1 July 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GAYLE LEMIN**

**Date of hearings:** 6 May 2022 and 28 June 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson), Ms Maree Payne.

**Appearances:** Mr Damien Hannan instructed by Mr Anthony Pearce appeared on behalf of the Stewards.

Ms Gayle Lemin represented herself.

**Charges and particulars:**

**Charge No. 1 of 2**

Greyhounds Australasia Rule 83(1A) reads as follows:

**Rule 83 Greyhound to be free of prohibited substances**

  *(1A) A person who –*

1. *administers, attempts to administer or causes to be administered a*

 *prohibited substance to a greyhound;*

1. *aids, abets counsels or procures any person to administer a prohibited substance to a greyhound; or*
2. *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.*

**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 Greyhound Australasia Rules.
2. You were, at all relevant times, a person responsible for the greyhound *“Kraken Courage”.*
3. *“Kraken Courage”* was presented for, and competed in, Race 11, GIPP’S SHIPPING CONTAINERS, Grade 5 T3, conducted by the Shepparton greyhound Racing Club at Shepparton on 29 April 2021 (**the Event**).
4. You aided and abetted, and/or had prior knowledge of a prohibited substance being administered to *“Kraken Courage”,* being Cobalt, which was detected in a sample taken from *“Kraken Courage”* in that:
	1. You aided and abetted Mr Thomas Murray to administer a product containing Cobalt, namely the injectable substance ‘V.A.M’ to ‘*Kraken Courage”* on or around 28 April 2021.
	2. A pre-race sample of urine was taken from *“Kraken Courage”* at the Event (**the Sample**);
	3. Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample; and
	4. The mass concentration of cobalt detected in the sample could only be caused by the administration of cobalt.

**Charge No. 2 of 2**

Greyhounds Australasia Rule 83A reads as follows:

**Rule 83A Raceday and day prior treatment**

1. *No person without the permission of the Stewards may administer or cause to be administered any treatment to a greyhound at any time on the day of the meeting until that greyhound is no longer presented for an Event.*
2. *The Stewards may order that any greyhound that has been administered a treatment in contravention of sub-rule (1) of this Rule be withdrawn from an Event.*
3. *In addition to sub-rule (1) of this Rule, no person without the permission of Stewards may administer or cause to be administered any injectable substance to a greyhound at any time on the day prior to the day of an Event that it is nominated to compete in.*

*For the purposes of this Rule “treatment” includes:*

 *a) All Controlled Drugs (Schedule 8) administered by a veterinarian;*

 *b) All Prescription Animal Remedies and Prescription Only Medicines (Schedule 4);*

 *c) Any injectable substance not already specified in this Rule*

 *d) All Pharmacist Only (Schedule 3) and Pharmacy Only (Schedule 2) medicines;*

 *e) All veterinary and other substances containing other scheduled and unscheduled prohibited substances.*

**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 *“G’Day Muscles”*.
3. On 7 January 2021 you presented “*G’Day Muscles*” to compete in Race 6, the NETFIND PTY LTD, Grade 5 T3 **(the Event),** conducted by the Shepparton Greyhound Racing Club (**the Meeting).**
4. You administered, or caused to be administered, to “*G’Day Muscles*”, a Treatment, being the injectable substance “Aminoplex” on the day prior to the Meeting **(the Treatment),** being 6 January 2021.
5. You administered the Treatment without the permission of the Stewards.

**Pleas:** Guilty to Charge 1

Not Guilty to Charge 2

**DECISION**

1. Ms Gayle Lemin is a registered greyhound trainer who has been involved in greyhound training for about 40 years. In April 2021, she was assisting then registered trainer Mr Robert Hogdson with the feeding and treatment of a greyhound trained by him and called “Kraken Courage”. The owner of Kraken Courage, Mr Murray, obtained injectable VAM to inject into the greyhound as a “pick me up” tonic. VAM contains cobalt. After an event on 29 April 2021 at Shepparton, a swab taken from Kraken Courage showed the presence of cobalt at a level in excess of twice the threshold level of 100 nanograms per millilitre. Ms Lemin assisted Mr Murray in injecting the greyhound by holding the greyhound.

1. Ms Lemin has pleaded guilty to an offence under Greyhounds Australasia Rule (“GAR”) 83(1A) for aiding and abetting a person to administer a prohibited substance to a greyhound. At a level in excess of 100 ng/ml, cobalt is a prohibited substance. It is also part of the charge that cobalt was consequently detected in a sample taken from Kraken Courage on 29 April 2021.
2. Ms Lemin realised that VAM contained cobalt, but underestimated the amount involved in the injection given to Kraken Courage. She contended that she thought Mr Murray was a veterinarian who knew what he was doing.
3. In setting a penalty, we take into account the guilty plea, as well as the importance of keeping a level playing field by maintaining a drug free industry. We also take into account penalties given in similar matters in recent times, as well as Mr Lemin’s good record.
4. In all the circumstances, we impose a 12 month suspension, but suspend 10 months of that period for 24 months pending no further breach of GAR 83 in that time. That is the standard penalty for matters of this type involving first offenders or those with a good record. Ms Lemin hinted at a lesser penalty being given to her. We reject that suggestion. She played an integral role in the greyhound being injected with a cobalt containing substance and was a vital part of the unlawful action, notwithstanding that she did not physically inject the dog herself. On the other hand, it may have been equally suggested that a larger penalty be imposed on her because of the fact that this case did not involve errors in feeding processes, but a deliberate injection. However, the Stewards did not so submit and on balance we consider the usual penalty appropriate. The suspension shall commence immediately.
5. Ms Lemin has also been charged under GAR 83A with administering treatment to a greyhound trained by her called ‘G’Day Muscles’ on 6 January 2021 before a race on 7 January 2021. The particulars of the charge state that Ms Lemin administered the injectable “Aminoplex” to the greyhound on 6 January 2021.
6. Ms Lemin has pleaded not guilty to that charge. She said that her treatment records show that the another substance, traumeel, was administered. She also says that the entry in the her treatment book for ‘G’Day Muscles’ on 6 January 2021 was mistakenly put there instead of 6 February 2021 due to problems with her eye sight.
7. In the investigation of the Stewards into the matter involving Kraken Courage, Ms Lemin agreed that the treatment book showed that the dog’s treatment was on 6 January 2021, the day before a race on 7 January 2021.
8. The Stewards contend that the records show a breach of the Rule. Ms Lemin contended that the entry for 6 January 2021 was a mistake and that it should been related to 6 February 2021. She gave evidence about problems with her eye-sight. Although we have some misgivings about the evidence, the GRV’s case is not so strong that we can be comfortably satisfied that the charge is made out. We dismiss that charge and record a finding of not guilty.

Mark Howard
Registrar, Victorian Racing Tribunal