

6 November 2024

## **DECISION**

### **GREYHOUND RACING VICTORIA**

**and**

### **WAYNE GRAY**

- Date of hearing:** 29 October 2024
- Date of decision:** 29 October 2024
- Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Ms Melissa Mahady.
- Appearances:** Ms Yana Podolskaya appeared on behalf of the Stewards.  
Mr Shaun Boag represented Mr Wayne Gray.
- Charges:** Greyhounds Australasia Rule ("GAR") 141(1) states:  
(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.
- GAR 142(1) states:  
(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:**

**Charge 1: GAR 141(1)**

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 "Lakeview Vincent".

3. Lakeview Vincent was nominated to compete in Race 10, GRV VICBRED SERIES FINAL (VICGREYS), Grade 5 Final, conducted by the Geelong Greyhound Racing Club at Geelong on 22 December 2023 (the Event).

4. On 22 December 2023, you presented Lakeview Vincent at the Event not free of any prohibited substance, given that:

(a) A post-race sample of urine was taken from Lakeview Vincent at the Event (the Sample);

(b) Meloxicam was detected in the Sample.

**Charge 2: GAR 141(1)**

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 "Lakeview Vincent".

3. Lakeview Vincent was nominated to compete in Race 10, GRV VICBRED SERIES FINAL (VICGREYS), Grade 5 Final, conducted by the Geelong Greyhound Racing Club at Geelong on 22 December 2023 (the Event).

4. On 22 December 2023, you presented Lakeview Vincent at the Event not free of any prohibited substance, given that:

(a) A post-race sample of urine was taken from Lakeview Vincent at the Event (the Sample);

(b) Lignocaine and 3-hydroxylignocaine were detected in the Sample.

**Charge 3: GAR 142(1)**

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 "Lakeview Vincent".

3. Lakeview Vincent was presented for, and competed in, Race 10, GRV VICBRED SERIES FINAL (VICGREYS), Grade 5 Final, conducted by the Geelong Greyhound Racing Club at Geelong on 22 December 2023 (the Event).

4. You administered, or caused to be administered, to Lakeview Vincent, a prohibited substance, being Meloxicam, which was detected in a sample taken from Lakeview Vincent in that:

(a) You caused to be administered a product daily containing Meloxicam, namely 'Loxicom injection', to Lakeview Vincent from 7 December 2023 up until or around 13 December 2023;

(b) A post-race sample of urine was taken from Lakeview Vincent at the Event (the Sample);

(c) Meloxicam was detected in the Sample.

**Charge 4: GAR 142(1)**

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 "Lakeview Vincent".

3. Lakeview Vincent was presented for, and competed in, Race 10, GRV VICBRED SERIES FINAL (VICGREYS), Grade 5 Final, conducted by the Geelong Greyhound Racing Club at Geelong on 22 December 2023 (the Event).

4. You administered, or caused to be administered, to Lakeview Vincent, a prohibited substance, being Lignocaine, which was detected in a sample taken from Lakeview Vincent in that:

(a) You administered a product daily containing Lignocaine, namely 'Neocort cream', to Lakeview Vincent from 7 December 2023 up until pr arpimd13 December 2023;

(b) A post-race sample of urine was taken from Lakeview Vincent at the Event (the Sample);

(c) Lignocaine and 3-hydroxylignocaine were detected in the Sample.

**Charge 5: GAR 141(1)**

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 "Lakeview Vincent".

3. Lakeview Vincent was nominated to compete in Race 12, EFFIE BRINGS US HOME HT3, Grade 5 Heat, conducted by the Geelong Greyhound Racing Club at Geelong on 15 December 2023 (the Event).

4. On 15 December 2023, you presented Lakeview Vincent at the Event not free of any prohibited substance, given that:

(a) You caused the administration of a product containing Meloxicam, namely 'Loxicom', to Lakeview Vincent from 7 December 2023 up until or around 13 December 2023;

(b) No other administration of Meloxicam occurred after 13 December 2023 or before 22 December 2023;

(c) On 22 December 2023 at Geelong, you presented Lakeview Vincent at an Event not free of any prohibited substance, given that:

(i) A post-race sample of urine was taken from Lakeview Vincent at the Event (the Sample);

(ii) Meloxicam was detected in the Sample.

(d) Given the above administration up until or around 13 December 2023, and the presentation at an Event on 22 December 2023, the prohibited substance, Meloxicam, must have been present in Lakeview Vincent when presented at the Event at Geelong on 15 December 2023.

**Charge 6: GAR 141(1)**

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 "Lakeview Vincent".

3. Lakeview Vincent was nominated to compete in Race 12, EFFIE BRINGS US HOME HT3, Grade 5 Heat, conducted by the Geelong Greyhound Racing Club at Geelong on 15 December 2023 (the Event).

4. On 15 December 2023, you presented Lakeview Vincent at the Event not free of any prohibited substance, given that:

(a) You administered a product containing Lignocaine, namely 'Neocort cream', to Lakeview Vincent from 7 December 2023 until 13 December 2023;

(b) No other administration of Lignocaine occurred after 13 December 2023 or before 22 December 2023;

(c) On 22 December 2023 at Geelong, you presented Lakeview Vincent at an Event not free of any prohibited substance, given that:

(i) A post-race sample of urine was taken from Lakeview Vincent at the Event (the Sample);

(ii) Lignocaine and 3-hydroxylignocaine were detected in the Sample.

(d) Given the above administration up until or around 13 December 2023, and the presentation at an Event on 22 December 2023, the prohibited substances, Lignocaine and 3-hydroxylignocaine, must have been present in Lakeview Vincent when presented at the Event at Geelong on 15 December 2023.

**Pleas:** Guilty

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## **DECISION**

1. Mr Wayne Gray is a registered greyhound trainer. He is facing six charges. Charge 1 relates to presenting his greyhound, "Lakeview Vincent" at Geelong on 22 December 2023 not

free of a prohibited substance. The substance detected in a post-race urine sample was meloxicam.

2. Charge 2 relates to presenting the same greyhound on the same occasion when the greyhound was found to have lignocaine and 3-hydroxylignocaine in its system.
3. Charge 3 is that Mr Gray administered meloxicam to that greyhound between 7 and 13 December 2023 in circumstances where that substance was later established to be present in a sample taken from the greyhound when presented for a race.
4. Charge 4 is that Mr Gray administered lignocaine to the same greyhound between 7 and 13 December 2023 in circumstances where that substance was later established to be present in a sample taken from the greyhound when presented for a race.
5. Charge 5 relates to the same greyhound, but to a different race. It relates to Race 12 at Geelong on 15 December 2023. It is alleged that he presented Lakeview Vincent at that race not free of a prohibited substance, given that he had administered a product containing meloxicam to the dog between 7 and 13 December 2023.
6. Charge 6 also relates to the race at Geelong on the 15 December 2023. It is alleged that Mr Gray presented his dog at that event not free of a prohibited substance, given that he had administered a product containing lignocaine to the dog between 7 and 13 December 2023.
7. Mr Gray has pleaded guilty to each of these charges.
8. Lakeview Vincent won the race on 22 December 2023. It came third in the race on 15 December 2023.
9. Meloxicam and lignocaine are pain relieving medications which are commonly given to greyhounds and other animals. There are also numerous human products that contain meloxicam.
10. Lakeview Vincent had been badly injured in a race on 6 December 2023. Mr Gray took the dog to a veterinarian immediately after that race, and the veterinarian prescribed treatment with products containing both meloxicam and lignocaine. Mr Gray meticulously recorded the use of these products in his treatment records, as he was required to do under the Rules.
11. Charges 5 and 6 arise out of Mr Gray's admission that he administered these products to Lakeview Vincent when following veterinary instructions. He did so from 7 to 13 December 2023. The Stewards submitted that having done so, the dog would have still

have had these medications in its system when it raced at Geelong on 15 December 2023. No swab was taken from the dog at that event. Instead, the Stewards relied on the expert opinion of their Chief Veterinarian, Dr Steven Karamatic, which was to the effect that, given the admitted administration of the tablets up to 13 December 2023, and the positive swab on 22 December 2023 these two substances must have been in the dog's system when it raced on 15 December 2023.

12. The elimination time for meloxicam is said by the Stewards to be up to 25 days following a single dose. The elimination time for lignocaine is said to be for at least 11 days following the last treatment.
13. The Stewards have published guidelines in relation to the use of medication such as meloxicam and lignocaine.
14. Mr Gray was interviewed by the Stewards on 2 February 2024 at his kennels. He provided all the relevant information to the Stewards regarding the administration to the dog of the medications prescribed by his veterinarian after the accident on 6 December 2023.
15. Mr Gray has been training greyhounds for approximately 40 years. He and his wife conduct all the feeding and training. The only explanation he could give was that he had inadvertently miscalculated the timing of the administration of the medications and so had raced the dog too early after completing the course of medication prescribed by his veterinarian.
16. Mr Gray has had three prior offences relating to the presence of prohibited substances in his dogs. These offences are quite old. Two of these offences occurred in South Australia. The first occurred in 2003. Caffeine was detected in one of his dogs. He was able to trace the caffeine to the fact that a member of his family had given the dog some chocolate milk before the race.
17. The second was in 2007. This involved a period when someone else fed his dog, during a period of family conflict after a family member had suddenly died. Once again, caffeine was detected in the dog.
18. The most recent offence occurred in 2015. It arose out of an out of competition sample. The dog was not racing during this period and had been kennelled with a litter of puppies at another property. The dog had been inadvertently fed some puppy feed mix containing wholemeal bread. There were traces of poppy seeds in the bread, causing the ingestion of codeine and morphine.
19. Therefore this is the fourth offence relating to prohibited substances – albeit over a 40 year career in the industry.



