

## Racing Appeals & Disciplinary Board

# Media Release

10 May 2017

## Racing Appeals & Disciplinary Board

Date of Hearing: Wednesday, 10 May 2017  
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation  
49 Elizabeth Street, Richmond, Victoria  
Panel: Mr. Shane Marshall (Chairman), Ms. Gail Owen (Deputy Chairman)  
and Mr. David Gleeson  
Name of Person Charged: Ms. Jessica Baldwin  
Town: Kilmany  
Track: Cranbourne  
Date: 25 May 2016  
GAR No: 83 (2)(3)  
Offence Charged: Ms. Jessica Baldwin failed to present the greyhound 'Slog Sweep'  
free of any prohibited substance for an event at the Cranbourne  
meeting held on 25 May 2016.

### REPORT:

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of pre-race and post-race urine samples taken from the greyhound 'Slog Sweep' at the Cranbourne meeting held on 25 May 2016.

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

After considering the evidence, Stewards charged Ms. Baldwin with a breach of Greyhounds Australasia Rule 83(2)(3) in that she failed to present the greyhound 'Slog Sweep' free of any prohibited substance for an event at the Cranbourne meeting held on 25 May 2016 given that the pre-race and post-race urine samples taken from the greyhound indicated the presence of the prohibited substance caffeine, theophylline, paraxanthine and theobromine.

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules a breach of GAR83 (2)(3) constitutes a Serious Offence. As a result on Wednesday, 10 May 2017 this matter was heard

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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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.

Ms. Jessica Baldwin was represented by Mr. Damien Sheales Barrister.

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

Ms. Jessica Baldwin pleaded not guilty to the charge.

### **DECISION:**

1. Ms. Jessica Baldwin is a registered trainer and was at all material times the trainer of the greyhound "Slog Sweep". On 25 May 2016, Slog Sweep competed in race 1 at Cranbourne. Pre-race and post-race urine samples showed the presence of caffeine and three of its metabolites theophylline, paraxanthine and theobromine.
2. Stewards of Greyhound Racing Victoria ("GRV") have charged Ms. Baldwin under Greyhound Australasia Rule 83 (2) and (3) with presenting 'Slog Sweep' for an event while not being free of a prohibited substance. There are two charges; one in relation to the pre-race swab and one in relation to the post-race swab.
3. The offence is one of absolute liability. It is not up to the Stewards to suggest or prove how caffeine came to be in the system of Slog Sweep. Ms. Baldwin was at a preliminary inquiry, unable to offer any explanation. She is usually meticulous in the feeding of her greyhounds. Ms. Baldwin is a person of excellent character and has co-operated fully with the Stewards. Although she has been a registered trainer for only a relatively short time she has no prior transgressions under the GAR.
4. Caffeine is a stimulant which is known to improve the performance of greyhounds. It is a category 3 prohibited substance under the penalty guideline document issued by GRV.
5. Ms. Baldwin has pleaded not guilty to the offences. We find that they are made out. For reasons we set out below, we will set a penalty in respect of the first charge only (the pre-race sample) and set no extra penalty in respect of the post-race sample as that charge relies on the same factual circumstances as the first charge.
6. The Board is comfortably satisfied that the charges are made out. The suggestion that a competing trainer gave Slog Sweep a substance containing caffeine is mere supposition. There is no evidence that Slog Sweep was nobbled. The offences are ones of absolute liability. It is not for the Stewards to say how the positive swab occurred. We are satisfied that all elements of the offence are made out.

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7. Ms. Baldwin nominated Slog Sweep for an event. Her husband presented the greyhound on her behalf to run in the event. Pre and post race samples showed the presence of caffeine and its metabolites.
8. We acknowledge the circumstantial case raised by Ms. Baldwin concerning her poor relationship with another trainer but in the absence of evidence that the trainer took any action to administer caffeine to the greyhound, we cannot elevate that circumstantial case to one which relieves Ms. Baldwin of any liability.
9. In setting a penalty on the first charge we take into account specific deterrence, general deterrence, the importance of keeping the industry drug free to create a level playing field, animal welfare considerations and penalties in previous like matters.
10. Ms. Baldwin has co-operated with the Stewards and was at genuine loss to explain the positive swab subject to a theory that a dispute with another trainer may have resulted in the greyhound being contaminated. We consider specific deterrence not to be critical in the current circumstances. General deterrence and public interest considerations dictate that we impose a period of disqualification. The penalty guidelines suggest a minimum period of 6 months. We are informed by those guidelines but they do not bind us.
11. In all the circumstances we consider the appropriate penalty is 6 months disqualification but we also consider that 3 months should be suspended pending no further breaches of GAR83 in the next 12 months. The disqualification will commence immediately. In addition, Slog Sweep is disqualified from race 1 at Cranbourne on 25 May 2016.

.....End.....