

Racing Appeals & Disciplinary Board

Media Release

23 January 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Monday, 23 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. David Gleeson
Name of Person Charged: Mr. Robert Gore
Town: Warrnambool
Track: Warrnambool
Dates: 16 June 2016 and 23 June 2016
GAR No: 83 (1A) and 83 (2)(3)

Offences Charged:

- (1) Mr. Robert Gore administered or caused to be administered a prohibited substance to the greyhound 'Orchard Road' at the Warrnambool meeting held on 16 June 2016.
- (2) Mr. Robert Gore failed to present the greyhound 'Orchard Road' free of any prohibited substance for an event at the Warrnambool meeting held on 16 June 2016.
- (3) Mr. Robert Gore administered or caused to be administered a prohibited substance to the greyhound 'Orchard Road' at the Warrnambool meeting held on 23 June 2016.
- (4) Mr. Robert Gore failed to present the greyhound 'Orchard Road' free of any prohibited substance for an event at the Warrnambool meeting held on 23 June 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 samples taken from the greyhound 'Orchard Road' at the Warrnambool meetings held on 16 June 2016 and 23 June 2016.

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

After considering the evidence, Stewards charged Mr. Gore with breaches of Greyhounds Australasia Rule 83 (1A) and 83 (2)(3) as detailed above, given that the post-race urine samples taken from the greyhounds indicated the presence of the prohibited substance cobalt.

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, 23 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. Robert Gore represented himself.

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

Mr. Robert Gore pleaded guilty to the charges.

DECISION:

1. Mr. Robert Gore is a registered greyhound trainer of greyhounds and the trainer of the greyhound "Orchard Road". Orchard Road competed in race 4 at Warrnambool on 16 June 2016 and in race 4 at Warrnambool on 23 June 2016. Post race urine samples taken on each occasion from the greyhound detected cobalt at a mass concentration of greater than 100 nanograms per millilitre.
2. In respect of each of the above events, stewards of Greyhound Racing Victoria ("GRV") have charged Mr. Gore 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 are also two charges under GAR 83 (2) and (3) of presenting a greyhound for an event while not being free of a prohibited substance.
3. Mr. Gore has pleaded guilty to each charge. The Board finds the charges proven. It will assess the appropriate penalty on the first administration charge in respect of the event on 16 June 2016. It will impose no extra penalty on the first presentation charge which arises out of the same sub-stratum of facts. The Board will then consider the final two charges and determine if there should be some concurrent penalty with the first charge.
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

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of “prohibited substance” in GAR (1). The samples taken from Orchard Road contained cobalt at mass concentrations of 178 and 249 nanograms per millilitre respectively.

5. Mr. Gore used cobalt containing supplements in his feeding regime without being aware that those supplements contained cobalt. The offending supplements were Rapidfero and Ferramo. Whilst a close reading of the label of Rapidfero would have revealed the presence of cobalt, the Ferramo was purchased from the Warrnambool Greyhound Club in an unmarked container. Despite being a very experienced trainer, it appears that Mr. Gore was unaware of 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.
6. In assessing penalty, the Board is guided by the principles of specific deterrence, general deterrence and upholding of the integrity of the industry by providing drug free racing. The Board also has regard to penalties given in like cases. As Mr. Gore no longer uses cobalt containing substances we consider specific deterrence not to be an important consideration. The same can't be said about general deterrence and the upholding of the integrity of the industry. Animal welfare considerations are also relevant to the use of cobalt, with cobalt being injurious to the health of greyhounds.
7. Taking into account the particular circumstances of this matter, Mr. Gore's guilty plea, his excellent character and long, unblemished record as a trainer (and penalties given in other cobalt cases) the Board considers that the appropriate penalty on the administration charge relating to 16 June 2016 is 12 month's disqualification with 9 months of that period being suspended provided there are no further breaches of GAR 83 in the following 12 months. The same penalty is imposed on the administration charge with respect to 23 June 2016. However it will be concurrent with the penalty in respect of the 16 June 2016. There will be no extra penalty for the presentation charges in respect of 16 June and 23 June 2016. The disqualification shall commence on 1 February 2017. In addition, Orchard Road is disqualified from race 4 at Warrnambool on each of 16 and 23 June 2016.
8. We note that we have given Mr. Gore a discount for the concept of “recency” given that cobalt was detected prior to our 12 July 2016 decision in Crawford which set out the steps taken by GRV to advise trainers of the new cobalt threshold. In future cases such a discount may not be available in cobalt matters.

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