24 June 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GORDON EDWARDS**

**Date of hearing:** 20 June 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Marilyn Harbison.

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

Mr Gordon Edwards 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 “Rev the Jockey”.
3. Rev the Jockey was presented for, and competed in, Race 9, RAM LOCKSMITH (1-2 WINS), Tier 3 - Restricted Win, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 17 September 2021 (the Event).
4. You administered, or caused to be administered, to Rev the Jockey, a prohibited substance, being Cobalt, which was detected in a sample taken from Rev the Jockey in that:

(a) You are responsible for the feeding of, and administration of supplements to, Rev the Jockey;

(b) Two (2) products containing cobalt, namely “Feramo D Virbac Australia Pty Ltd” and “Winning Formula - Iron Boost”, were identified at your kennels on 17 September 2021;

(c) A race day sample of urine was taken from Rev the Jockey at the Event (the Sample);

(d) Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample; and

(e) The mass concentration of cobalt detected in the sample could only be caused by the administration of cobalt.

 **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 “Rev the Jockey”.
3. Rev the Jockey was nominated to compete in Race 9, RAM LOCKSMITH (1-2 WINS), Tier 3 - Restricted Win, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 17 September 2021 (the Event).
4. On 17 September 2021, you presented Rev the Jockey at the Event not free of any prohibited substance, given that:

(a) A race day sample of urine was taken from Rev the Jockey 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

**DECISION**

1. Mr Gordon Edwards is a registered greyhound owner and trainer and, at all material times, was the trainer of a greyhound called “Rev the Jockey”. The greyhound competed in Race 9 at Cranbourne on 17 September 2021. A swab taken from the greyhound showed the presence of cobalt above the permissible threshold level of 100 nanograms per millilitre (“ng/ml”).
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Edwards with two offences under the Greyhounds Australasia Rules (“GAR”). The first is under GAR 83(1A) for administration of a prohibited substance and the second is a presentation offence under GAR 83(2). Mr Edwards pleaded guilty to both offences at the earliest opportunity.
3. The reason for the positive swab was the feeding to the greyhound of supplements containing cobalt. The major contributor to the positive reading over the permissible limit by double that amount was a product called “Winning Formula - Iron Boost” (“Iron Boost”).
4. Cobalt is a prohibited substance under the GARs when fed at a mass concentration of in excess of 100 ng/ml. It is a naturally occurring trace element that is normally present in greyhounds at very low levels as a result of normal dietary intake. Cobalt is capable of being performance enhancing. However, toxicity can occur with high doses.
5. Dr Steven Karamatic, the GRV Chief Veterinarian, reported that the amount of cobalt contained in Iron Boost was inconsistent with its labelling.
6. Rev the Jockey had previously been the suspect of a sample positive to cobalt on 12 August 2021, but only at a level slightly above the threshold. Rev the Jockey was tested by Stewards on the morning of the day of the race meeting on 17 September 2021. Mr Edwards was given the opportunity to scratch the greyhound, but decided not to do so. When the Stewards came to Mr Edwards’ kennels on 17 September 2021, they were concerned with the readings arising from the 12 August event.
7. Since the visit by the Stewards on race day, Mr Edwards has stopped feeding products containing cobalt three days before a race. According to the latest GRV advice, it would be preferable, not to feed products containing cobalt at all. It is noteworthy and disturbing from an integrity point of view that, in this case Iron Boost was purchased from a retailer who sells the product at the Cranbourne racetrack, as well as at Healesville. The fact that this occurs tends to give an unsuspecting trainer confidence in the product or a reasonable belief that GRV endorses the product.
8. After Mr Edwards was advised of the on 12 August 2021 reading levels, he thought that he would run the risk of starting the greyhound because he thought that the reading would be low. In view of the swab from taken on 12 August 2021, he would have been wiser to scratch the greyhound from the 17 September 2021 event.
9. The breach of the Rules in this case was inadvertent, but Mr Edwards should have taken greater care with supplements containing cobalt, given the several warnings given by GRV to trainers about cobalt by GRV since 2016.
10. Mr Edwards has been a trainer for about eight years. He now knows the dangers of feeding products containing cobalt. The offences are serious ones. The use of cobalt at prohibited levels affects the level playing field otherwise applying in greyhound racing. In setting a penalty, we take into account the above matters, as well as the early guilty pleas. We also take into account recent penalties in like matters and the good record of Mr Edwards. The caution for the August 2021 transgression is not a previous offence or an offence at all.
11. In all the circumstances, in respect of the charge under GAR 83(1A), we impose a penalty of 12 months suspension with 10 months suspended for 24 months.
12. On the charge under GAR 83(2), we impose a penalty of 12 months suspension with 10 months suspended for 24 months, but make it concurrent with the penalty imposed on Charge 1.
13. In addition, Rev the Jockey is disqualified from Race 9 at Cranbourne on 17 September 2021.
14. The effective two month suspension shall commence immediately.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal