13 December 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**JAY ROBINSON**

**Date of hearing:** 18 November 2024

**Date of decision:** 13 December 2024

**Panel:** Judge John Bowman (Chairperson), Ms Maree Payne and Dr Andrew Gould.

**Appearances:** Ms Yana Podolskaya appeared on behalf of the Stewards.

Mr Jay Robinson represented himself.

**Charges:** Greyhounds Australasia Rule (“GAR”) 141(1) states:

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

(a) nominated to compete in an Event;

(b) presented for a satisfactory trial or such other trial as provided for by the Rules; or

(c) 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.

GAR 139(3)(a) states:

(3) When a sample taken from a greyhound being trained by a trainer or in the care of a registered person has been established to contain a permanently banned prohibited substance:

(a) the trainer and any other person who was in charge of the relevant greyhound at the relevant time shall be guilty of an offence.

GAR 142(1) states:

(1) An offence is committed if a person:

(a) administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;

(b) aids, abets, counsels or procures the administration of or an attempt to administer a prohibited substance to a greyhound; or

(c) 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.

GAR 156(h) states:

An offence is committed if a person (including an official):

(h) disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorised by a Controlling Body with official duties in relation to greyhound racing.

GAR 151(3) states:

(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:

(a) the name of the greyhound;

(b) the date and time of administration of the treatment;

(c) the name of the treatment (brand name or active constituent);

(d) the route of administration;

(e) the amount given; and

(f) 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.

**Particulars: Brief 1**

**Charge 1: GAR 141(1)**

 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 “Applicant”.

3. Applicant was nominated to compete in Race 8, MONTROSE IGA LIQUOR, Grade 5 T3, conducted by the Healesville Greyhound Racing Association at Healesville on 1 March 2024 (the Event).

4. On 1 March 2024, you presented Applicant at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Applicant at the Event (the Sample);

(b) Prednisolone and Prednisone were detected in the Sample.

**Brief 2**

**Charge 1: GAR 141(1)**

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 “Applicant”.

3. Applicant was nominated to compete in Race 10, conducted by the Sandown Greyhound Racing Club at Sandown on 24 June 2024 (the Event).

4. On 24 June 2024, you presented Applicant at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Applicant at the Event (the Sample);

(b) Ostarine was detected in the sample.

**Charge 2: GAR 139(3)(a)**

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 “Applicant”.

3. An out of competition sample was taken from Applicant at your registered kennel address in Flowerdale, Victoria on 12 July 2024.

4. Ostarine was detected in the Sample.

5. Ostarine is a permanently banned prohibited substance.

**Charge 3: GAR 139(3)(a)**

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 “Applicant”.

3. An out of competition sample was taken from Applicant at your registered kennel address in Flowerdale, Victoria on 12 July 2024.

4. Ipamorelin was detected in the Sample.

5. Ipamorelin is a permanently banned prohibited substance.

**Charge 4: GAR 141(1)**

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 “Applicant”.

3. Applicant was nominated to compete in Race 5, conducted by the Shepparton Greyhound Racing Club at Shepparton on 2 September 2024 (the Event).

4. On 2 September 2024, you presented Applicant at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Applicant at the Event (the Sample);

(b) Caffeine and its metabolites Theophylline, Paraxanthine and Theobromine were detected in the sample.

**Charge 5: GAR 142(1)**

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 “Applicant”.

3. Applicant was presented for, and competed in, Race 5, conducted by the Shepparton Greyhound Racing Club at Shepparton on 2 September 2024 (the Event).

4. You administered, or caused to be administered, to Applicant, a prohibited substance, being Caffeine, which was detected in a sample taken from Applicant in that:

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

(b) One (1) product containing Caffeine, namely “Itz Magic”, was identified at your kennels on 10 October 2024;

(c) You administered Caffeine, to Applicant on or around 31 August 2024;

(d) A pre-race sample of urine was taken from Applicant at the Event (the Sample);

(e) Caffeine and its metabolites Theophylline, Paraxanthine and Theobromine were detected in the sample.

**Charge 6: GAR 156(h)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 31 July 2024 Investigative Stewards conducted a kennel inspection at your registered kennel address where you were issued with a lawful order to produce your mobile phone for the purpose of forensic analysis.

3. You refused to comply with the lawful order in that you refused to provide your mobile device when ordered.

**Charge 7: GAR 151(3)**

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 “Applicant”.

3. You administered a treatment, namely the substance “Itz Magic” (the Treatment) to Applicant on or around 31 August 2024.

4. The Treatment was not recorded in your treatment records when you produced them to GRV Stewards upon their request on 10 October 2024.

5. The Treatment is required to be recorded in your treatment records.

**Pleas:** Guilty to all Charges

**DECISION**

Mr Jay Robinson, you have pleaded guilty to a total of eight charges, contained in two briefs.

**Brief 1**

There is only one charge in Brief 1. It concerns a breach of Greyhounds Australasia Rule (“GAR”) 141(1). This in turn is related to the presentation of the greyhound, “Applicant”, who was presented for and competed in Race 8 at Healesville on 1 March 2024. A pre-race urine sample tested positive to the prohibited substances prednisolone and prednisone, which we shall refer to as prednisolone.

As stated in the report of Dr Steven Karamatic, prednisolone is categorised as a therapeutic substance. It is an anti-inflammatory, which has a variety of side effects. Thus, any effect on performance is likely to be positive by producing an artificial pain free state.

The source of the prednisolone is unknown. Personal medication used by you was considered by the Stewards. It is a possibility.

A kennel inspection failed to reveal the presence of any possibly relevant substance.

In a telephone interview with the Stewards on 16 May 2024, you were informed of the positive result of the swab and told that, on a list of prohibited substances, prednisolone would be at the “lower end”. You were not able to provide any explanation as to the source of the prohibited substance. The dog was not receiving any veterinary treatment and you did not believe that any medication which you were taking, and which you supplied, could be the source of the prednisolone. You also stated that you had changed to feeding your dogs “human meat”. You did mention financial pressures. The investigating Steward referred to knackery meat as being “key”.

As stated, you have pleaded guilty to the charge. We shall return to it on the question of penalty.

**Brief 2**

Brief 2 involves some seven charges. Some are inter-related.

Charge 1 involves a breach of GAR 141(1). It also involves the greyhound Applicant and again is a presentation charge. The charge arises out of a pre-race urine sample taken before Race 10 at Sandown on 24 June 2024. On this occasion, the prohibited substance was ostarine.

In the opinion of Dr Karamatic, ostarine would be capable of having anabolic effects. The use of anabolic agents could give an unfair performance advantage and increase endurance.

You were twice interviewed by the Stewards. No cause of the positive swab could be identified with any confidence, although knackery meat again received some attention.

Charges 2 and 3 are related to some extent, in that each arises from an out of competition sample taken from Applicant at your kennels on 12 July 2024. The sample related to Charge 2 tested positive to ostarine. The sample taken that day also provided positive to ipamorelin.

The possible effect of ostarine has already been discussed above. Ipamorelin is a prohibited and permanently banned substance. Dr Karamatic refers to it as a peptide available illegally for gym body building and the like. It could give an unfair advantage to greyhounds by increasing speed and endurance. During the Stewards’ interview concerning Charges 2 and 3, the use of knackery meat again received some attention. However, you could provide no other information or explanation, although there was some discussion of a very small dose of a substance containing caffeine when kennel cough was prevalent.

Charge 4 is based upon a breach of GAR 141(1). It also involves Applicant, trained by you, and a pre-race sample taken from it on 2 September 2024 prior to its participation in Race 5 at Shepparton.

That sample proved positive to the prohibited substance caffeine and its metabolites. In the opinion of Dr Karamatic, caffeine is known to improve the performance of greyhounds. Your explanation of this positive reading seems to be that it was due to a supplement called “Itz Magic”, which had been seen in your kennels.

Charge 5 involves a breach of GAR 142(1), which could be summarised as the administration of a prohibited substance. It has effectively the same factual basis as that for Charge 4 and relates to the product “Itz Magic” and Applicant’s involvement in Race 5 at Shepparton on 2 September 2024. Administration on or around 31 August 2024 is alleged.

Charge 6 relates to a breach of GAR 156(h). On 31 July 2024, the Stewards conducted a kennel inspection at your kennels. You were issued with a lawful order to produce your mobile phone. You refused to provide it. This constituted disobeying or refusing to comply with a lawful order.

Finally, Charge 7 concerns a breach of GAR 151(3). You had administered “Itz Magic” to Applicant on or about 31 August 2024. This was not recorded in your treatment records and was therefore a breach of this Rule.

As stated, you have pleaded guilty to all these charges.

Turning to your background, you have been an owner since 19 September 2016 and a public trainer since 5 June 2017. You are currently suspended and have been so since 15 October 2024, that suspension relating to the charges before us. At the time of the commission of these offences, you had approximately seven dogs at your kennels, but only Applicant seems to have been racing.

You and your partner reside at Murchison, having previously been as Hazeldene. You have had some health problems, but have told the Stewards that, whilst you are on medication, you do not suggest that this has any bearing on the case. As stated, there was some discussion in relation to knackery meat.

It would also appear that your financial position is not strong.

**PENALTY**

We turn now to the penalties to be imposed. It seems to us that periods of suspension or disqualification are inevitable and appropriate for all charges, with the exception of Charge 7 in Brief 2, which relates to treatment records. Two fines are also appropriate.

These are largely offences that strike at the heart of the integrity of greyhound racing, involving as they do prohibited substances, which can affect the performance of dogs. Even if some of the offences involve knackery meat, participants have been warned time and time again as to the risks associated with it.

It is worth noting that you have been suspended since 15 October 2024 pending the hearing and determination of these charges. Thus, any active suspension or disqualification that we impose will be backdated to commence from that date.

The penalties at which we have arrived are as follows: -

**Brief 1**

Charge 1: six month suspension, with three months suspended for 24 months and a $1,500 fine, with $750 suspended for 24 months. The suspension is effective from the date you regain your license, if it is successfully applied for again. The effective $750 fine is payable immediately and the 24 month period for the suspended portion of the fine, being $750, is to commence in line with the suspension.

Applicant is disqualified from Race 8 at Healesville on 1 March 2024 and the finishing order is amended accordingly.

**Brief 2**

Charge 1: 12 month disqualification, backdated to commence on 15 October 2024.

Applicant is disqualified from Race 10 at Sandown on 24 June 2024 and the finishing order is amended accordingly.

Charge 2: 12 month disqualification to be served concurrently with the penalty imposed on Charge 1.

Charge 3: 12 month disqualification to be served concurrently with the penalty imposed on Charge 1.

Charge 4: 3 month disqualification to be served cumulatively on the penalty imposed on Charge 1.

Applicant is disqualified from Race 5 at Shepparton on 2 September 2024 and the finishing order is amended accordingly.

Charge 5: 3 month disqualification to be served concurrently with the penalty imposed on Charge 4 and a $1,000 fine.

Charge 6: 3 month disqualification to be served concurrently with the penalty imposed on Charge 1.

Charge 7: $250 fine which is concurrent with the penalty imposed on Charge 5.

Thus, the total overall effective penalty for Briefs 1 and 2 is a 15 month disqualification, backdated to commence on 15 October 2024, and a total fine payable of $1,750. As stated above, if you are to successfully regain your license at the conclusion of the disqualification period, a six month suspension will be immediately effective from that date, with three months suspended for 24 months and the remaining portion of the fine, being $750, which is also suspended for 24 months.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal