

30 March 2023

## DECISION

### GREYHOUND RACING VICTORIA

and

### JAMES JEFFRIES

- Date of hearing:** 21 March 2023
- Panel:** Judge John Bowman (Chairperson) and Mr Greg Childs.
- Appearances:** Ms Yana Podolskaya appeared on behalf of the Stewards.  
Mr James Jeffries represented himself.
- Charge:** Greyhounds Australasia Rule ("GAR") 83(2) states:  
(2) The owner, trainer or person in charge of a greyhound-  
(a) nominated to compete in an Event;  
(b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or  
(c) 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:**
1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Western Australia and a person bound by the Greyhounds Australasia Rules.
  2. You were, at all relevant times, the trainer of the greyhound "Mick Flash".
  3. Mick Flash was nominated to compete in an Exhibition Trial, conducted by the Sandown Greyhound Racing Club at Sandown Park on 27 March 2022 (the Event).
  4. On 27 March 2022, you presented Mick Flash at the Event not free of any prohibited substance, given that:

(a) A pre-trial sample of urine was taken from Mick Flash at the Event (the Sample);

(b) Salbutamol was detected in the Sample.

**Plea:** Guilty

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## **DECISION**

Mr James Jeffries, you have pleaded guilty to a breach of Greyhounds Australasia Rule (“GAR”) 83(2). This charge arises from a swab positive to the prohibited substance, salbutamol. The swab was taken from the dog, “Mick Flash”, trained by you. This was done as a pre-trial sample taken from Mick Flash at Sandown Park on 27 March 2022. As stated, the swab proved positive to salbutamol.

There is no dispute concerning the circumstances. You live and train in Western Australia. You had previously met Mr Stephen Whyte, a Victorian trainer. You sent the dog to him with a view of it competing in this state. He took Mick Flash to the trial at Sandown Park.

Mr Whyte has long suffered from asthma. At the time, he was using Ventolin spray several times per day. Ventolin contains salbutamol. Mr Whyte had a previous problem with the Stewards in relation to the use of this very substance. There is no argument but that Mr Whyte’s contact with Mick Flash on 27 March 2022 was the probable cause of the return positive to salbutamol. Mr Whyte has at all stages pleaded guilty to the charge made against him in relation to this matter and has taken full responsibility for the positive return.

You are aged 30. You have been training for some 11 years. You are essentially a full time trainer, having 20 kennels all of which are occupied. You do have a record of a prior breach of GAR 83(2), but, as stated by Ms Podolskaya on behalf of the Stewards, that is not particularly relevant.

We accept that what occurred was essentially not of your doing. There was no direct involvement, neglect or carelessness on your part. However, this is a provision that invokes strict liability. There is no challenge to the accuracy of the reading. Whilst a finding of guilt must be made, the penalty should be virtually nominal. In our opinion, questions of specific or general deterrence scarcely arise.

The penalty we impose is a fine of \$250 wholly suspended for a period of 12 months. It only becomes operational if you breach a relevant Rule during that period. We are confident that you will not.

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Kathleen Scully  
Assistant Registrar, Victorian Racing Tribunal