7 July 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**THOMAS MURRAY**

**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 Thomas Murray did not attend the hearing.

**Charges and particulars:**

**Charge No. 1 of 5**

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 or owner licensed by Greyhound Racing Victoria and a person bound by the Greyhound Australasia Rules.
2. *“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**).
3. You administered, or 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 administered a product containing Cobalt, namely 3ml of 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 5**

Greyhounds Australasia Rule 83A reads as follows:

**R83A 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. On 29 April 2021, “*Kraken Courage*” was presented for, 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 28 April 2021*, you administered, or caused to be administered, to “*Kraken Courage*”, a Treatment, being 3ml of the injectable substance “V.A.M” being theday prior to the Event **(the Treatment).**
2. You administered the Treatment without the permission of the Stewards.

**Charge No. 3 of 5**

Greyhounds Australasia Rule 83A reads as follows:

**R83A 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. On 29 April 2021, “*Kraken Courage*” was presented to compete in Race 11, GIPP’S SHIPPING CONTAINERS, Grade 5 T3 **(the Event)**, conducted at the greyhound racing meeting held by the Shepparton Greyhound Racing Club on 29 April 2021 **(the Meeting)**.
3. On 28 April 2021, you administered, or caused to be administered, to “*Kraken Courage*”, a Treatment, being 3ml of the injectable substance “Traumeel” being the day prior to the Meeting **(the Treatment).**
4. You administered the Treatment without the permission of the Stewards.

 **Charge No. 4 of 5**

Greyhounds Australasia Rule 83A reads as follows:

**R83A 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. “Kraken Courage” was nominated to and did compete in Race 12 the A1 Signage, Grade 5, conducted by the Ballarat Greyhound Racing Club at Ballarat on 19 April 2021 (**the Event).**
3. On 18 April 2021, you administered, or caused to be administered, to “*Kraken Courage*”, a Treatment, being 3ml of the injectable substance “V.A.M” being the day prior to the Event **(the Treatment).**
4. You administered the Treatment without the permission of the Stewards.

**Charge No. 5 of 5**

Greyhounds Australasia Rule 83A reads as follows:

**R83A 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. “Kraken Courage” was nominated to and did compete in Race 12 the A1 Signage, Grade 5, conducted by the Ballarat Greyhound Racing Club at Ballarat on 19 April 2021 (**the Event**).
3. On 18 April 2021, you administered, or caused to be administered, to “*Kraken Courage*”, a Treatment, being 3ml of the injectable substance “Traumeel” *being the* day prior to the Event **(the Treatment).**
4. You administered the Treatment without the permission of the Stewards.

**Pleas:** Guilty

**DECISION**

1. Mr Thomas Murray, at all material times, was the registered owner of the greyhound “Kraken Courage”. This decision should be read in conjunction with the decisions given on 28 June 2022 in the matters of Ms Gayle Lemin and Mr Robert Hodgson.
2. Mr Murray has pleaded guilty to a charge of administering VAM to Kraken Courage within a day prior to race day contrary to Greyhounds Australasia Rule (“GAR”) 83A.
3. He has also pleaded guilty to an identical charge but one reflecting to the administration of another injectable substance, “Traumeel” on the day before race day without the permission of the Stewards.
4. Another charge to which there is a guilty plea concerning administration, on the day before race day, of VAM and an earlier occasion being 18 April 2021 in respect of an event in which Kraken Courage ran at Shepparton on 19 April 2021, again without the permission of the Stewards.
5. A final charge, to which there has also been a guilty plea, concerns the administration of Traumeel on 18 April 2021 with the permission of the Stewards.
6. On the first charge, we impose a penalty of 12 months suspension with 10 months suspended for 24 months, pending no further breach of GAR 83.
7. On each of the second and third charges, we impose a penalty of a suspension of six months with three months suspended for 24 months but make the penalty on the third charge wholly concurrent with the penalty on the second charge, but the penalty on Charge 2 cumulative with the penalty imposed on Charge 1.
8. On each of the fourth and fifth charges, we impose the identical penalty to those imposed on Charges 1 and 2 but make them wholly concurrent with the above penalties.
9. The total penalty is as follows: 18 months suspension with 13 months suspended for a period of 24 months.
10. In setting the penalties, we took into account Mr Murray’s good record over a short period and recent penalties in like matters. The suspension shall commence on 6 May 2022.

Mark Howard
Registrar, Victorian Racing Tribunal