

Racing Appeals & Disciplinary Board

Media Release

24 January 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Tuesday, 24 January 2017
Venue of Hearing: Law Institute of Victoria, 470 Bourke St, Melbourne
Panel: Mr. Shane Marshall (Chairman), Mr. Terry O'Connor (Deputy Chairman), and Mr. Phillip Davies
Name of Person Charged: Mr. Greg Bromley
Town: Bendigo
Track: Shepparton
Date: 22 August 2016
GAR No: 83 (1A) and 83 (2)(3)

Offences Charged: (1) Mr. Greg Bromley administered or caused to be administered a prohibited substance to the greyhound 'Lemon Patchwork' at the Shepparton meeting held on 22 August 2016.

(2) Mr. Greg Bromley failed to present the greyhound 'Lemon Patchwork' free of any prohibited substance for an event at the Shepparton meeting held on 22 August 2016.

REPORT:

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of the post-race urine sample taken from the greyhound 'Lemon Patchwork' at the Shepparton meeting held on 22 August 2016.

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

After considering the evidence, Stewards charged Mr. Bromley with breaches of Greyhounds Australasia Rule 83 (1A) and 83 (2)(3) as detailed above, 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 Tuesday, 24 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. Greg Bromley did not appear at the hearing however he supplied a written statement to the Board.

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

Mr. Greg Bromley pleaded guilty to the charges which was indicated on the statement provided to the Board.

DECISION:

1. Mr. Greg Bromley is a registered greyhound trainer and was, at all material times, the trainer of the greyhound, "Lemon Patchwork". Lemon Patchwork competed in race 4 at Shepparton on 22 August 2016. 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. Bromley 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 GAR 83 (2) and (3) of presenting a greyhound for an event while not being free of a prohibited substance.
3. Mr. Bromley has pleaded guilty to the charges. 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 first 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 combined effect of GAR 83 (10) and the definition of "prohibited substance" in GAR (1). The sample taken from Lemon Patchwork contained cobalt at mass concentrations of 400 nanograms per millilitre.
5. According to GRV's Chief Veterinarian, Dr. Karamatic, cobalt is a naturally occurring trace element that is normally present in greyhounds at very low levels as a result of normal dietary intake. It is also present in the structure of vitamin B12. Also according to Dr. Karamatic, the chronic administration of cobalt has been associated with a number of toxic effects and it is capable of affecting the condition or performance of a greyhound. Any effect on performance says Dr. Karamatic, is more likely to be positive.

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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6. In our decision in Crawford (12 July 2016), we set out the steps taken by GRV to advise trainers of the cobalt threshold which was introduced on 1 December 2015 and the substances which were likely to contain cobalt. Mr. Bromley was aware of the cobalt threshold being in place a long time before the event on 22 August 2016. He was aware that there was material about cobalt on the GRV website but claimed he could not locate it. He did not attend any of the "roadshows" put on by GRV to educate trainers about cobalt. Had he done so he would have been aware that injecting greyhounds with B12 and Hemoplex ran the risk of exceeding the threshold. Mr. Bromley admitted that two days before the race he injected Lemon Patchwork with Hemoplex and B12. He also used Livamol in the feed of the greyhound, unaware that it contained cobalt. He believed he used B12 within an appropriate withholding period. The very high cobalt reading makes that belief difficult to comprehend, even taking into account the possibility of peculiarities in the metabolism of the greyhound.
7. In our view, Mr. Bromley did not take sufficient care to inform himself about the effects of the many products that may cause high cobalt readings in his greyhounds. After the Crawford decision trainers were put on notice about the problems caused by using cobalt containing substances.
8. In assessing penalty the Board takes into account specific deterrence, general deterrence, the upholding of the integrity of the industry by providing drug free racing and animal welfare considerations. We also have regard to other penalties given in like matters. In this matter general deterrence and the importance of drug free racing are very important matters, as are animal welfare considerations.
9. We take into account Mr. Bromley's guilty plea, good character his co-operation with stewards in identifying the offending products. However this is not a case where leniency can be afforded due to the concept of "recency". The event in question was run 6 weeks after our decision in Crawford and long after the introduction of the threshold and the education process undertaken by GRV. In all the circumstances we consider that the appropriate penalty is 15 months disqualification with 9 months of that period being suspended pending no further breach of GAR 83 in the next 12 months. The disqualification shall commence on 2 February 2017. In addition, Lemon Patchwork is disqualified from race 4 at Shepparton on 22 August 2016.

.....End.....