

Racing Appeals & Disciplinary Board

Media Release

9 January 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Monday, 9 January 2017
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria
Panel: Mr. Shane Marshall (Chairman), Mr. Terry O'Connor (Deputy
Chairman), and Mr. Peter Lee
Name of Person Charged: Mr. Steven Trotman
Town: Fulham
Track: Sale
Date: Sunday, 22 May 2016
GAR No: 83 (2)(3)

Offence Charged: Mr. Steven Trotman failed to present the greyhound 'Riverside
Mons' free of any prohibited substance for an event at the Sale
meeting held on Sunday, 22 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 'Riverside Mons' at the Sale meeting held on Sunday, 22 May 2016.

During the investigation, Stewards received evidence from registered trainer Mr. Steven Trotman, Mr. Paul Zahra (Racing Analytical Services Laboratory) and Dr. Steven Karamatic (GRV Chief Veterinarian).

After considering the evidence, Stewards charged Mr. Trotman with a breach of Greyhounds Australasia Rule 83(2)(3) in that he failed to present the greyhound 'Riverside Mons' free of any prohibited substance for an event at the Sale meeting held on Sunday, 22 May 2016 given that the post-race urine sample taken from the greyhound indicated the presence of the prohibited substance amphetamine.

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 Monday, 9 January 2017 this matter was heard

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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. Steven Trotman represented himself.

Mr. Adam Purton Barrister instructed by Mr. Sam White Minter Ellison Solicitors represented the Stewards Panel.

Mr. Carl Scott (GRV Steward) and Mr. Eric Clarke (GRV Steward) appeared as witnesses.

Mr. Steven Trotman pleaded not guilty to the charge.

DECISION:

1. Stewards of Greyhound Racing Victoria ("GRV") have charged Mr. Trotman with breaching ("GAR") Greyhound Australasia Rule 83 (2) and (3) by presenting a greyhound for an event not being free of a prohibited substance, being amphetamine.
2. On 22 May 2016, Riverside Mons (trained by Mr. Trotman) competed in race 2 at Sale. Riverside Mons was handled by Mr. Trotman's partner, Ms. Payne.
3. Mr. Trotman has pleaded not guilty to the charge. He alleges that the positive post race swab taken from Riverside Mons should never have been taken. He asserts that after the race some 30 people patted the dog and that he was not told the swabbing would occur until the dog was back in the wash bay area.
4. The difficulty for Mr. Trotman is that there is uncontradicted evidence from the kenneling steward, Mr. Eric Clarke, that he told Ms. Payne shortly after the race result was declared that the dog would be swabbed. About a minute after the running of race 2, the steward in charge of the meeting, Mr. Scott, radioed Mr. Clarke that a swab was to be taken from the winner of the event. At that stage Mr. Clarke was standing in the catching pen area. He then walked back towards the winning post where a photo was to be taken of Riverside Mons.
5. As Mr. Clarke walked towards the winning post he looked over his shoulder and kept an eye on the winning greyhound. At this stage the dog was 4 to 5 metres behind him, so he waited for her handler, Ms. Payne, to catch up. Mr. Clarke told Ms. Payne at the winning post where the photos were to be taken, that a swab would be taken from the dog. Ms. Payne raised no protest. This conversation occurred before the photo was taken. At this stage Mr. Trotman was about 10 metres away from Mr. Clarke and the photographer was behind Mr. Clarke. After the photo, Mr. Clarke followed Ms. Payne and the dog back to the kenneling area where the swab was taken. There are six people in the photo including Mr. Trotman and Ms. Payne. There is no evidence that any of them is an amphetamine user. Mr. Trotman asserts that 30 people touched the dog. There is no independent evidence to support that assertion.

The Racing Appeals & Disciplinary Board (RADB) is established under section 83B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

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Even if it was the case there is no evidence that any person touched the dog in the region of its mouth.

6. The critical problem for Mr. Trotman is that there is one person who could have contradicted Mr. Clarke's version of events, yet Mr. Trotman did not rely on any evidence from her. That person is Ms. Payne. In the absence of evidence from Ms. Payne we accept the evidence of Mr. Clarke. We are unable to find unfairness in the process of taking the swab. We are not satisfied that there is any evidence that external contamination between the finish of the race and the taking of the swab was responsible for the positive swab.
7. Mr. Trotman relied on statements made by people who were at Sale after the race and who were involved in the photo. Those people say that they didn't hear Mr. Clarke tell anyone not to touch the dog as that it was being swabbed. Mr. Clarke did tell Ms. Payne that the dog was being swabbed. He kept his eye of the dog at all times and only noticed people patting the dog on the chest and back and not on the head or muzzle area. This confirms our view that there is no evidence that any contamination occurred from the end of the race to the taking of the swab.
8. As Mr. Trotman raised no other objections to the process of the taking of the swab, we see no reason not to find him guilty as charged. We will hear submissions on the question of penalty.
9. After hearing submissions on the question of penalty we take into account specific deterrence, general deterrence and the importance of maintaining a level playing field by keeping a drug free industry.
10. Mr. Trotman has identified carpet taken from a house used by drug users as a possible source of the positive swab. There is no coherent evidence before us to say that is so.
11. We believe Mr. Trotman understands the gravity of the offence and would be unlikely to re-offend. Specific deterrence doesn't loom large in our consideration. However, general deterrence is an important consideration. Amphetamine is a serious drug. It is a performance enhancer. It is a category 4 prohibited substance under GRV's penalty guidelines document. That document recommends a minimum penalty of 2 years disqualification.
12. GRV Stewards have requested a period of 2 years disqualification. Counsel for GRV referred to an average penalty in the amphetamine cases of 18 months. However, each case depends on its own facts and circumstances. In this matter we are mindful that Mr. Trotman has a clean record and that any disqualification would have a profound effect on his full time greyhound related business.

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13. In all the circumstances, we consider the appropriate penalty is 18 months disqualification with 6 months of that period being suspended for 24 months pending no further breach of GAR 83. The period of disqualification shall commence on 18 January 2017. In addition, Riverside Mons is disqualified from race 2 at Sale on 22 May 2016.

.....End.....