

30 March 2023

DECISION

GREYHOUND RACING VICTORIA

and

JAMIE HOSKING

- 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 Jamie Hosking 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 with Racing Queensland and a person bound by the Greyhounds Australasia Rules.
 2. You were, at all relevant times, the trainer of the greyhound "Mick's Recall".
 3. Mick's Recall was nominated to compete in, Race 3, TAB FANTA BALE SUPER STAYERS HT3, S/E Heat, conducted by The Meadows Greyhound Racing Association at The Meadows on 19 February 2022 (the Event).
 4. On 19 February 2022, you presented Mick's Recall at the Event not free of any prohibited substance, given that:

(a) A post-race sample of urine was taken from Mick's Recall at the Event (the Sample);

(b) Salbutamol was detected in the Sample.

Plea: Guilty

DECISION

Mr Jamie Hosking, you have pleaded guilty to a breach of Greyhounds Australasia Rule ("GAR") 83(2). The charge arises from a swab positive to the prohibited substance, salbutamol. The swab was taken from the dog, "Mick's Recall", trained by you. The race in question was the Fanta Bale Super Stayers Heat 3 at The Meadows on 19 February 2022. Mick's Recall won the race. The swab proved positive to the prohibited substance, salbutamol.

There is little or no dispute about the circumstances of this positive return. You are a leading trainer in Queensland. You flew Mick's Recall down to Melbourne for the purpose of running in the Super Stayers series. The dog was placed in the care of Victorian trainer, Mr Stephen Whyte at Bunyip. You were an old friend of Mr Whyte, having known him since a time when you were both in Darwin, where you trained for a while.

Mr Whyte presented the dog at The Meadows on 19 February 2022. You were not in attendance.

There is no secret of the fact that Mr Whyte is a long time sufferer from asthma, using Ventolin several times a day. In essence, Ventolin contains salbutamol. Indeed, Mr Whyte has been in some trouble with the Stewards previously for this very reason. You were aware of this, but also aware of the fact that he had not been in trouble over the last few years. You noted that he was very careful in this regard. Mick's Recall was the first dog you had sent to him to look after, and this was only for a brief period. There is no argument but that Mr Whyte's contact with the dog on 19 February 2022 was the probable cause of the positive return to salbutamol. We would add that Mr Whyte, whose case we hear next, is pleading guilty and takes full responsibility for the positive return.

You have a large operation, with about 100 dogs at your establishment, about an hour's drive from Brisbane. Although only in your late twenties, you have been a trainer for some 11 years. You have an outstanding record, particularly bearing in mind the size of your involvement. No prior offences at all are alleged against you.

We accept that what occurred was a misfortune entirely not of your doing. There was no direct involvement, neglect or carelessness on your part. Nevertheless, this is a provision that involves virtually strict liability unless the accuracy of the reading in question can be challenged. That is not the situation here and you have pleaded guilty accordingly.

We are of the view that, whilst a finding of guilt must be made, the penalty should be virtually nominal. In our opinion, questions of specific and general deterrence scarcely arise in the peculiar circumstances of this case.

In this unusual case, 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.

Further, Mick's Recall is disqualified from Race 3 at The Meadows on 19 February 2022 and the finish order is amended accordingly. It is also disqualified from Race 6 at The Meadows on 26 February 2022, being the final of the series in which it competed.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal