

## Racing Appeals & Disciplinary Board

# Media Release

27 February 2017

## Racing Appeals & Disciplinary Board

Date of Hearing: Monday, 27 February 2017  
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation  
49 Elizabeth Street, Richmond, Victoria  
Panel: Mr. Terry O'Connor (Chairman), Mr. Andrew Gould and Mr. David Gleeson  
Name of Person Charged: Mrs. Lila Wakefield  
Town: Cranbourne  
Track: Cranbourne  
Date: 10 October 2016  
GAR No: 83 (2)(3)  
Offence Charged: Mrs. Lila Wakefield failed to present the greyhound 'Ringading Sister' free of any prohibited substance for an event at the Cranbourne qualifying meeting held on 10 October 2016.

### REPORT:

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of a post-race urine sample taken from the greyhound 'Ringading Sister' at the Cranbourne qualifying meeting held on 10 October 2016.

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

After considering the evidence, Stewards charged Mrs. Wakefield with a breach of Greyhounds Australasia Rule 83(2)(3) in that she failed to present the greyhound 'Ringading Sister' free of any prohibited substance for an event at the Cranbourne qualifying meeting held on 10 October 2016 given that the post-race urine sample taken from the greyhound indicated the presence of the prohibited substance Meloxicam.

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 Monday, 27 February 2017 this matter was

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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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. Lila Wakefield represented herself.

Mr. Marwan El-Asmar GRV Managing Principal Lawyer instructed by Ms. Jade Murphy GRV Senior Lawyer represented the Stewards Panel.

Mrs. Lila Wakefield pleaded guilty to the charge.

### **DECISION:**

1. Mrs Lila Wakefield is the trainer of the greyhound 'Ringading Sister' which competed in a Maiden Qualifying Heat at the Cranbourne Greyhound Racing Club on 10 October 2016. A post-race sample of urine taken from 'Ringading Sister' indicated the presence of the prohibited substance Meloxicam.
2. Mrs Wakefield has been charged under Greyhound Australasia Rules ('GAR') 83 (2) and (3) for presenting 'Ringading Sister' for an event and failing to do so with the greyhound being free of a prohibited substance. GAR 83 (2) and (3) provide that a trainer must present a greyhound to race free of any prohibited substance. To do otherwise undermines the industry commitment to drug free racing. It is an offence of absolute liability with no requirement on the Stewards to prove knowing or deliberate administration of the prohibited substance.
3. Meloxicam is a non-steroidal anti-inflammatory drug that falls within the definition of 'prohibited substance' in the GAR. It does so because it is capable of positively affecting the performance of a greyhound by reason of its pain and inflammation reducing qualities. Dr. Steven Karamatic in evidence to this Board referred to a recommended six day withholding period after treatment and prior to racing. Under the GRV Penalty Guidelines it is a category 2 substance with a suggested penalty of a minimum one months disqualification. As this Board has said many times it is informed by the guidelines but not bound by them. It is particularly informed by the categorisation of substances. Generally, it has not disqualified participants for a first time breach involving a category 2 substance.
4. Like many other matters concerning presentation there is no direct evidence of the source of the positive swab. Again, several suppositions were made before the Stewards Inquiry but not supported by any matters of fact. It was suggested that as 'Ringading Sister' had only entered Mrs. Wakefield's kennels a short time prior to the Qualifying Heat there may have been fault on the previous trainer Mrs. Carol Westerlo. Having regard to the withholding period mentioned previously and the Stewards interview of Mrs. Westerlo that supposition cannot be accepted. It was implied - without much force - that the Meloxicam could have been present in meat

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fed to 'Ringading Sister'. Mrs. Wakefield told the Stewards that she did not know what Meloxicam was and had 'no idea' as to how the Meloxicam came to be present in her greyhound.

5. Mrs. Wakefield pleaded guilty and was clearly open and honest in her dealings with the Steward. Her good character was not in issue. She was remorseful to find herself in this position. She appreciates the industry commitment to drug free racing and that all participants must observe care in animal husbandry and feeding practices to avoid any inadvertent presence of a prohibited substance and consequential personal accountability.
6. In considering penalty there is little place for specific deterrence. Mrs Wakefield clearly understands the position. However general deterrence considerations demand a penalty of significance. This Board has been concerned at the number of category 2 cases coming before it. Recognising that, it has increased penalties and adopts the statement of Senior Member Smithers in the matter of Patterson v Greyhound Racing Victoria [2016] VCAT 1728 that '....it is important that the public and operators in the industry are aware that any presentation of a dog which is not free of prohibited substances will attract a penalty of significance.'
7. Taking into account the mitigating factors and our observations as to the role of general deterrence the penalty will be a fine of \$1,250 but with \$1,000 of that amount suspended for a period of twelve months subject to no further breaches of the GAR relating to prohibited substances in that period. The amount of the fine reflects the nature of the substance. The amount of the fine suspended reflects Mrs Wakefield's period in the industry without infractions of the rules, her candour before this Board, her status as a pensioner and her husband's ill-health. It must not be seen by participants as a norm rather an exceptional case calling for amelioration of the penalty. 'Ringading Sister' is disqualified from the event in question pursuant to GAR 83 (4).

.....End.....