

22 May 2023

DECISION

GREYHOUND RACING VICTORIA

and

LISA COCKERELL

Date of hearing: 10 May 2023

Panel: Judge John Bowman (Chairperson) and Mr Greg Childs.

Appearances: Mr Anthony Pearce appeared on behalf of the Stewards.
Ms Lisa Cockerell represented herself.

Charges and particulars:

Charge No. 1 of 3

Greyhounds Australasia Rule 141(1) reads as follows:

Rule 141 Greyhound to be free of prohibited substances

- (1) *The owner, trainer or other person in charge of a greyhound:*
- (a) *nominated to compete in an Event;*
 - (b) *presented for a satisfactory trial or such other trial as provided for by the Rules; or*
 - (c) *presented for any test or examination for the purpose of a stand-down period being varied or revoked,*
- must present the greyhound free of any prohibited substance.*

Particulars of Charge

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound “*Ari Dumbledore*”.
3. “*Ari Dumbledore*” was nominated to compete in Race 2, CRYMELON KENNELS, Maiden, conducted by the Horsham Greyhound Racing Club at Horsham on 27 August 2022 (**the Event**).
4. On 27 August 2022, you presented “*Ari Dumbledore*” at the Event not free of any prohibited substance, given that:
 - (a) A post-race sample of urine was taken from “*Ari Dumbledore*” at the Event (**the Sample**);
 - (b) Tetrahydrozoline was detected in the Sample.

Charge No. 2 of 3

Greyhounds Australasia Rule 142(1) reads as follows:

Rule 142 Administration of a prohibited substance established in a sample taken from a greyhound in connection with an Event

(1) An offence is committed if a *person*:

- (a) *administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;*
- (b) *aids, abets, counsels or procures the administration of or an attempt to administer a prohibited substance to a greyhound; or*
- (c) *has prior knowledge of a prohibited substance being administered or attempted to be administered to a greyhound,*

which is established in any sample taken from a greyhound presented for an Event or when subject to any other contingency pursuant to the Rules.

Particulars of Charge

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound "Ari Dumbledore".
3. "Ari Dumbledore" was presented for, and competed in, Race 2, CRYMELON KENNELS, Maiden, conducted by the Horsham Greyhound Racing Club at Horsham on 27 August 2022 (**the Event**).
4. You caused to be administered to "Ari Dumbledore", a prohibited substance, being Tetrahydrozoline, which was detected in a sample taken from "Ari Dumbledore" in that:
 - (a) You administered a product containing Tetrahydrozoline, namely 'Visine Advanced Eyedrops', to "Ari Dumbledore" on or around 21 August 2022, 22 August 2022 and 23 August 2022;
 - (b) A post-race sample of urine was taken from "Ari Dumbledore" at the Event (the Sample);
 - (c) Tetrahydrozoline was detected in the Sample.

Charge No. 3 of 3

Greyhounds Australasia Rule 151(1) reads as follows:

Rule 151 Treatment records to be kept

- (1) *The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:*
 - (a) *from the time the greyhound enters their care until the greyhound leaves their care;*
 - and*
 - (b) *for a minimum of two years*
- (2) *If requested by a Controlling Body, a Steward, or an authorised person, the record/s of treatment referred to in subrule (1) of this rule must be produced for inspection.*
- (3) *Each record of treatment kept in accordance with this rule must be made by midnight on the day on which the treatment was given, and, as a minimum requirement, include the following information:*
 - (a) *the name of the greyhound;*

- (b) the date and time of administration of the treatment;*
 - (c) the name of the treatment (brand name or active constituent);*
 - (d) the route of administration;*
 - (e) the amount given; and*
 - (f) the name and signature of the person or persons administering and/or authorising the treatment.*
- For the purpose of subrule (3), “day” means the 24-hour period from 12.00am to 11.59pm on any calendar day.*

(4) An offence is committed if any person in charge of a greyhound at the relevant time fails to comply with any of subrules (1) to (3) of this rule.

(5) A person who commits an offence under subrule (4) of this rule may be penalised.

(6) For the purposes of this rule “treatment” includes:

- (a) all Controlled Drugs (Schedule 8);*
- (b) all Prescription Animal Remedies and Prescription Only Medicines (Schedule 4);*
- (c) any injectable substance not already specified in this rule, notwithstanding the route of administration;*
- (d) all Pharmacist Only (Schedule 3) and Pharmacy Only (Schedule 2) medicines; and*
- (e) all veterinary and other medicines containing other scheduled or unscheduled prohibited substances.*

Particulars of Charge

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
2. You were at all relevant times the Trainer of the greyhound “Ari Dumbledore”.
3. Between 21 August 2022 and 27 August 2022, “Ari Dumbledore” was administered treatments, other than the treatment logged on 22 August 2022, namely the substance “Visine Advanced Eyedrops” **(the Treatments)**.
4. The Treatments were not recorded in your treatment records when you produced them to GRV Stewards upon their request.
5. The Treatments are required to be recorded in your treatment records.

Pleas: Guilty to all charges.

DECISION

Ms Lisa Cockerell, you have pleaded guilty to three charges, two arising from a swab taken from the greyhound Ari Dumbledore trained by you. Ari Dumbledore competed in and won Race 2 at Horsham on 27 August 2022. The swab proved positive to the prohibited substance tetrahydrozoline. You have been charged with breaches of GAR 141(1) – presentation – and GAR 141(2) – administration.

You are also pleading guilty to a breach of GAR 151(1), which concerns the keeping of records.

This is an unusual case. Tetrahydrozoline is found in eyedrops. You yourself have eye problems for which you use this substance, which is contained in Visine Advanced Eye Drops. Further, some of the dogs trained by you from time to time develop red or bloodshot eyes. You attribute this to the reverse cycle air conditioning unit in your kennels.

You had consulted with your usual veterinary surgeon, Dr Michael Bell, and effectively administered the eye drops to the dogs on his advice.

Another aspect of this situation is that we understand that there is no recommended withhold pre-race period for this substance. You had adopted what you had considered to be the normal withhold period of three days and did so in relation to this dog on this occasion.

In relation to your personal situation, you and your husband are both licenced and train dogs from your house and kennels in Buckley, near Winchelsea. Currently, you have about 6 dogs racing and some retired greyhounds.

In relation to your record, you have been licensed since 2006 and in this state since 2012. You do have a relevant prior offence in relation to the prohibited substance cobalt and that was in 2016. In essence you received a penalty of disqualification for 15 months with 12 months of that in turn suspended for 12 months. This would have been at the time when cobalt was very much in the news.

Of course, we take that prior offence, which is approximately seven years ago, into account.

The only other case involving this particular substance that the Stewards could locate was that of Mr Gary Joske, the decision being dated 28 August 2020. Mr Joske received a penalty of one month suspension. However, it must be noted that Mr Joske had a very substantial prior conviction for a prohibited substance, which resulted in a penalty of disqualification for two years. Your previous conviction comes no where near that.

We accept that you thought that you were doing the right thing, having consulted Dr Bell and applying the withhold period of three days. This case is an unusual one. We take into account your guilty pleas and your apparent total co-operation with the Stewards.

In this particular and, as stated, unusual case, we are of the view that a period of suspension is not warranted. In our opinion, and bearing in mind that the prior offence was some seven years ago, we have come to the conclusion that the appropriate penalty is a fine of \$1,000 on Charge 2. There is also a penalty of \$500 on Charge 1, but that fine is fully suspended and payable only if you offend again in relation to this Rule in the next 12 months.

In relation to the breach of GAR 151(1), we accept that normally your record keeping is thorough. The present situation is that you did not record all the dates of the eye drop administration. We accept that your record keeping is usually of a very high standard. However, a fine should be imposed. We again emphasise the importance of record keeping. That fine is fixed at \$150.

Thus, the fines which are now payable total \$1,150.

Further, the greyhound Ali Dumbledore is disqualified from Race 2 at Horsham on 27 August 2022 and the finishing order is amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal