7 July 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**ROBERT HODGSON**

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

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

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

Mr Robert Hodgson did not attend the hearing.

**Charges and particulars:**

**Charge No. 1 of 2**

Greyhounds Australasia Rule 83 (2) reads as follows:

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

*(2) The owner, trainer or person in charge of a greyhound-*

1. *nominated to compete in an Event;*

1. *presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or*

1. *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 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 *“Kraken Courage”.*

1. “*Kraken Courage*” was nominated to compete 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**).

1. On 29 April 2021, you presented *“Kraken Courage”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Kraken Courage”* 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. 2 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, the trainer of 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 caused to be administered, to *“Kraken Courage”*, a prohibited substance, being Cobalt, which was detected in a sample taken from *“Kraken Courage”* in that:
	1. You *allowed* Mr Thomas Murray to administer treatments to *“Kraken Courage” in circumstances where as the registered Trainer of Kraken Courage you should have been aware as to what was being administered to Kraken Courage and ensure any such administration of treatment was within the scope of the Rules*;
	2. Mr Thomas Murray administered a product containing Cobalt, namely 3ml of the injectable substance ‘V.A.M’, to *“Kraken Courage”* on or around 28 April 2021;
	3. A pre-race sample of urine was taken from “*Kraken Courage*” at the Event (**the Sample**);
	4. Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample and
	5. The mass concentration of cobalt detected in the sample could only be caused by the administration of cobalt.

**Pleas:** Guilty

**DECISION**

1. Mr Robert Hodgson, at all material times, was a registered greyhound trainer who in April 2021 was the trainer of “Kraken Courage”. This decision should be read in conjunction with the decisions also given on 28 June 2022 in the matters of Ms Gayle Lemin and Mr Robert Murray. Kraken Courage was given an injection of the substance VAM by the greyhound’s owner, Mr Thomas Murray, under the supervision of Ms Lemin. As the trainer, Mr Hodgson was responsible for presenting the dog for an event whilst free of a prohibited substance.
2. Mr Hodgson has pleaded guilty to a charge under Greyhounds Australasia Rule (“GAR”) 83(2) by presenting a greyhound for an event while not free of a prohibited substance.
3. In setting a penalty we take into account the importance of keeping a level playing field by maintaining a drug free industry.
4. We also take into account the guilty pleas and Mr Hodgson’s good record over many years.
5. In all the circumstances, we impose a penalty of 12 months suspension with 10 months suspended for a period of 24 months.
6. In addition, Kraken Courage is disqualified from Race 11 at Shepparton on 29 April 2021.
7. Mr Hodgson also pleaded guilty to a second charge. That charge is under GAR 83(1A). It alleges that Mr Hodgson allowed the owner of the greyhound, Mr Murray, to administer a prohibited substance to Kraken Courage. As the registered trainer he should have been aware of what was administered to the greyhound. He was aware that Mr Murray was treating the greyhound.
8. Mr Hodgson allowed Mr Murray and Ms Lemin full control over what was administered to the greyhound. He was derelict in his role as a trainer in doing so.
9. Consequently, we impose a penalty of 12 months suspension with 10 months suspended on Charge 1. We impose the same penalty on Charge 2 as we did on Charge 1. That penalty being concurrent with the penalty on Charge 1. The suspension shall commence as from 6 May 2022.
10. It is noted that the penalties in this matter were handed down on 6 May 2022, but the publication of the reasons has been deferred pending the determination of the related proceeding involving Ms Lemin.

Mark Howard
Registrar, Victorian Racing Tribunal