15 January 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR JAY ROBINSON**

**Date of hearing:** 14 January 2020

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall and Ms Amanda Upton.

**Appearances:** Ms Sharn Coombs appeared on behalf of the Stewards.

Mr Jay Robinson represented himself.

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

A person who-

1. administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;
2. aids, abets, counsels or procures any person to administer a prohibited substance to a greyhound; or
3. 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:

The owner, trainer or person in charge of a greyhound-

1. nominated to compete in an Event;
2. presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
3. 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 No. 1 of 6

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, the trainer of the greyhound *“Bring The Spring”.*
3. *“Bring The Spring”* was presented for, and competed in, Race 2, ELITE COLLARS & LEADS, Tier 3 – Grade 7, conducted by the Shepparton Greyhound Racing Club at Shepparton on 7 January 2019 (**the Event**).
4. You administered, or caused to be administered, to *“Bring The Spring”* a prohibited substance, being Cobalt, which was detected in a sample taken from *“Bring The Spring”* in that:
	1. You administered, on a regular basis prior to the Event, various products containing cobalt to *“Bring The Spring”*;
	2. A post-race sample of urine was taken from *“Bring The Spring”* 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 6

## Particulars of Charge

## You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

1. You were, at all relevant times, the trainer of the greyhound *“Bring The Spring”.*
2. “*Bring The Spring*” was nominated to compete in, Race 2, ELITE COLLARS & LEADS, Tier 3 – Grade 7, conducted by the Shepparton Greyhound Racing Club at Shepparton on 7 January 2019 (**the Event**).
3. On 7 January 2019, you presented *“Bring The Spring”* at the Event not free of any prohibited substance, given that:
	1. A post-race sample of urine was taken from *“Bring The Spring”* at the Event (**the Sample**);
	2. Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample.

**Charge No. 3 of 3**

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, the trainer of the greyhound *“Silver Sultan”.*
3. *“Silver Sultan”* was presented for, and competed in, Race 2, TOP CAT VIDEO PRODUCTIONS, Maiden Aged Prize Money, conducted by the Healesville Greyhound Racing Association at Healesville on 17 May 2019 (**the Event**).
4. You administered, or caused to be administered, to *“Silver Sultan”,* a prohibited substance, being Cobalt, which was detected in a sample taken from *“Silver Sultan”* in that:
	1. You administered, on a regular basis prior to the Event, various products containing cobalt to *“Silver Sultan”*;
	2. A post-race sample of urine was taken from *“Silver Sultan”* at the Event (**the Sample**);
	3. Cobalt was detected in the Sample at a mass concentration of greater than 100 nanograms per millilitre; and
	4. The mass concentration of cobalt detected in the Sample could only be caused by the administration of cobalt.

**Charge No. 4 of 6**

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.

1. You were at all relevant times the trainer of the greyhound *“Silver Sultan”.*

1. “Silver Sultan” was nominated to compete in, Race 2, TOP CAT VIDEO PRODUCTIONS, Maiden Aged Prize Money, conducted by the Healesville Greyhound Racing Association at Healesville on 17 May 2019 (**the Event**).

1. On 17 May 2019, you presented *“Silver Sultan”* at the Event not free of any prohibited substance, given that:
	1. A post-race sample of urine was taken from *“Silver Sultan”* at the Event (**the Sample**);
	2. Cobalt was detected in the Sample at a mass concentration of greater than 100 nanograms per millilitre.

**Charge No. 5 of 6**

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, the trainer of the greyhound *“Silver Sultan”.*
3. *“Silver Sultan”* was presented for, and competed in, Race 5, FAST FREDDIE’S TYRE SERVICE (1-2 WINS), Restricted Win Aged Prize Money, conducted by the Healesville greyhound Racing Association at Healesville on 14 June 2019 (**the Event**).
4. You administered, or caused to be administered, to *“Silver Sultan”,* a prohibited substance, being Cobalt, which was detected in a sample taken from *“Silver Sultan”* in that:
	1. You administered, on a regular basis prior to the Event, various products containing cobalt to *“Silver Sultan”*;
	2. A pre-race sample of urine was taken from *“Silver Sultan”* at the Event (**the Sample**);
	3. Cobalt was detected in the Sample at a mass concentration of greater than 100 nanograms per millilitre; and
	4. The mass concentration of cobalt detected in the Sample could only be caused by the administration of cobalt.

**Charge No. 6 of 6**

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.

1. You were at all relevant times the trainer of the greyhound *“Silver Sultan”.*

1. “Silver Sultan” was nominated to compete in, Race 5, FAST FREDDIE’S TYRE SERVICE (1-2 WINS), Restricted Win Aged Prize Money, conducted by the Healesville Greyhound Racing Association at Healesville on 14 June 2019 (**the Event**).

1. On 14 June 2019, you presented *“Silver Sultan”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Silver Sultan”* at the Event (**the Sample**);
	2. Cobalt was detected in the Sample at a mass concentration of greater than 100 nanograms per millilitre.

**Plea:** Guilty

**DECISION**

1. Mr Jay Robinson is a registered greyhound trainer. He is the trainer of the greyhound ‘Bring The Spring’ and was, at all material times, the trainer of the greyhound ‘Silver Sultan’.
2. Bring The Spring competed in race 2 at Shepparton on 7 January 2019. A post-race sample of urine taken from the greyhound showed the presence of cobalt at a mass concentration of 110 nanograms per millilitre (ng/ml).
3. Silver Sultan competed at Healesville on 17 May and 14 June 2019. Samples of urine taken from the greyhound on each occasion showed the presence of cobalt at a mass concentration of 160 ng/ml and 126 ng/ml respectively.
4. Stewards of Greyhound Racing Victoria (GRV) have charged Mr Robinson under GAR 83(1A) with administering a prohibited substance to a greyhound that has been presented for an event. There are three such charges in respect of each of the three events referred to above. He has also been charged three times under GAR83(2) for presenting a greyhound for an event whist not being free of a prohibited substance.
5. Under GAR83(1), cobalt is a prohibited substance if found at or above a mass concentration of 100 ng/ml in a sample of urine taken from a greyhound.
6. According to GRV’s Chief Veterinarian, Dr Karamatic, the finding of a urinary concentration of cobalt at greater than 100 ng/ml confirms the administration and presence of a prohibited substance that is capable of affecting the condition or performance of a greyhound and any effect is more likely to be positive.
7. Mr Robinson told a preliminary inquiry held on 22 March 2019 into the Shepparton positive swab that he had been feeding his dogs cobalt containing substances including Iron Cyclen, Livermol and Feramo D. He said he would not use Feramo D again.
8. Less than two months later, Silver Sultan raced at Healesville with cobalt above the threshold in her system. She did so again on 14 June 2019. A preliminary inquiry was held into these positive swabs on 18 July 2019. Mr Robinson told the inquiry that Silver Sultan ate Mega B tablets in a container that the dog chewed. He also told the inquiry that he was still using Livermol. It would have been prudent to stop doing so after the first positive cobalt swab.
9. Mr Robinson also said that he had been using Big Dog Super Cell which contains cobalt. It appears that Mr Robinson’s judgment was affected by injuries sustained in a car accident in 2018.
10. Mr Robinson knew about the cobalt threshold when he started training in 2018. He has pleaded guilty to the charges. We find them proven.
11. In setting penalties we take into account specific and general deterrence and the importance of keeping a level playing field by maintaining a drug free industry. We also take into account Mr Robinson’s guilty plea.
12. On the Bring The Spring charges we suspend Mr Robinson for 15 months but suspend 13 months of that period pending no further breach of GAR83 in the next 15 months. We impose no extra penalty on the presentation charge or on the Silver Sultan charges.
13. The suspension shall commence immediately. In addition, both greyhounds are disqualified from the three respective races.

Mark Howard
Registrar, Victorian Racing Tribunal