

Racing Appeals & Disciplinary Board

Media Release

20 January 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Friday, 20 January 2017
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria
Panel: Mr. Shane Marshall (Chairman), Mr. Terry O'Connor (Deputy
Chairman), and Mr. Phillip Davies
Name of Person Charged: Mr. Norman Burns
Town: Rushworth
Track: Bendigo
Date: 27 July 2016
GAR No: 83 (1A) and 83 (2)(3)

Offences Charged: Charge 1 Mr. Norman Burns administered or caused to be administered a prohibited substance to the greyhound 'Fancy Bounce' at the Bendigo meeting held on 27 July 2016.

Charge 2 Mr. Norman Burns failed to present the greyhound 'Fancy Bounce' free of any prohibited substance for an event at the Bendigo meeting held on 27 July 2016.

REPORT:

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of a post-race urine sample taken from the greyhound 'Fancy Bounce' at the Bendigo meeting held on 27 July 2016.

During the investigation, Stewards received evidence from registered trainer Mr. Norman Burns, Mr. Paul Zahra (Racing Analytical Services Laboratory) and Dr. Steven Karamatic (GRV Chief Veterinarian).

After considering the evidence, Stewards charged Mr. Burns with a breach of Greyhounds Australasia Rule 83 (1A) and 83(2)(3) in that he failed to present the greyhound 'Fancy Bounce' free of any prohibited substance for an event at the Bendigo meeting held on 27 July 2016 given that the post-race urine sample taken from the greyhound indicated the presence of the prohibited substance cobalt.

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Under Rule 47.1 of the Greyhound Racing Victoria Local Rules breaches of GAR83 (1A) and GAR83 (2)(3) constitute Serious Offences. As a result on Friday, 20 January 2017 this matter was heard before the Racing Appeals and Disciplinary Board in the first instance under Greyhound Local Racing Rule 47.3 and Sections 83C(b) and 83M(1) of the Racing Act.

Mr. Norman Burns represented himself.

Mr. Patrick Considine Minter Ellison Solicitors represented the Stewards Panel.

Mr. Norman Burns pleaded guilty to the charges.

DECISION:

1. Mr. Norman Burns is a registered greyhound trainer of greyhounds and the trainer of the greyhound "Fancy Bounce". Fancy Bounce competed in race 12 at Bendigo on 27 July 2016 and won the race. A post-race urine sample taken from the greyhound detected cobalt at a mass concentration of greater than 100 nanograms per millilitre.
2. Stewards of Greyhound Racing Victoria ("GRV") have charged Mr. Burns under Greyhound Australasia Rule ("GAR") 83 (1A) with administering a prohibited substance to a greyhound that has been presented for an event, being a prohibited substance which is detected in a sample taken from a greyhound. There is also a charge under GAR83 (2) and (3) of presenting a greyhound for an event while not being free of a prohibited substance.
3. Mr. Burns has pleaded guilty to each charge. The Board finds the charges proven. It will assess the appropriate penalty on the more serious administration charge and impose no extra penalty on the presentation charge which arises out of the same substratum of facts.
4. Cobalt is a prohibited substance when it is present in a sample at greater than 100 nanograms per millilitre. That is a combined effect of GAR83 (10) and the definition of "prohibited substance" in GAR (1). The sample taken from Fancy Bounce contained cobalt at a mass concentration of 109 nanograms per millilitre.
5. Mr. Burns is a small hobby trainer and at the material time, trained three greyhounds together with his partner, Ms. O'Mara. Ms. O'Mara was responsible for feeding the greyhounds, including Fancy Bounce. Part of the regular feeding regime included cobalt containing substances, Ferramo D, Stockgain and Livamol. Mr. Burns and Ms. O'Mara did not realize that these supplements contained cobalt. They were not aware of the steps taken by GRV to advise trainers of the introduction of a urinary cobalt threshold and warnings about the use of vitamin supplements containing cobalt. These are discussed in our decision in Crawford (12 July 2016).

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6. In assessing penalty the Board is guided by the principles of specific deterrence, general deterrence and the upholding of the integrity of the industry by providing drug free racing. The Board also has regard to penalties given in like cases. Specific deterrence is not an important consideration as Mr. Burns has learned from his experience not to use cobalt containing supplements. General deterrence and the upholding of the integrity of the industry are important considerations. There are also animal welfare considerations relevant to the use of cobalt.
7. Taking into account Mr. Burns excellent record, co-operation with the Stewards, his guilty plea and penalties given in other similar cobalt matters, the Board considers that the appropriate penalty is 12 months' disqualification with 8 months of that period being suspended provided there are no further breaches of GAR 83 in the following 12 months. The disqualification shall commence on 29 January 2017.
8. In addition "Fancy Bounce" is disqualified from race 12 at Bendigo on 27 July 2016.
9. We note that we have given Mr. Burns a small discount for the concept of "recency", given that the prohibited substance was only detected some two weeks after our 12 July 2016 decision in Crawford. In future cases such a discount may not be available in cobalt matters.

.....End.....