29 November 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MICHELLE WILKINS**

**Date of hearing:** 26 November 2024

**Date of decision:** 26 November 2024

**Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Ms Danielle Hikri.

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

Ms Michelle Wilkins represented herself.

**Charges and particulars:**

**Charge No. 1 of 3**

Greyhounds Australasia Rule 141(1) reads as follows:

**Rule 141 Greyhound to be free of prohibited substances**

*(1) The owner, trainer or other person in charge of a greyhound:*

1. *nominated to compete in an Event;*
2. *presented for a satisfactory trial or such other trial as provided for by the Rules; or*
3. *presented for any test or examination for the purpose of a stand-down period being varied or revoked,*

*must 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.
2. You were, at all relevant times, the trainer of the greyhound *“Platinum Bow”.*
3. *“Platinum Bow”* was nominated to compete in Race 5, MAFFRA POLY AND PUMP SPRINT HT1, S/E Heat, conducted by the Sale Greyhound Racing Club at Sale on 24 September 2023 (**the Event**).
4. On 24 September 2023, you presented *“Platinum Bow”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Platinum Bow”* 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 3**

Greyhounds Australasia Rule 142(1) reads as follows:

**Rule 142 Administration of a prohibited substance established in a sample taken from a greyhound in connection with an Event**

1. An offence is committed if a *person*:

1. *administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;*
2. *aids, abets, counsels or procures the administration of or an attempt to administer a prohibited substance to a greyhound; or*
3. *has prior knowledge of a prohibited substance being administered or attempted to be administered to a greyhound,*

*which is established in any sample taken from a greyhound presented for an Event or when subject to any other contingency pursuant to the Rules.*

**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 *“Platinum Bow”.*
3. *“Platinum Bow”* was presented for, and competed in Race 5, MAFFRA POLY AND PUMP SPRINT HT1, S/E Heat, conducted by the Sale Greyhound Racing Club at Sale on 24 September 2023 (**the Event**).
4. You administered, or caused to be administered, to *“Platinum Bow”,* a prohibited substance, being Cobalt, which was detected in a sample taken from *“Platinum Bow”* in that:
	1. You are responsible for the feeding of, and administration of supplements to, “*Platinum Bow*”;
	2. Two (2) products containing cobalt, namely “Feramo D” and “VAM Paste”, were identified at your kennels on 26 October 2023;
	3. A pre-race sample of urine was taken from *“Platinum Bow”* 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.

**Charge No. 3 of 3**

Greyhounds Australasia Rule 151(1) reads as follows:

**Rule 151 Treatment records to be kept**

1. *The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:*
	1. *from the time the greyhound enters their care until the greyhound leaves their care; and*
	2. *for a minimum of two years*
2. *If requested by a Controlling Body, a Steward, or an authorised person, the record/s of treatment referred to in subrule (1) of this rule must be produced for inspection.*
3. *Each record of treatment kept in accordance with this rule must be made by midnight on the day on which the treatment was given, and, as a minimum requirement, include the following information:*
4. *the name of the greyhound;*
5. *the date and time of administration of the treatment;*
6. *the name of the treatment (brand name or active constituent);*
7. *the route of administration;*
8. *the amount given; and*
9. *the name and signature of the person or persons administering and/or authorising the treatment.*

*For the purpose of subrule (3), “day” means the 24-hour period from 12.00am to 11.59pm on any calendar day.*

1. *An offence is committed if any person in charge of a greyhound at the relevant time fails to comply with any of subrules (1) to (3) of this rule.*
2. *A person who commits an offence under subrule (4) of this rule may be penalised.*
3. *For the purposes of this rule “treatment” includes:*
4. *all Controlled Drugs (Schedule 8);*
5. *all Prescription Animal Remedies and Prescription Only Medicines (Schedule 4);*
6. *any injectable substance not already specified in this rule, notwithstanding the route of administration;*
7. *all Pharmacist Only (Schedule 3) and Pharmacy Only (Schedule 2) medicines; and*
8. *all veterinary and other medicines containing other scheduled or 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. You were at all relevant times the Trainer of the greyhound *“Platinum Bow”.*
3. In or around September 2023, you administered a treatment, namely the substance “Chlorsig eye drops” to *“Platinum Bow”* **(the Treatment).**
4. The Treatment was not recorded in your treatment records when you produced them.
5. The Treatment is required to be recorded in your treatment records.