20. Mr Gray agreed that he was “100% guilty”, but said that he abided by the instructions given by his veterinarian. He did not attempt to deceive anyone and did not use the medication for any purpose other than because the dog was injured.
21. Mr Gray is now 75 years old. He lives on the pension with his wife. He has participated fully in his local community for many years, most particularly as the president of the local football club. Mr Shaun Boag, who attended the hearing to assist him, spoke glowingly of Mr Gray’s unstinting support to him and to other greyhound trainers in the past and of his love and care for his dogs.
22. Mr Gray’s main activity nowadays, which brings him great joy, is mingling with others in the greyhound community.
23. It is very clear that it is only because of the excellent record keeping in his kennels that the charges which relate to the administration of the tablets, and quite possibly also to the race on 15 December 2023, have been able to be brought. Mr Gray deserves full credit in relation to these matters.
24. This case therefore stands apart from many administration cases. This is not a case in which drugs were administered with a clear intent of influencing the outcome of a race. There is no suggestion that Mr Gray did anything but comply with the treatment regime set out by the treating veterinarian, and that he meticulously documented that treatment regime. He should be commended for doing so and we have taken these matters into account when sentencing on the administration charges. We have thus imposed a sentence for the administration charges which we consider to be at the lower end of the scale for such matters and have done so to reflect the circumstances before us, and to flag to the greyhound racing community that meticulous compliance with treatment record keeping will be viewed favourably in cases such as these.
25. On the other hand, we view Charges 5 and 6 relating to the race on 15 December 2023 as being more serious than Charges 1 and 2, which relate to the later race on 22 December 2023. This is because of the extremely short time between when Mr Gray stopped administering medication and the time of the race – just two days. While we accept that the offending on 22 December most likely came about by his misunderstanding or miscalculation of the withholding period for meloxicam and lignocaine, we consider that it was at least reckless for him to enter the dog in the race on 15 December 2023 without having properly considered this issue. Thus, the penalties which we impose for these offences are greater than the penalties relating to the race on 22 December 2023.

26. We have also carefully considered the need for general deterrence in our sentencing task today. There must be serious consequences for persons who present dogs to race when those dogs have ingested prohibited substances. This is a fundamental sentencing consideration. It is necessary for this Tribunal to ensure, as far as it can, that there is a level playing field in greyhound racing, as otherwise the industry will come into disrepute.
27. However, given that Mr Gray has three prior offences, we have considered the need for specific deterrence. We are however satisfied that those offences are of marginal relevance to us given that they occurred so long ago and given the circumstances of the offending before us today.
28. Taking all of the above matters into account, the penalties which we impose are as follows:

Charge 1: \$1,500 fine with \$500 suspended for 24 months pending no further relevant offences during that time.

Charge 2: \$1,500 fine with \$500 suspended for 24 months pending no further relevant offences during that time. This penalty is to be concurrent with the penalty imposed on Charge 1, given that this charge arises out of the same facts and circumstances.

Charge 3: four month suspension which is wholly suspended for 24 months pending no further relevant offences during that time.

Charge 4: four month suspension which is wholly suspended for 24 months pending no further relevant offences during that time. This penalty is to be concurrent with the penalty imposed on Charge 3 given that this charge arises out of the same facts and circumstances.

Charge 5: \$2,000 fine with \$1,000 suspended for 24 months pending no further relevant offences during that time.

Charge 6: \$2,000 fine with \$1,000 suspended for 24 months pending no further relevant offences during that time. This penalty is to be concurrent with the penalty imposed on Charge 5 given that this charge arises out of the same facts and circumstances.

29. In addition, Lakeview Vincent is disqualified from the Race 12 at Geelong on 15 December 2023 and Race 10 at Geelong on 22 December 2023.

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Kathleen Scully  
Assistant Registrar, Victorian Racing Tribunal