

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

GRAEME MOATE

- Date of hearing:** 17th May 2022
- Stewards Panel:** Mr B Free (Chair), Mrs T Canham and Mr J Gleeson.
- Present:** Mr Graeme Moate (Respondent)
- Rule:** Greyhounds Australasia Rule 141 (1) (a)
- 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;
must present the greyhound free of any prohibited substance.*
- Charge:** Graeme Moate, the trainer of LITTLE LEXI, presented that greyhound to compete in Race 2 at the North West Greyhound Racing Club on 3rd November, 2021, where the greyhound finished 5th and upon a pre-race urine sample being analysed was found to contain Cobalt above the permitted threshold.
- Plea:** Admitted

1. Background

- (a) The respondent, Graeme Moate, is a licensed Public Trainer under the Greyhounds Australasia Rules of Racing.
- (b) Mr Moate is 79 years of age and has held a trainer's licence continuously since 1960.
- (c) LITTLE LEXI is a 2yo Bitch (Magic Sprite – Alarm Bells) trained by Mr Moate and owned by Mr J. Jury and Ms S. Archer.
- (d) LITTLE LEXI was correctly entered for and presented to race in Race 2 at the North West Greyhound Racing Club on 3rd November, 2021.
- (e) LITTLE LEXI placed 5th in the event and did not earn any stake money.
- (f) LITTLE LEXI was not a favoured runner in the betting market, closing at \$12.00.
- (g) LITTLE LEXI was selected for a pre-race urine swab which was undertaken by Office of Racing Integrity Steward Ms Margaret Robinson. Mr Steven Croft represented Mr Moate throughout the swabbing process. The swabbing process was not contested.
- (h) The collection of the sample was concluded at 3:36 pm with the sample being allocated the unique number V736039.
- (i) On 6th December 2021 Racing Analytical Services Limited issued a Certificate of Analysis reporting that Cobalt was detected in the sample at a measure of 120ng/mL. The control sample was clear.
- (j) Cobalt is a naturally occurring trace element that is normally present in greyhounds at very low levels as a result of normal dietary intake. Cobalt is also present in the structure of vitamin B12. The urinary threshold for cobalt under the rules is 100ng/mL.
- (k) Mr Moate has not previously breached the prohibited substance rules.

Mr Moate admitted the breach.

2. Submissions of the Respondent

- 2.1 Mr Moate produced a container of Feramo-D, which is an over-the-counter vitamin and mineral supplement for dogs. Feramo-D lists Cobalt Sulphate on the ingredients at a ratio of 90g per kilo. The recommended rate of feeding Feramo-D is 1gm per 10kg of body weight. Feramo-D is supplied with a scoop which weighs out 4gm of the supplement.
- 2.2 Mr Moate submitted that he believed the only source of Cobalt was from the Feramo-D.

3. Penalty Approach

3.1 Sentencing Principles –

- (i) Penalties are designed to punish the offender for their wrongdoing. They are not meant to be retributive in the sense that the punishment is disproportionate to the offence, but the offender must be met with a punishment.
- (ii) In a racing context it is very important that a penalty has the effect of deterring others from committing similar offences through the consideration of both general and specific deterrence.
- (iii) Penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in greyhounds.

3.2 Stewards Approach

- 3.2.1 The Stewards have resolved to approach the matter of penalty from the perspective of the desirability of consistency with previous penalties in dealing with similar offenders committing similar offences in similar circumstances.
- 3.2.2 We are guided in our approach by to penalty by those imposed, not only in Tasmania, but also within other Australian Greyhound jurisdictions. The most relevant, in our view, being those penalties imposed in Victoria where matters with similar circumstances such as this, have been attracting periods of licence suspensions.

3.2.3 With respect to this matter, we have therefore adopted a four-month suspension as a starting point. This being consistent with similar offences in other states and territories.

4. Respondents Penalty Submissions

- 4.1 Mr Moate submitted that his exemplary record be considered, having held a trainer's license for over 60 years with no positive swabs recorded prior to that of LITTLE LEXI on the 3rd November 2021.
- 4.2 Mr Moate further submitted that he is a person of good standing within the greyhound racing community in Tasmania and has held many positions of trust within his 60 plus years of involvement within the industry.
- 4.3 Mr Moate asked that it be considered that the increased level of Cobalt did not appear to offer any advantage to the dog, which finished 5th in a field of seven runners.

5. Penalty Discussion:

- 5.1 Mr Moate has admitted a charge of presenting LITTLE LEXI to race when not free of prohibited substances, namely Cobalt sulphate.
- 5.2 Stewards believe Mr Moate has not intentionally presented LITTLE LEXI to race with elevated Cobalt levels, and accept that the elevated level was from mismanagement when feeding the vitamin and mineral supplement Feramo-D.
- 5.3 Rigorous attention to detail is required in managing the dosage of medications and supplements to greyhounds when they are being presented to race to ensure that the fundamental expectation of a level playing field is maintained.
- 5.4 However, every time a greyhound is presented to race with a prohibitive substance in its metabolism then the integrity of not only greyhound racing but racing in general is compromised.

6. Factors in consideration of penalty.

- 6.1 The Stewards have identified no aggravating factors which would necessitate an uplift from the starting point.
- 6.2 However, Stewards recognise the following factors in mitigation, and which are relevant to penalty discussions. These being;
- (a) Mr Moates cooperation throughout the investigation.
 - (b) Mr Moates guilty plea.

Mr Moates record. Significant weight must be placed on this factor due to Mr Moates 60 years plus in the industry, as a licensed trainer. During this time, Mr Moate has no recorded offences of presenting a greyhound to race while not free of prohibited substances.

- (c) Stewards have also considered Mr Moates personal circumstances and accept that the administration of Cobalt was an accident, and not an intentional act, being that it most probably resulted from treating LITTLE LEXI via a commonly used vitamin supplement named Feramo-D.
- 6.3 Stewards believe Mr Moate is entitled to a significant discount with respect to penalty, with most weight being placed on his exemplary of 60-plus record. The Stewards also afford Mr Moate relief for his co-operation during this investigation
In considering the above factors, Stewards set this discount at 50%.

7. Outcome

- 7.1 Having considered all circumstances, Stewards suspended Mr Moates trainers' licence for a period of two months. This being to hold Mr Moate accountable for his actions and to deter others from committing the same or similar offences.

Mr Moate's licence to train was suspended for two months starting midnight 17th May 2022, and ending midnight 16th July, 2022.

8. Disqualification Of Greyhound

8.1 It is mandatory that if a greyhound competes in a race and is found to have competed with a prohibited substance in its system that it must be disqualified from that race - GAR 142 (4)(1). Accordingly, LITTLE LEXI is disqualified from Race 2, at the North West Greyhound Racing Club on 3rd November 2021.

The placings are to be adjusted to reflect the disqualification of LITTLE LEXI.

Decision Date: 17th May 2022