**Pleas:** Guilty to all Charges.

**DECISION**

1. Ms Michelle Wilkins is a registered greyhound trainer. She comes before us on three charges.
2. The first is a presentation charge. It is alleged that Platinum Bow, trained by her, was presented to race at Sale on 24 September 2023 when it contained a level of cobalt in its system over the threshold. The level detected was 169ng/ml. The threshold level is at or below 100ng/ml.
3. The second is a charge that she administered that cobalt to the dog. That substance was in two supplements named of Feramo D and VAM paste. These supplements were found by the Stewards in her kennels on 26 October 2023. She admitted to having recently fed these supplements to her dogs.
4. The third charge is that her treatment records were incomplete. This charge arises out of her admission to the Stewards that in about September 2023 she administered Chlorsig eye drops to Platinum Bow. She did not record that administration in her treatment records.
5. There are 49 veterinary products that contain cobalt. The supplements VAM and Feramo D contain this substance, although if fed in accordance with the recommended dose rate and frequency, the level should not exceed the threshold. It appears probable that Ms Wilkins made an error as to the correct dose or frequency of administration of either one or both of these medications.
6. Dr Karamatic noted that neither of these substances were recorded in Ms Wilkin’s treatment records. Ms Wilkins told the Stewards that she had not recorded them in her treatment records but that the administration of these substances was recorded in her EHMP. She had not realised that the entry was required to be recorded in both places.
7. She had also not realised that the eye drops needed to be recorded.
8. It was because her treatment records were otherwise in a very good state that the Stewards determined not to proceed against her in relation to failing to record the administration of Feramo D and VAM.
9. At a level over the threshold, cobalt is a performance enhancing agent. It also has some benefits in the treatment of anaemia in greyhounds. At very high doses it can be toxic to greyhounds.
10. Ms Wilkins told the Stewards that she had not realised that the ferromex paste contained cobalt, although she realised that the VAM paste did. She thought that she must have inadvertently given too much cobalt by giving both these substances. She was not accustomed to feeding supplements, but she had found that one of her dogs was a little anaemic. She had added these supplements to the feed as a corrective measure.
11. Since having received the positive swab, she has stopped using VAM paste completely.
12. Ms Wilkins is a pensioner and she races dogs as a hobby. She has presently 4 racing greyhounds. She has been involved in the industry in Victoria for three or four years, but before that was racing in NSW for about 12 years. She has no prior matters of any consequence. She entered a very early guilty plea.
13. The level of cobalt found is towards the lower end of cases of this type. Her care for her greyhounds is otherwise exceptional and her level of cooperation with the stewards was very high.
14. We acknowledge the need for consistency in sentencing in cases of this type and we also acknowledge the need for general deterrence in order to promote a drug free industry. We note that there have been warnings about the feeding of supplements issued by GRV. Ms Wilkins has described this process to us as being an event where she has learned a very big lesson. We are satisfied that she simply did not understand the dangers of the combination of supplements which she fed to her dogs. She appears not to have read the warnings to the industry and is extremely remorseful about having placed herself in this position.
15. Taking all these matters into account the penalty which we impose is as follows.
16. On the first charge, which is the presentation charge, the penalty which we impose is a suspension for 12 months, with 11 months of that suspension fully suspended for 12 months. This makes an active period of suspension of one month.
17. On the second charge, which is the administration charge, the penalty which we impose is suspension for 12 months, with 11 months of that suspension fully suspended for 12 months. This makes an active period of suspension of one month.
18. We order that the penalties for charges one and two be served concurrently. Thus, the total period of suspension is 12 months and the total active period of suspension is one month.
19. On the third charge, which is the treatment record charge, the penalty which we impose is a fine of $250 fully suspended for 12 months.
20. The suspension periods are to commence immediately.
21. Platinum Bow is disqualified from Race 5 at Sale on 24 September 2023 and the finishing order is amended accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal