

## Racing Appeals & Disciplinary Board

# Media Release

13 February 2017

## Racing Appeals & Disciplinary Board

Date of Hearing: Monday, 13 February 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. Chris Armstrong  
Town: Hoppers Crossing  
Track: Ballarat  
Date: 5 September 2016  
GAR No: 83 (1A) and 83 (2)(3)

Offences Charged: (1) Mr. Chris Armstrong administered or caused to be  
administered a prohibited substance to the greyhound 'Nirvana  
Armo' prior to the Ballarat meeting held on 5 September 2016.

(2) Mr. Chris Armstrong failed to present the greyhound  
'Nirvana Armo' free of any prohibited substance for an event prior  
to the Ballarat meeting held on 5 September 2016.

### **REPORT:**

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of the pre-race urine sample taken from the greyhound 'Nirvana Armo' at the Ballarat meeting held on 5 September 2016.

During the investigation, Stewards received evidence from registered trainer Mr. Chris Armstrong, Ms. Naomi Selvadurai (Racing Analytical Services Laboratory) and Dr. Steven Karamatic (GRV Chief Veterinarian).

After considering the evidence, Stewards charged Mr. Armstrong with breaches of Greyhounds Australasia Rule 83 (1A) and 83 (2)(3) as detailed above, given that the pre-race urine sample taken from the greyhound indicated the presence of the prohibited substance cobalt at a mass concentration of greater than 100 nanograms per millilitre.

The Racing Appeals & Disciplinary Board (RADB) is established under section 83B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

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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 Monday, 13 February 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. Chris Armstrong represented himself.

Mr. Andrew Cusumano Solicitor Greyhound Racing Victoria represented the Stewards Panel.

Mr. Chris Armstrong pleaded guilty to the charges.

### **DECISION:**

1. Mr. Chris Armstrong is a registered greyhound trainer and the trainer of the greyhound, "Nirvana Armo". Nirvana Armo competed in race 2 at Ballarat on 5 September 2016. A pre-race urine sample was taken from the greyhound on arrival at the racetrack car park. Cobalt was detected in the sample at a mass concentration of greater than 100 nanograms per millilitre. Racing Analytical Services Ltd ("RASL") detected cobalt at 490 ng/ml. Somewhat unhelpfully the referee laboratory in Queensland reported cobalt in the reserve sample at "greater than" 200 ng/ml.
2. Stewards of Greyhound Racing Victoria ("GRV") have charged Mr. Armstrong under Greyhound Australasia Rule ("GAR") 83 (1A) with administering a prohibited substance which is detected in a sample taken from a greyhound. There is also a charge under GAR 83 (2) and (3) of presenting a greyhound for an event while not being free of a prohibited substance.
3. Mr. Armstrong has pleaded guilty to each charge. The Board finds the charges proven. It will assess the appropriate penalty on the administration charge and impose no extra penalty on the presentation charge which arises out of the same sub-stratum of facts.
4. Cobalt is a prohibited substance when it is present in a sample at greater than 100 nanograms per millilitre. That is the effect of GAR 83 (10) and the definition of "prohibited substance" in GAR (1).
5. Mr. Armstrong used a cobalt containing substance in his feeding regime without giving a thought as to whether the substance contained cobalt and, if so, how much. The product is called "Animo Cal Plus" by "Rapidvite". Its label shows that it contains cobalt and vitamin B12. Mr. Armstrong claims he didn't know the substance contained cobalt and told a stewards inquiry into the positive swab that he never gave cobalt a thought.

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6. At the time of the positive swab, Mr. Armstrong had only been training a few months. This was his first swab. He told the stewards inquiry that he didn't know about the cobalt threshold until the kennel inspection following the positive swab. Being a registered trainer carries certain responsibilities. One of them is the responsibility to be familiar with the rules governing prohibited substances. It is not good enough to proceed in blissful ignorance of the steps taken by GRV to reduce the effect of cobalt in the industry to promote a more level playing field.
7. 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 takes into account penalties in other cobalt matters. Specific deterrence does not loom large because we are satisfied that Mr. Armstrong has learned his lesson about feeding cobalt containing substances and is remorseful. However, general deterrence and the upholding of the integrity of the industry are important matters. Animal welfare considerations are also relevant as cobalt can be injurious to the health of greyhounds.
8. Taking into account Mr. Armstrong's guilty plea and his co-operation with the Stewards, the Board considers the appropriate penalty is 15 months disqualification with 9 months of that period being suspended provided that there is no further breach of GAR 83 in the next 15 months. In addition, Nirvana Armo is disqualified from race 2 at Ballarat on 5 September 2016. The period of disqualification referred to above shall commence on 22 February 2017.

.....End.....