

30 March 2023

DECISION

GREYHOUND RACING VICTORIA

and

STEPHEN WHYTE

- 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 Stephen Whyte 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 charges:** **Charge 1**
1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
 2. You were, at the relevant time, the person in charge 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.

Charge 2

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at the relevant time, the person in charge 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.

Pleas: Guilty

DECISION

Mr Stephen Whyte, you have pleaded guilty to two breaches of Greyhounds Australasia Rule ("GAR") 83(2). The charges arise from two swabs positive to the prohibited substance, salbutamol. One of these swabs was taken from a dog, "Mick's Recall", trained by Mr Jamie Hosking of Queensland. He is a friend of yours of long standing and sent the dog down to you in order for it to run in the Fanta Bale Super Stayers Heat 3 at The Meadows on 19 February 2022. Mick's Recall won the race. Mr Hosking was not present and the immediate preparation and presentation of the dog was done by you.

The second offence was on 27 March 2022. Again, the dog concerned had been sent to you from interstate, this time from Mr James Jeffries in Western Australia. On 27 March 2022, you took the dog, "Mick Flash", to a trial at Sandown Park.

As stated, each dog returned a swab positive to salbutamol. In each instance, the probable source of the substance was a Ventolin spray used by you. You have been asthmatic since the age of 13. You are now 64 years of age. You were taking a considerable amount of precautions in relation to the use of Ventolin and your dogs, but, nevertheless, these two offences occurred.

You were particularly conscious of the risks of Ventolin because you have a record of a prior breach of this very Rule and for the same prohibited substance. That offence occurred in 2019. You were suspended for six months, three months of which was in turn suspended. You were also fined \$2,500.

All went well until the occurrence of these offences. Particularly in relation to the earlier one at The Meadows, we accept that you had taken various precautions, but you may have been in a hurry because you were coming from playing lawn bowls. The second offence occurred at a trial, and you admit that it scarcely crossed your mind that precautions and swabs could be involved.

Your situation is that you are a married man residing at Bunyip on a two acre property, which you own. You also own one acre in the immediate vicinity. You are 64 years of age and have been a licensed trainer since 1983, starting in Queensland. You have been a licensed trainer in this state since 1996. Only the prior offence referred to above is alleged against you.

Currently you have some 26 dogs on your properties, approximately six of which are awaiting placement in the Greyhound Adoption Program ("GAP"). You have five race dogs and eight pups. Approximately 12 dogs owned by you are currently with other people. As stated, you own the properties referred to and seem to be in a comparatively solid financial situation, although there are constant demands.

We take into account the fact that, in relation to the dog sent by Mr Hosking from Queensland, you have paid to him the stake money of approximately \$8,600 which it won and which is thus forfeited.

Further, we note that, following a downturn in your health in May of last year, you were hospitalised. Your medication was altered. You no longer use a Ventolin spray, or indeed Ventolin at all. Hopefully, now no risk of a prohibited substance exists.

The bottom line is that we must take your prior offence into account. Weighing everything up, a period of suspension reflecting this, and all the circumstances, must be imposed, along with a fine. You are suspended from this date until 31 July 2023. You are fined the sum of \$3,000.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal