guidelines document issued by GRV trainers are strongly advised not to feed greyhounds bread containing poppy seeds. Mr. Sultana was not aware of this advice. He now knows not to feed his greyhounds bread containing poppy seeds.

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5. The same penalty guidelines document refers to morphine as a category 4 prohibited substance for which a minimum period of two years disqualification is recommended. We are informed by that recommendation but not bound by it. We note that morphine is a very serious drug and the Board is determined to set penalties which reflect that fact.
6. We note that codeine does not fit neatly into any particular category of prohibited substance according to GRV Chief Industry Veterinarian, Dr. Karamatic. However, there is an obvious link between morphine and codeine. As Dr. Karamatic has reported, "codeine could produce morphine as a metabolite".
7. In setting a penalty we take into account Mr. Sultana's guilty plea and good record. We also take into account specific deterrence, general deterrence and the public interest in maintaining a drug free industry. We are confident that Mr. Sultana has learned lessons from this situation he finds himself in and will not use bread with poppy seeds or, for that matter, feed dogs while taking morphine based prescription drugs. Specific deterrence does not loom large therefore in our consideration. General deterrence is very important because trainers must be aware of the dangers of feeding their greyhounds bread containing poppy seeds. The importance of keeping a drug free industry and animal welfare considerations dictate that the Board impose a penalty which takes into account those matters.
8. In respect of the charge concerning "Lucky Andy" we impose a period of disqualification of two years with 12 months suspended pending no further breach of GAR 83 in the next 2 years. The disqualification shall commence on 17 February 2017. The penalty would have been higher but for the lack of previous transgressions by Mr. Sultana.
9. In respect of the charge concerning "Gee Whiz Gran" we impose the same penalty as that referred to in the preceding paragraph but we order that it be served concurrently with that penalty.
10. In addition, "Lucky Andy" is disqualified from race 1 at Traralgon on 23 May 2016 and "Gee Whiz Gran" is disqualified from race 4 at Traralgon on 30 May 2016.

.....End.....