10 February 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**DEBORAH COLEMAN**

**Date of hearing:** 24 January 2022

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

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

Ms Deborah Coleman represented herself.

**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 Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at all relevant times, the trainer of the greyhound “Midnight Vandal”.

3. Midnight Vandal was nominated to compete in, Race 11, Millers Muzzles, Mixed 6/7, conducted by the Geelong Greyhound Racing Club at Geelong on 29 June 2021 (the Event).

4. On 29 June 2021, you presented Midnight Vandal at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Midnight Vandal at the Event (the Sample);

(b) Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

**Plea:** Guilty

**DECISION**

1. Ms Deborah Coleman is a registered public trainer/breeder and the trainer of the greyhound, “Midnight Vandal”. Midnight Vandal competed in and won Race 11 at Geelong on 29 June 2021. A pre-race sample of urine taken from the greyhound showed the presence of arsenic well in excess of the threshold of 800 nanograms (“ng”) per millilitre (“ml”) provided in Greyhounds Australasia Rule (“GAR”) 83(11). The reading was high. It was in excess of 1600 ng/ml.
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Ms Coleman with presenting a greyhound for an event while not free of a prohibited substance contrary to GAR 83(2). Ms Coleman pleaded guilty to the offence at the earliest opportunity.
3. The cause of the high arsenic reading was the chewing of Copper Chrome Arsenic (“CCA”) treated timber by the greyhound in its kennel. The chewing of CCA treated timber is a common cause of positive swabs to arsenic at prohibited levels. GRV has issued several warnings to trainers about the problem over recent years and in relation to which Ms Coleman admitted that she had knowledge.
4. Since this swab, Ms Coleman has placed steel capping on top of all CCA treated wood in the kennels. In this case, personal deterrence or specific deterrence is not a factor in setting a penalty, but general deterrence is an important factor. Ms Coleman should have been aware from GRV warnings about CCA treated timber in kennels that its presence could lead to inadvertent transgressions of GAR 83(2).
5. We note that Ms Coleman has a prior offence in November 2015 for breaching GAR 83(2) in respect of caffeine. The Racing Appeals and Disciplinary Board noted that it was her first offence in 35 years involvement in the greyhound racing industry. We do not attach great weight to this prior offence, but note that it does not mean Ms Coleman has an unblemished record.
6. In setting a penalty, we take into account, to a small extent, the prior transgression. We also take into account the guilty plea and Ms Coleman’s cooperation with the Stewards, as well as the constant need to maintain a level playing field by having a drug free industry. That is especially so with arsenic, which, although traditionally used as a tonic, can have toxic qualities with high rates of exposure. We also take into account previous penalties in like recent matters.
7. In all the circumstances, we impose a penalty of six months suspension, with four months suspended for a period of 12 months pending no further breach of GAR 83 and a penalty of a $500 fine. The suspension shall commence today.
8. Midnight Vandal is disqualified from Race 11 at Geelong on 29 June 2021 and the finishing order is adjusted accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal