29 August 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GEOFFREY SCOTT-SMITH**

**Date of hearing:** 23 August 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Robert Abrahams.

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.

Mr Geoffrey Scott-Smith represented himself.

**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.

**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 “Dundee Ember”.
3. Dundee Ember was presented for, and competed in, Race 3, ASSESSMENT AND INSPECTION NO. 1 TEAM, Grade 5, conducted by the Sandown Park Greyhound Racing Club at Sandown on 16 December 2021 (the Event).
4. You administered, or caused to be administered, to Dundee Ember, a prohibited substance, being Cobalt, which was detected in a sample taken from Dundee Ember in that:

(a) you administered a product containing Cobalt, namely “Megatrace mineral supplement”, to Dundee Ember on or around 15 December 2021;

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

(c) Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre 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 “Dundee Ember”.
3. Dundee Ember was presented for, and competed in, Race 3, ASSESSMENT AND INSPECTION NO. 1 TEAM, Grade 5, conducted by the Sandown Park Greyhound Racing Club at Sandown on 16 December 2021 (the Event).
4. On 16 December 2021, you presented Dundee Ember at the Event not free of any prohibited substance, given that:

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

(b) Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample.

**Pleas:** Guilty to all charges

**DECISION**

1. Mr Geoffrey Scott-Smith is a registered greyhound trainer. On 16 December 2021 he presented a greyhound, “Dundee Ember”, for Race 2 at Sandown. A pre-race swab showed the presence of cobalt in excess of 200 nanograms per millilitre (“ng/ml”). Cobalt at 100 ng/ml is a prohibited substance.
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Scott-Smith with an administration offence and a presentation offence under Greyhounds Australasia Rule (“GAR”) 83(1A) and 83(2) respectively. Mr Scott-Smith has pleaded guilty to the offences.
3. The cause of the positive swab was the feeding to the greyhound of a multi vitamin supplement called “Megatrace”, which was mislabelled, in that it contained cobalt at a level 20 times greater than what was advised on the label. However, the product was intended to be given to livestock and not dogs. Mr Scott-Smith did not know this.
4. In assessing penalty, we have taken into account the guilty pleas, Mr Scott-Smith’s good record and the importance of maintaining a level playing field by having a drug free industry. We also take into account penalties in recent cobalt cases, as well as the particular circumstances of this case. Significantly, we accept that the mislabelling on the label was a substantial cause of the offences.
5. In all the circumstances, we impose a penalty which reflects the fact that this is an unusual case. On Charge 1, we impose a penalty of 12 months suspension, with 11 months suspended for a period of 24 months pending no further breach of GAR 83 in that time. On Charge 2, we impose a penalty in the same terms as on Charge 1, but make it wholly concurrent with the penalty imposed on Charge 1. The effective period of one month’s suspension shall commence immediately.
6. In addition, Dundee Ember is disqualified from Race 3 at Sandown on 16 December 2021.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal