

7 October 2024

## DECISION

### GREYHOUND RACING VICTORIA

and

### DEBRA CUMES

**Date of hearing:** 3 October 2024

**Date of decision:** 3 October 2024

**Panel:** Judge Kathryn Kings (Deputy Chairperson) and Ms Maree Payne.

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.  
Ms Debra Cumes represented herself.

**Charge:** Greyhounds Australasia Rule ("GAR") 141(1) states:

#### **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:**

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 "Knight Cuddle".

3. *“Knight Cuddle”* was nominated to compete in Race 5, MC GRAFIX & SIGNS Grade 6, conducted by the Warragul Greyhound Racing Club at Warragul on 26 September 2023 (**the Event**).

4. On 26 September 2023, you presented *“Knight Cuddle”* at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from *“Knight Cuddle”* at the Event (**the Sample**);

(b) TAPENTADOL was detected in the sample.

**Plea:** Guilty

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## **DECISION**

Ms Debra Cumes is a registered greyhound trainer who has been in the industry for more than 38 years. She is the trainer of *“Knight Cuddle”*. Knight Cuddle competed in Race 5 at Warragul on 26 September 2023. A pre-race sample of urine was taken which showed the presence of Tapentadol.

Ms Cumes has been charged with presenting a greyhound for an event while not free of a prohibited substance under Greyhounds Australasia Rule (“GAR”)141(1).

Ms Cumes pleaded guilty to the charge. She takes personal prescription medication, but none of her medication contains Tapentadol.

Dr Stephen Karamatic, Chief Veterinarian of Greyhound Racing Victoria provided a report dated 2 December 2023 regarding the finding of the prohibited substance Tapentadol in urine sample R000274.

He said that there were no products found during the kennel inspection that contained or produced Tapentadol. The treatment records did not detail the administration of any products containing Tapentadol. A urine sample collected from the kennels on 6 November 2023 did not contain any permanently banned substances, including Tapentadol.

He further reported that Tapentadol was found in samples secondary to contamination from personal medication in the limited detection seen in racing greyhounds. In addition, he said the industry has been warned of likely contamination from personal medications.

Ms Cumes said that she was responsible for feeding and caring for the greyhounds, 26 in total. Her father owns a knackery on the property, which supplies meat for the greyhounds. Currently, she cares for the dogs and the farm. She lives in the kennel block and since the positive finding she now ensures that it is locked at all times. She purchased a guard dog. The only other persons who have access to the kennels are the sharefarmer and his wife, who milk the cows on the property. She was unable to explain the positive finding.

In imposing a penalty, we take into account general deterrence and the importance of maintaining a drug free industry by maintaining a level playing field. We also take into account, Ms Cumes long history in the industry, her guilty plea and her excellent record. We take into account recent penalties in like matters.

We take into account the Stewards' submissions on penalty.

In all the circumstances, we impose a penalty of 12 months suspension, with 10 months suspended for 24 months. The suspension shall commence immediately. We also impose a fine of \$1,500 with \$1,000 suspended for 24 months. In addition, Knight Cuddle is disqualified from Race 5 at Warragul on 26 September 2023 and the finishing order is amended accordingly.

We agree with the Stewards that, unless exceptional circumstances apply, a wholly suspended sentence should not now be ordered in the case of a permanently banned prohibited substance. In the circumstances of this case, a mostly suspended sentence is justified having regard to the fact that at the time Ms Cumes had been in the industry for in excess of 38 years with no prior offences and the precautions which she has taken in securing the premises.

Finally, Johari is disqualified from Race 3 at Traralgon on 18 August 2023 and the finishing order is amended accordingly.

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Mark Howard  
Registrar, Victorian Racing Tribunal