11 May 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**BRIAN ALFORD**

**Date of hearing:** 30 April 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Amanda Dickens.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Brian Alford represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 83(1A) states:

A person who –

1. administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;
2. aids, abets counsels or procures any person to administer a prohibited substance to a greyhound; or
3. has prior knowledge of a prohibited substance being administered to a greyhound

which is detected in any sample taken from such greyhound that has been presented for an Event or when subject to any other contingency provided for pursuant to these Rules, shall be guilty of an offence.

GAR 83(2) states:

The owner, trainer or person in charge of a greyhound-

1. nominated to compete in an Event;
2. presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
3. 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: Charge 1**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound “Sad But True”.
3. “Sad But True” was presented for, and competed in, Race 7, GIPPSLANDS GOLD 98.3, Mix ed 4/ 5, conducted by the Sale Greyhound Racing Club at Sale on 6 September 2020 (**the Event**).
4. You administered, or caused to be administered, to “Sad But True”, a prohibited substance, being Cobalt, which was detected in a sample taken from “Sad But True” in that:
5. You are responsible for the feeding of, and administration of supplements to, “Sad But True”;
6. One (1) product containing cobalt, namely “Livamol, was identified at your kennels on 8 October 2020;
7. A pre-race sample of urine was taken from “Sad But True” at the Event (**the Sample**);
8. Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample; and
9. The mass concentration of cobalt detected in the sample could only be caused by the administration of cobalt.

**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 all relevant times the trainer of the greyhound “Sad But True”.
3. “Sad But True” was nominated to compete in, Race 7, GIPPSLANDS GOLD 98.3, Mix ed4/5, conducted by the Sale Greyhound Racing Club at Sale on 6 September 2020 (**the Event**).
4. On 6 September 2020, you presented “Sad But True” at the Event not free of any prohibited substance, given that:
5. A pre-race sample of urine was taken from “Sad But True” at the Event (**the Sample**);
6. Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Brian Alford is a registered greyhound trainer and the trainer of the greyhound “Sad But True”. The greyhound competed in Race 7 at Sale on 6 September 2020. A pre-race swab showed the presence of Cobalt at 173 nanograms (“ng”) per millilitre (“ml”). The threshold at which Cobalt becomes a prohibited substance is at 100 ng/ml.
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Alford under Greyhounds Australasia Rule (“GAR”) 83(1A) with administering a prohibited substance to a greyhound which was detected in a sample from a greyhound presented for an event. There is a second charge under GAR 83(2) of presenting a greyhound for an event while not being free of a prohibited substance. Mr Alford has pleaded guilty to both charges and did so at the earliest opportunity.
3. Cobalt is a naturally occurring trace element, normally present in greyhounds at a very low level as a result of normal dietary intake. It is capable of effecting the condition or performance of a greyhound and any effect on performance is more likely to be positive, unless toxicity develops.
4. Mr Alford fed the greyhound Livamol every evening at the level of a dessert spoon. He believes that he must have given the greyhound a double dose of Livamol by mistake to produce a high reading to Cobalt. He also gave the greyhound 5ml of Ironcyclen and 1 Cenovis Iron Tablet up to 3pm before the race later that day. Both products contain Cobalt.
5. Mr Alford was aware of warnings given to the industry after the imposition of a Cobalt threshold in 2015. He had been involved in greyhound training for 40 years before this positive swab without offending against prohibited substance Rules.
6. In setting a penalty, we take into account general and specific deterrence and the importance of keeping a level playing field by maintaining a drug free industry. We also take into account recent penalties in like matters, as well as Mr Alford’s good record and his guilty pleas.
7. In all the circumstances, we impose a 12 month suspension on Charge 1, with 10 months suspended pending no further breach of GAR 83 in the next 12 months. We impose the same penalty on Charge 2, but make it wholly concurrent with the penalty imposed on Charge 1. The suspension shall commence immediately.
8. In addition, the greyhound, Sad But True, is disqualified from Race 7 at Sale on 6 September 2020.

Kathleen Scully  
Assistant Registrar, Victorian Racing Tribunal