

24 January 2024

DECISION

GREYHOUND RACING VICTORIA

and

LUKE ADAMS

- Date of hearing:** 18 January 2024
- Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Ms Judy Bourke.
- Appearances:** Ms Yana Podolskaya appeared on behalf of the Stewards.
Mr Luke Adams represented himself.
- Charges and particulars:** Charge No. 1 of 6

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 “*Zipping Goldie*”.
3. “*Zipping Goldie*” was nominated to compete in Race 9, SPORTSBET GREEN TICKS, Grade 5, conducted by the Traralgon Greyhound Racing Club at Traralgon on 26 October 2022 (**the Event**).
4. On 26 October 2022, you presented “*Zipping Goldie*” at the Event not free of any prohibited substance, given that:
 - (a) A post-race sample of urine was taken from “*Zipping Goldie*” at the Event (**the Sample**);
 - (b) Dexamethasone was detected in the Sample.

Charge No. 2 of 6

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 “*Zipping Goldie*”.
3. “*Zipping Goldie*” was presented for, and competed in, SPORTSBET GREEN TICKS, Grade 5, conducted by the Traralgon Greyhound Racing Club at Traralgon on 26 October 2022 (**the Event**).
4. You administered to “*Zipping Goldie*”, a prohibited substance, being Dexamethasone, which was detected in a sample taken from “*Zipping Goldie*” in that:
 - (a) You administered, or caused to be administered, a product containing the substance Dexamethasone to “*Zipping Goldie*” sometime between 24 September 2022 to 26 October 2022;
 - (b) A post-race sample of urine was taken from “*Zipping Goldie*” at the Event (**the Sample**);
 - (c) Dexamethasone was detected in the Sample.

Charge No. 3 of 6

Greyhounds Australasia Rule 151(3) 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 Greyhound Racing Victoria Rules of Racing.
2. On 3rd April 2023, you presented treatment records for inspection, upon request from GRV Senior Steward Catherine SCARLETT, a person authorised by the Controlling Body, for greyhounds for which you were the responsible person at the relevant time.
3. On the treatment records provided, you did fail to record the minimum requirements for several treatments recorded by you, namely the treatments recorded in a notebook, in that you:
 - (a) failed to record the time of administration of the treatment and/or;
 - (b) failed to record the route of administration of the treatment and/or;
 - (c) failed to record the name of the treatment; and or
 - (d) failed to record the amount of all treatments given and/or;
 - (e) failed to record the signature of person or persons administering and/or authorising the treatment.

Charge No. 4 of 6

Greyhounds Australasia Rule 148(2) reads as follows:

Rule 148 Possession of a *prohibited substance, exempted substance* or other substance and other rules in relation to certain substances

(2) A person must not provide, possess, acquire, attempt to acquire, administer, attempt to administer or allow to be administered to a greyhound, any prohibited substance, exempted substance or other substance (including any other medication, medicine, injectable substance, supplement, herbal product or therapeutic good), that is not labelled, prescribed, dispensed and obtained in accordance with relevant Commonwealth, state and territory legislation.

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. On 31st March 2023, a kennel inspection was conducted at your registered greyhound kennel address at 4159 South Gippsland Hwy, Giffard West VIC (**the Premises**);
3. During the course of the kennel inspection, Stewards located the injectable product “Cartrophen Vet”, which contains the substance “pentosan polysulfate” (**the Substance**) in the kennel area;
4. The Substance is a prohibited substance, an injectable substance, a Prescription Animal Remedy (Schedule 4 medicine);
5. No evidence of an appropriate veterinary prescription has been produced for the possession of the Substance;
6. The Substance was not labelled and/or prescribed and/or obtained in accordance with relevant state or territory legislation;
7. The Substance was in your possession.

Charge No. 5 of 6

Greyhounds Australasia Rule 148(2) reads as follows:

Rule 148 Possession of a prohibited substance, exempted substance or other substance and other rules in relation to certain substances

(2) A person must not provide, possess, acquire, attempt to acquire, administer, attempt to administer or allow to be administered to a greyhound, any prohibited substance, exempted substance or other substance (including any other medication, medicine, injectable substance, supplement, herbal product or therapeutic good), that is not labelled, prescribed, dispensed and obtained in accordance with relevant Commonwealth, state and territory legislation.

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. On 31st March 2023, a kennel inspection was conducted at your registered greyhound kennel address at 4159 South Gippsland Hwy, Giffard West VIC (**the Premises**);
3. During the course of the kennel inspection, Stewards located the injectable product “Pentosan Gold”, which contains the substance “pentosan polysulfate” (**the Substance**) in the kennel area;
4. The Substance is a prohibited substance, an injectable substance, a Prescription Animal Remedy (Schedule 4 medicine);
5. No evidence of an appropriate veterinary prescription has been produced for the possession of the Substance;
6. The Substance was not labelled and/or prescribed and/or obtained in accordance with relevant state or territory legislation;
7. The Substance was in your possession.

Charge No. 6 of 6

Greyhounds Australasia Rule 148(2) reads as follows:

Rule 148 Possession of a *prohibited substance, exempted substance or other substance* and other rules in relation to certain substances

(2) A person must not provide, possess, acquire, attempt to acquire, administer, attempt to administer or allow to be administered to a greyhound, any prohibited substance, exempted substance or other substance (including any other medication, medicine, injectable substance, supplement, herbal product or therapeutic good), that is not labelled, prescribed, dispensed and obtained in accordance with relevant Commonwealth, state and territory legislation.

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. Sometime between 24 September 2022 and 26 October 2022, you administered, or caused to be administered, a prohibited substance, being an injectable substance containing “Dexamethasone” (**the Substance**) to “Zipping Goldie”;
3. The Substance is a prohibited substance, an injectable substance, and a Prescription Animal Remedy (Schedule 4 medicine);
4. The Substance was in your possession at or around the time of administration;
5. No evidence of an appropriate veterinary prescription has been produced for the possession of the Substance;
6. The Substance was not prescribed and/or obtained in accordance with relevant state or territory legislation.

Pleas: Guilty to all charges

DECISION

1. Mr Luke Adams is a registered greyhound trainer and the trainer of the greyhound “Zipping Goldie”. This greyhound competed in Race 9, Sportsbet Green Ticks, Grade 5, conducted by the Traralgon Greyhound Racing Club at Traralgon on 26 October 2022
2. Zipping Goldie won the event, and a post-race sample of urine was taken from the greyhound. The greyhound returned a positive swab to the substance Dexamethazone.
3. The first charge is therefore a presentation charge, that is a charge that Mr Adams presented the greyhound at the race not free of a prohibited substance.

4. The second charge is a charge that he administered this same substance to the greyhound sometime between the 24th of September 2022 and the 26th of October 2022 – that is within the two months before the race.
5. Mr Adams agreed that he did administer dexamethazone to the greyhound. He said it was contained in a medication called Dexason, which he administered on 24 September 2022 to ease pain from an injury. It is not clear from the evidence whether this injection was indeed the source of the dexamethazone present in the race day sample. Dr Steven Karamatic expressed the opinion that any such injection would not have been traceable by the time the swab was taken. In any event, it is clear that the race day sample did contain dexamethazone and that it was not prescribed or obtained in accordance with relevant legislation.
6. The third charge is a charge that he did not keep accurate records of all treatments administered to the greyhound. In particular, this related to the treatment of the greyhound with dexamethasone, but also relating to a lack of basic record keeping concerning feeding and medications.
7. The 4th and 5th charges allege that Mr Adams possessed substances at his kennels which were prohibited substances. The first is a substance called cartrophen vet, which contains the substance pentosin polysulfate. This substance was located by the stewards during a kennel inspection on 31 March 2023. Mr Adams could not produce any evidence that he had obtained a veterinary prescription for the substance. He conceded that the substance was not labelled or obtained in accordance with Victorian legislation.
8. During the same kennel inspection, the stewards also found another substance, pentose gold, which contains the substance pentosane polysulfate. This is the subject matter of the 5th charge. Once again, Mr Adams conceded that this substance was not labelled or obtained in accordance with Victorian legislation.
9. The final charge is a charge that Mr Adams possessed the prohibited substance dexamethasone. That that substance was in his possession at the time of administration to his dog and that it was not prescribed or obtained in accordance with relevant legislation.
10. Dexamethazone is a prohibited substance as defined by the Greyhound Australasia Rules. It is an anti-inflammatory substance which falls into in the category of therapeutic substances under the penalty guidelines. There are 13 veterinary medicines that contain

this substance. They are all obtainable only on prescription from a vet. It is important to note that the vet is only entitled to prescribe medicine such as this substance after establishing a therapeutic need for the substance.

11. Although Mr Adams told the stewards that he accepted that the dog had been injected with dexamethasone, he gave the stewards several contradictory accounts as to how that had occurred. At the preliminary inquiry on the 5th of December 2022 by telephone, he told steward Ms Catherine Scarlett that the dog was “needled with it to fix up a track leg”. When questioned about this, he refused to name the person who had injected the substance, but referred to that person as a local greyhound checker. He said that he did not want to get that person into trouble. He said that the dog had suffered a track leg injury and that the injection was needed to bring the swelling down. He said he could not remember how much was administered. This preliminary enquiry was held by telephone.
12. However, on the 16th of December 2022, the stewards received an email from Mr Adams in which he stated that he in fact had administered the injection himself on the 25th of September 2022. He said that he had thrown out the bottle after using it because it was close to its use by date. When he was later interviewed about that version of events in a further preliminary enquiry, he said that he had made a mistake in the initial conversation because he was on holidays in Bali, and that he remembered when he returned to Australia, and had been able to check his records, that it was he himself who administered the injection. He said that he had obtained the substance from his father, who was a registered greyhound owner in NSW. He said that his father had been obtaining prescription medication from a vet or a friend in New South Wales. He chose not to name this supplier.
13. Mr Adams also gave more information as to how he had come to give the injection. He said that he had noticed an injury when the greyhound finished last in a race on the 24th September 2022. He said that he then got her checked by a person by the name of Alistair at the Sandown Vet Clinic. He denied at that time that he used a greyhound checker, although he said he done that years ago. He then identified a vet by the name of Dr Matt Kwong from Sydney as being the person who gave him the substance.
14. We regard Mr Adams explanation about these matters as being most unsatisfactory. He clearly has not been frank or forthcoming when he was interviewed on several occasions. However, whatever version of events is the truth, it is clear that Mr Adams has not only presented the dog for the race with dexamethazone in its system, but has also administered the substance by injection to the dog. Further, there is no satisfactory

evidence before us that Mr Adams obtained this substance legitimately. There is also clear evidence that he had in his possession the two substances which are the subject matter of charge 5 and 6 and that he does not appear to have obtained those substances legitimately either.

15. Thus we sentence Mr Adams on the basis that he knowingly administered Dexamethazone to the greyhound Zipping Goldie, that he kept no record of the administration of this substance, that he presented the greyhound to race at a later stage with the substance still in its system and that he had in his possession at his kennels other substances which were prohibited substances under the rules..
16. In setting penalties, we take into account general and specific deterrence and the importance of keeping a level playing field by aiming for a drug free industry.
17. We also take into account that Mr Adams has been a trainer for 7 years. He has pleaded guilty to each charge.
18. He has committed 8 previous offences, but all were of a minor nature, of no relevance to the offences for which we are to sentence him today.
19. Mr Adams expressed great remorse for his actions when he appeared before us. He is a young man of 29 years, with relatively little experience or guidance in the industry. He lives on his own. Greyhound racing is his only source of income. He has 20 dogs in training, from various owners, and clearly a suspension from racing would destroy the gains he has made in the industry so far.
20. He is on treatment for depression.
21. In all the circumstances, we impose the following penalties:

Charge 1: Presentation

A \$1,500 fine with \$1,000 of this fine suspended for 12 months.

Charge 2: Administration

We regard this as the most serious charge, and it is our view that the elements of general and specific deterrence should be to the fore when considering it. The offence of actual administration of a prohibited substance is relatively uncommon.

We send a warning to other trainers who might be tempted to do as Mr Adams did that this offence will be met with stern punishment.

Mr Adams is Suspended for 12 months with 6 months of this sentence suspended for 12 months.

Charge 3: Record keeping

A \$300 fine.

Charge 4: Possession

A \$1,500 fine, with \$1,000 of this fine suspended for 12 months.

Charge 5: Possession

A \$1,500 fine, with \$1,000 of this fine suspended for 12 months.

Charge 6 – Possession

A \$1,500 fine. This fine is to be served concurrently with charge 1, as it arises out of the same facts and circumstances.

This makes a total sum of \$1,800 payable immediately, with the balance payable if Mr Adams breaches the terms of the suspension. The suspension is to take effect from today.

22. In addition, Zipping Goldie is disqualified from Race 9, Sportsbet Green Ticks, Grade 5, conducted by the Traralgon Greyhound Racing Club at Traralgon on 26 October 2022 and the finishing order is amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal