23 June 2025

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**DAVID SHOVAN**

**Date of hearing:** 12 June 2025

**Date of Decision:** 12 June 2025

**Panel:** Judge John Bowman (Chairperson) and Ms Amanda Dickens.

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

 Mr David Shovan represented himself.

**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:
2. nominated to compete in an Event;
3. presented for a satisfactory trial or such other trial as provided for by the Rules; or
4. 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 the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) and a person bound by the Greyhounds Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound “Mumma Moo Shaka”
3. “Mumma Moo Shaka” was nominated to compete in Race 9, WE WILL REMEMBER THEM (275+ RANK) Grade 6, conducted by the Shepparton Greyhound Racing Club at Shepparton on 25 April 2024 (The Event).
4. On 25 April 2024, you presented “Mumma Moo Shaka” at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Mumma Moo Shaka”* upon arrival 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) which reads as follows:

**Rule 142 Administration of a prohibited substance**

1. An offence is committed if a person:
2. administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;
3. aids, abets, counsels or procures the administration of or an attempt to administer a prohibited substance to a greyhound; or
4. 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 *“Mumma Moo Shaka”.*
3. *“Mumma Moo Shaka”* was presented for, and competed in, Race 9, WE WILL REMEMBER THEM (275+ RANK), Grade 6, conducted by the Shepparton Greyhound Racing Club at Shepparton on 25 April 2024 (**the Event**).
4. You administered, or caused to be administered, to *“Mumma Moo Shaka”,* a prohibited substance, being Cobalt, which was detected in a sample taken from *“Mumma Moo Shaka”* in that:
	1. You are responsible for the feeding of, and administration of supplements to, “*Mumma Moo Shaka*”;
	2. Two (2) products containing cobalt, namely “Livamol” and “Diatomaceous Earth” were identified at your kennels on 24 May 2024;
	3. A pre-race sample of urine was taken from *“Mumma Moo Shaka”* upon 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(3) which 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 Greyhound Racing Victoria Rules of Racing.
2. On 24 May 2024, you presented treatment records for inspection, upon request from GRV Steward Roslyn Fazulla, a person authorised by the Controlling Body, for greyhounds for which you were the responsible person at the relevant time, including “*Mumma Moo Shaka*”.
3. You did fail to record the minimum requirements for treatments recorded by you, namely the treatment ‘worming’ recorded on a whiteboard, in that you:
4. failed to record the date and time of administration of the treatment; and/or
5. failed to record the name of the treatment by brand name or active constituent; and/or
6. failed to record the route of administration of the treatment; and/or
7. failed to record the amount of the treatment given; and/or
8. failed to record the signature of person or persons administering and/or authorising the treatment.

and/or

1. You did fail to record the treatment “Diatomaceous Earth”, containing ‘Cobalt’, that was being administered to “*Mumma Moo Shaka*” on a daily basis throughout April 2024.

**Pleas:** Guilty to all charges

**DECISION**

Mr David Shovan, you are pleading guilty to Charge 1, a breach Greyhounds Australasia Rule (“GAR”) 141(1) – what is usually described as an administration Charge. You are also pleading guilty to Charge 3, which is a breach of GAR 151, a failure to keep proper records.

In relation to Charge 2, a breach of GAR 142(1), also an administration offence, there was some discussion. The bottom line is that you were asserting that you normally feed your greyhound Livamol, but at the time of this offence you had additionally started using “Diatomaceous Earth”. You had unknowingly increased the level of Cobalt given to your greyhounds. Effectively you are pleading guilty, but with an explanation, particularly in relation to Charge 2. After some discussion, this approach was adopted. In any event, we are comfortably satisfied that Charge 2 has been proven.

The origin of this Charge is a positive swab taken from your greyhound, “Mumma Moo Shaka” in Race 9 at Shepparton on 25 April 2024. They greyhound ran fourth. A pre-race swab sample proved positive to cobalt greater that 100 nanograms per millilitre.

As stated by Dr Karamatic in his report, any effect of this on performance is likely to be positive.

Your explanation in relation to the cobalt charge is one which we accept. You added Diatomaceous Earth to the greyhound’s usual feed of Livamol. You did not anticipate that this would impact upon the cobalt level.

Your background is that you have been a licensed public trainer since 30 June 2007 and in this State since 20 June 2012. You have an excellent record, with no prior relevant offence. You and your partner live in rented premises on a modest sized farm and you train approximately 12 greyhounds there. You do not engage in other employment, having suffered a shoulder injury of some magnitude, in addition to the fact you have been diagnosed with a melanoma. You are on a waiting list for treatment in that regard. As stated, you have a particularly good record.

We also accept that, once you realised the potential impact of the addition of Diatomaceous Earth to the diet of your greyhounds, you ceased using it completely.

Thus, we have a person with an excellent record who has been, to some extent, a victim of circumstances, although you could have been more cautious about adding it to the diet of your greyhounds.

We have considered the penalties imposed in like cases and the circumstances of your case. We are confident that you are unlikely to offend again in this way. A penalty must be imposed which reflects the importance of eliminating prohibited substances and helps preserve the integrity of the industry. However, we are also of the view that this was not a deliberate or flagrant breach of the relevant Rules.

In relation to Charge 3, we appreciate that you did keep records, but your record keeping was inadequate. Again, there was no flagrant or deliberate breaching of the Rule or total negligence in relation to it.

Bearing all of the above in mind, we have arrived at the following penalties.

On Charge 1, you are suspended for a period of 12 months, 11 months of that penalty suspended for a period of 24 months. In other words, the immediate effective penalty is suspension for one month. The other 11 months shall be hanging over you for 24 months. As stated, we are confident that no further relevant breach shall occur.

On Charge 2, the penalty is identical to that of Charge 1 and is concurrent with it. When the two are combined, the total penalty remains suspension for 12 months, but with 11 months in turn suspended for 24 months.

On Charge 3, you are fined the sum of $300, but in the circumstances, that fine is suspended for 12 months and shall only be activated in the event of a similar offence.

Finally, Mumma Moo Shaka is disqualified from Race 9 at Shepparton on 25 April 2024 and the finishing order is amended accordingly.

Paige Macdonald

A/Assistant Registrar, Victorian Racing Tribunal