

Racing Appeals & Disciplinary Board

Media Release

17 February 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Friday, 17 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 Pryor
Name of Person Charged: Mrs. Isobel Partington
Town: Pearcedale
Tracks: Cranbourne
Dates: 8 July 2016
GAR No: 83 (1A) and 83 (2)(3)

Offences Charged: (1) Mrs. Isobel Partington administered or caused to be administered a prohibited substance to the greyhound 'Belron Brum' at the Cranbourne meeting held on 8 July 2016.

(2) Mrs. Isobel Partington failed to present the greyhound 'Belron Brum' free of any prohibited substance for an event at the Cranbourne meeting held on 8 July 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 'Belron Brum' at the Cranbourne meeting held on 8 July 2016.

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

After considering the evidence, Stewards charged Mrs. Partington 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 arsenic at a mass concentration of greater than 800 nanograms per millilitre.

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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, 17 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.

Mrs. Isobel Partington represented herself.

Mr. Justin Hooper Barrister instructed by Mr. Marwan El-Asmar GRV Managing Principal Lawyer represented the Stewards Panel.

Mrs. Isobel Partington pleaded not guilty to the charges.

DECISION:

1. Mrs. Isobel Partington is a registered trainer of greyhounds and the trainer of the greyhound, "Belron Brum". Belron Brum competed in race 5 at Cranbourne on 8 July 2016. A pre-race urine sample was taken from the greyhound. Arsenic was detected in the sample at a mass concentration of 2600 nanograms per millilitre.
2. Stewards of Greyhound Racing Victoria ("GRV") have charged Mrs. Partington under Greyhound Australasia Rule ("GAR") 83 (1A) with administering a prohibited substance to a greyhound given arsenic was detected in a sample at greater than 800 nanograms per millilitre. Mrs. Partington has also been charged under GAR83 (2) and (3) with presenting a greyhound for an event while not being free of a prohibited substance.
3. On 1 July 2016, a new urinary threshold for arsenic was introduced into the GAR by the addition of GAR83 (11) which provides as follows:-

"Arsenic at or below a mass concentration of 800 nanograms per millilitre in a sample of urine taken from a greyhound will not breach the provisions of sub-rule (1A) or (2) of this rule".
4. Arsenic is a naturally occurring trace element which is normally present in greyhounds at low levels as a result of normal dietary intake. It is a "prohibited substance" under the definition of that term in GAR 1. It is capable of affecting the condition of a greyhound by its action on the central or peripheral nervous system. Some arsenic containing products, at certain dosages, may stimulate blood vessel production and at large dosages may act as a toxic depressant. At sufficient dosages arsenic can be fatal.
5. The introduction of GAR83 (11) was preceded by much publicity generated by GRV and Greyhounds Australasia both on websites and in hard copy form, including in the January 2016 edition of the GRV informer. Mrs. Partington told a stewards' preliminary inquiry into the positive swab that she didn't know what the level of the threshold for

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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arsenic was and that she couldn't recall any rule changes because she didn't take much notice. She said that she read some information but forgot about it.

6. In an out of competition test sample taken on 11 August 2016, Belron Brum had a urinary arsenic concentration of only 21 nanograms per millilitre. This is to be contrasted with the level on race day some one month earlier of 2600 ng/ml. Mrs. Partington was unable to give any explanation for the discrepancy. Dr. Karamatic, GRV's Chef Veterinarian, has given evidence that the chance of a greyhound exceeding 800 ng/ml without the administration of arsenic is very slim.
7. Mrs. Partington has pleaded not guilty to both the presentation and administration charges. We are comfortably satisfied of her guilt on the presentation charge. She presented Belron Brum for an event while the greyhound was not free of a prohibited substance. There is no issue with the swabbing procedure. The stewards do not have to prove how arsenic at such a high level came to be in the swab. The stewards have satisfied all elements of that charge. There was no coherent defence offered to it. Mrs. Partington admitted that the elements of the presentation charge are made out but still persisted with her not guilty plea.
8. On the administration charge, there is no direct evidence that Mrs. Partington administered arsenic or an arsenic containing substance to the greyhound. What is to be made of the difference in the urinary arsenic concentration on 8 July 2016 when compared with the 11 August 2016? According to Dr. Karamatic's evidence there must have been administration of arsenic prior to the event on 8 July 2016. The question is, by whom? Mrs. Partington has alleged that the greyhound may have eaten the vomit of a dead fox that may have been baited with arsenic. There is no evidence that the fox was baited or that the fox vomited. We consider the explanation advanced for the positive swab is not plausible. This is to be compared with evidence given in yesterday's proceeding in Johnson where there was an explanation for the presence of arsenic based on the arsenic coated timber in that greyhound's kennel.
9. Mrs. Partington was at all material times responsible for the greyhound, the evidence of Dr. Karamatic is that there was administration of arsenic to the greyhound. In the absence of any plausible explanation for the administration of arsenic the only logical conclusion is that the contamination resulted from administration by the trainer.
10. We now turn to the question of penalty, consistently with the matter of Johnson we consider arsenic a category 3 prohibited substance under the GRV's penalty guidelines. As in Johnson we take into account the concept of recency and Mrs. Partington's otherwise good character and good record.

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11. In assessing penalty we are guided by the principles of general and specific deterrence, denunciation and the integrity of the industry. Animal welfare considerations also heavily inform our decision given the toxicity of arsenic.

12. In all the circumstances of this matter we intend to impose a penalty on the administration charge. We impose a penalty of six months disqualification on that administration charge. On the presentation charge we impose a penalty of three months disqualification but order that it be served concurrently with the disqualification period in respect of the administration charge.

13. In addition, Belron Brom is disqualified from race 5 at Cranbourne on 8 July 2016. The period of six months disqualification referred to above shall commence on 26 February 2017.

.....End.....