

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: Mrs. Victoria Sultana
Town: Newborough
Track: Traralgon
Dates: 8 August 2016 and 26 September 2016
GAR No: 83 (2)(3)

Offences Charged: (1) Mrs. Victoria Sultana failed to present the greyhound 'Hurricane Craig' free of any prohibited substance for an event at the Traralgon meeting held on 8 August 2016.

(2) Mrs. Victoria Sultana failed to present the greyhound 'Brooklyn Cruiser' free of any prohibited substance for an event at the Traralgon meeting held on 26 September 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 'Hurricane Craig' at the Traralgon meeting held on 8 August 2016 and the pre-race urine sample taken from the greyhound 'Brooklyn Cruiser' at the Traralgon meeting held on 26 September 2016.

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

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

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samples taken 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.

Mrs. Victoria Sultana represented herself.

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

Mrs. Victoria Sultana pleaded guilty to the charges.

DECISION:

1. This matter was heard together with the hearing in the matter of Mr. Joseph Sultana. This decision is to be read in conjunction with the decision in that matter. Mr. Joseph Sultana was found guilty of presenting two greyhounds trained by him for events while not being free of a prohibited substance. In each case those prohibited substances were codeine and morphine. In a preliminary inquiry held into those positive swabs, on 3 August 2016, Mr. Sultana told stewards that the most likely cause of the positive swabs was his feeding of his greyhounds, bread containing poppy seeds. Although he resiled from that suggestion this morning. He also referred to the fact that he had had a nose operation and was given morphine based drugs.
2. Mr. Sultana trains in conjunction with his wife, Mrs. Victoria Sultana. It appears that Mr. Sultana has primary responsibility for feeding the greyhounds trained by each of them. The events the subject of the charges against Mr. Sultana occurred on 23 and 30 May 2016 respectively. On a kennel inspection held on 7 July 2016, Mr. Sultana told Dr. James, an official from Greyhound Racing Victoria ("GRV") that he had stopped feeding bread containing poppy seed from that day. He confirmed in an inquiry held in relation to the positive swabs in this matter that there has since been nothing in the food chain of his or his wife's greyhounds that would contain codeine.
3. Mrs. Victoria Sultana is a registered trainer of greyhounds. At all material times she was the trainer of the greyhounds "Hurricane Craig" and "Brooklyn Cruiser". Hurricane Craig won race 1 at Traralgon on 8 August 2016. A post race urine sample revealed the presence of codeine and morphine. Brooklyn Cruiser ran third in race 4 at Traralgon on 26 September 2016. A pre-race urine sample showed the presence of codeine and morphine.
4. Stewards of GRV have charged Mrs. Sultana in respect of each positive swab under Greyhound Australasia Rule ("GAR") 83 (2) and (3) with presenting a greyhound for

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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an event while not being free of a prohibited substance. The offences charged are ones of absolute liability. It is not for the stewards to prove the source of the positive swabs. We note that Mrs. Sultana has pleaded guilty.

5. Mrs. Sultana was advised of the 8 August 2016 positive swab on 22 September 2016. At a stewards' inquiry held on 4 October 2016 into that positive swab she referred to Mr. Sultana having to take morphine and codeine on 20 July 2016 for two weeks after a leg operation. The presented drug was Targin. Mrs. Sultana inferred that contamination may have occurred by Mr. Sultana handling Targin then handling the food of the greyhounds. She also said that he took paracetamol tablets from 20 July. However, as Dr. James pointed out at the stewards' inquiry codeine usually works through the system of a greyhound in 24 hours.
6. At the stewards' inquiry on 4 October 2016, Mr. Sultana said he didn't know where the contamination was coming from and that the only thing he could think of was that he was on medication containing codeine.
7. After the positive swab concerning Brooklyn Cruiser on 26 September 2016 a stewards' inquiry was held on 8 December 2016. In that inquiry, Mrs. Sultana confirmed that she and Mr. Sultana shared responsibility for all their greyhounds. In that inquiry, the chairman revealed that an out of competition test on Brooklyn Cruiser held on 26 October 2016 also showed the presence of codeine and morphine. Also, when asked the reason for the swab irregularity on 26 September 2016, all Mrs. Sultana could say was that "I don't know". Mrs. Sultana said she only took Panamax. Mr. Sultana said he "didn't have a clue" what was in the medication he had been prescribed.
8. The above illustrates a very unsatisfactory state of affairs. In this matter two greyhounds trained by Mrs. Sultana raced with serious prohibited substances in their systems. The Board believes a strong message should be sent to trainers that presenting greyhounds with such prohibited substances is a very serious matter. That is particularly so in the absence of any persuasive explanation for the positive swabs.
9. We find Mrs. Sultana guilty of the two charges she faces. In assessing an appropriate penalty we take into account the matters contained at paragraph 3 to 6 of the decision concerning Mr. Sultana. Given the similarity of the offences in this matter to those in Mr. Sultana's matter we consider that the appropriate penalty should be the same. We also disqualify Mrs. Sultana for a period of 2 years commencing on 17 February 2017, with 12 months suspended for a period of 2 years pending no further breach of GAR 83. We impose that penalty on each charge but add that the penalty in respect of 26 September 2016 be served concurrently with the penalty in respect of 8 August 2016.

GREYHOUND

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10. In addition, Hurricane Craig is disqualified from race 1 at Traralgon on 8 August 2016 and Brooklyn Cruiser is disqualified from race 4 at Traralgon on 26 September 2016.

.....End.....