3 November 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**DELAINE VIGOR**

 **Dates of hearing:** 27 October 2021

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Judge Kathryn Kings.

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

Ms Delaine Vigor represented herself.

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

(1A) A person who –

(a) administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;

(b) aids, abets counsels or procures any person to administer a prohibited substance to a greyhound; or

(c) 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:

(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.

GAR 84A(2) states:

(2) Each record of treatment kept in accordance with this rule must be made by midnight on the day on which the treatment was given and, as a minimum requirement, include the following information:

a) Name of the greyhound;

b) Date and time of administration of the treatment;

c) Name of the treatment (brand name or active constituent);

d) Route of administration;

e) Amount given;

f) Name and signature of person or persons administering and/or authorising treatment.

For the purposes of sub-rule (2), “day” means the 24-hour period from 12:01am to 12 midnight on any calendar day.

**Particulars of charges: Charge 1: GAR 83(1A)**

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 “Fairytale Poppy”.
3. Fairytale Poppy was presented for, and competed in, Race 9, EUREKA CONCRETE (1-2 WINS), Tier 3 – Restricted Win, conducted by the Ballarat Greyhound Racing Club at Ballarat on 22 March 2021 (the Event).
4. You administered, or caused to be administered, to Fairytale Popp”, a prohibited substance, being Caffeine and Theobromine, which was detected in a sample taken from Fairytale Poppy in that:

(a) you administered a product containing Caffeine and Theobromine, namely “Purina Total Care Chocolate Flavoured Wormer”, to Fairytale Poppy on or around 19 March 2021;

(b) A pre-race sample of urine was taken from Fairytale Poppy at the Event (the Sample);

(c) Caffeine and Theobromine were detected in the Sample.

**Charge 2: GAR 83(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 “Fairytale Poppy”.
3. Fairytale Poppy was nominated to compete in, Race 9, EUREKA CONCRETE (1-2WINS), Tier 3 – Restricted Win, conducted by the Ballarat Greyhound Racing Club at Ballarat on 22 March 2021 (the Event).
4. On 22 March 2021, you presented Fairytale Poppy at the Event not free of any prohibited substance, given that:

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

(b) Caffeine and Theobromine were detected in the Sample.

**Charge 3: GAR 84A(2)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Racing Victoria Rules of Racing.
2. You did fail to record the minimum requirements for treatments recorded by you, namely the treatment ‘worming’ recorded on a whiteboard, in that you:

a) failed to record the name of the greyhound or greyhounds to which the treatment was given to;

b) failed to record the name of the treatment by brand name or active constituent;

c) failed to record the route of administration of the treatment;

d) failed to record the amount of the treatment given;

e) failed to record the signature of person or persons administering and/or authorising the treatment.

**Pleas:** Guilty to all charges.

**DECISION**

Licensed trainer, Ms Delaine Vigor, was the trainer of the greyhound “Fairytale Poppy”, which was presented to compete in Race 9 at the Ballarat Greyhound Racing Meeting on 22 March 2021. The greyhound won the race. A pre-race urine sample taken from Fairytale Poppy proved positive for prohibited substances, being caffeine and theobromine. Consequently, Greyhound Racing Victoria (“GRV”) Stewards have issued three charges against Ms Vigor, the first two of which are detailed as serious offences as defined by the Greyhounds Australasia Rules (“GAR”). The particulars of each charge are detailed above.

Ms Vigor has pleaded guilty to each charge, although reluctantly to Charge 3.

Records kept by Ms Vigor confirm that she used “Purina Total Care Chocolate Flavoured Wormer” on Fairytale Poppy on 19 March 2021, three days before the race. Ms Vigor thought it was “doggy chocolate” and that it was safe to use on greyhounds, as there was no actual chocolate in the product. This is in spite of notices to the industry by GRV to be careful using products containing chocolate in 2016 and 2020.

An inspection by Stewards of Ms Vigor’s kennels on 3 May 2021 did not reveal any other product that could have been the source of the positive swab sample. Chief Veterinarian at GRV, Dr Steven Karamatic, concluded in his report that the administration of the chocolate flavoured wormer three days prior to the race was the likely explanation for the finding of theobromine and caffeine in the pre-race urine sample.

Ms Vigor has over 30 years involvement in the greyhound racing industry. This is her first positive drug offence. She has been cooperative with the Stewards and has pleaded guilty to the charges laid against her. Ms Vigor does have a system of record keeping, although it falls short of the minimum requirements under the Rules.

Once again, this Tribunal reiterates the need for industry participants to engage on a level playing field with a commitment to drug free racing. Considerations of general deterrence and penalties applied in like recent cases are also factored into the penalties to be applied today.

In respect of Charges 1 and 2, we impose a period of suspension of three months, wholly suspended for a period of 12 months on each charge. The suspension imposed on Charge 2 is to be served concurrently with Charge 1.

In respect of Charge 3, we impose a fine of $300, to be wholly suspended for a period of 12 months.

In addition, Fairytale Poppy is disqualified from Race 9 at Ballarat on 22 March 2021.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal