

GREYHOUND

Racing Appeals & Disciplinary Board

Media Release

10 April 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Monday, 10 April 2017
Venue of Hearing: Law Institute of Victoria, 470 Bourke Street, Melbourne
Panel: Ms. Gail Owen (Chairman), Mr. John Hutchison and Mr. Phillip Davies
Name of Person Charged: Mr. Paul Bushell
Town: Glenroy
Track: Traralgon
Date: 25 July 2016
GAR No: 83 (1A) and 83 (2)

Offences Charged: (1) Mr. Paul Bushell administered or caused to be administered a prohibited substance to the greyhound 'Immortal Panther' at Traralgon meeting held on 25 July 2016.
(2) Mr. Paul Bushell failed to present the greyhound 'Immortal Panther' free of any prohibited substance for an event at Traralgon meeting held on 25 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 'Immortal Panther' at Traralgon meeting held on 25 July 2016.

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

After considering the evidence, Stewards charged Mr. Bushell with breaches of Greyhounds Australasia Rule 83 (1A) and 83 (2) as detailed above, given that the pre-race urine sample taken from the greyhound indicated the presence of the prohibited substance cobalt.

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) constitute Serious Offences. As a result on Monday, 10 April 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. Paul Bushell represented himself at the hearing.

Ms. Jade Murphy GRV Senior Lawyer represented the Stewards Panel.

Mr. Paul Bushell pleaded not guilty to charge 1 and guilty to charge 2.

DECISION:

1. Mr. Paul Bushell is the registered trainer of the greyhound "Immortal Panther" which was presented to race in race 5 at the Traralgon Greyhound Racing Club on 25 July 2016. Immortal Panther finished seventh (in a field of eight).
2. A pre-race sample taken from Immortal Panther was analysed and indicated the presence of cobalt. Dr. Steven Karamatic has certified that, for the purposes of the Greyhound Australasia Rules ("GAR") cobalt at a mass concentration greater than 100ng/mL in urine is a prohibited substance. Accordingly, Mr. Bushell faces a charge, under GAR 83(1A) of administering a prohibited substance and a charge under GAR 83(2) of presenting a greyhound which was not free of any prohibited substance.
3. Mr. Bushell appeared before the Board today and pleaded not guilty to the administration charge and guilty to the presentation charge.
4. Cobalt is a naturally occurring trace element that is normally present in greyhounds at very low levels as a result of normal dietary intake. As has been well publicised, it is present in vitamin B12.
5. Racing Analytical Services Ltd ("RASL") detected cobalt in the sample at 236 ng/mL. A second sample of urine was analysed at Racing Chemist Laboratory in Perth and detected cobalt at 200 ng/mL.
6. The cobalt levels occurred as a result of Mr. Bushell administering Aminolite, which contains Vitamin B12, prior to the race. Mr. Bushell admitted to the Stewards inquiry, and again at the Board, that he had been feeding Livamol and Feramo D on a daily basis and that he had administered Aminolite to Immortal Panther on the way to the race meeting. Mr. Bushell claimed to be unaware that these products contained cobalt; nor was he aware of the rule change which took effect on 1 December 2015 and he claimed not have seen any of the publicity concerning the change or the disciplinary action taken against other trainers. Mr. Bushell made much of the fact that he had purchased the products at the Warrnambool and Warragul race tracks

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which were not properly labelled and simply had the product name, in marker, on the bag or container.

7. Having considered all of the evidence put before the Board and Mr. Bushell's plea of guilty to the presentation charge, the Board finds Mr. Bushell guilty on both charges.
8. The relevant principles for assessment of penalty include specific deterrence, general deterrence, denunciation, the maintenance of a level playing field and animal welfare considerations.
9. Mr. Bushell has been a trainer for a long time and has only one very minor, and unrelated, prior transgression against the dress code.
10. In determining penalty, the Board has taken into account Mr. Bushell's prior record and the fact that the product administered was purchased from race tracks with inadequate labelling (noting, however, that this does not discharge the trainer's responsibility to ensure prohibited substances are not administered). Because of the exceptional circumstances, the penalty imposed in this case is 15 months' disqualification with 12 months of that period suspended provided there are no further breaches of GAR within the next 12 months. The disqualification will commence immediately. In addition, Immortal Panther is disqualified from Race 5 at Traralgon on 25 July 2016.

.....End.....