11 April 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**CONSTANCE McMILLAN**

**Date of hearing:** 25 March 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Dr Andrew Gould.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Ms Constance McMillan represented herself.

**Charges and particulars:**

**Charge 1**

Greyhounds Australasia Rule (“GAR”) 83(2) states:

*(2) The owner, trainer or person in charge of a greyhound-*

1. *nominated to compete in an Event;*

1. *presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or*

1. *presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked*

*shall 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.

1. You were, at all relevant times, the trainer of the greyhound *“Tinker China”.*

1. *“Tinker China”* was nominated to compete in, Race 10, hookedonscotch.com.au, Tier 3 – Grade 7, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 5 April 2021 (**the Event**).

1. On 5 April 2021, you presented *“Tinker China”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Tinker China”* at the Event (**the Sample**);
	2. Guaifenesin was detected in the Sample.

**Charge 2**

GAR 83(2) states:

*(2) The owner, trainer or person in charge of a greyhound-*

1. *nominated to compete in an Event;*

1. *presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or*

1. *presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked*

*shall 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.

1. You were, at all relevant times, the trainer of the greyhound *“Tinker China”.*

1. *“Tinker China”* was nominated to compete in, Race 10, hookedonscotch.com.au, Tier 3 – Grade 7, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 5 April 2021 (**the Event**).

1. On 5 April 2021, you presented *“Tinker China”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Tinker China”* at the Event (**the Sample**);
	2. Procaine was detected in the Sample.

**Charge 3**

GAR 83(2) states:

*(2) The owner, trainer or person in charge of a greyhound-*

1. *nominated to compete in an Event;*

1. *presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or*

1. *presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked*

*shall 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.

1. You were, at all relevant times, the trainer of the greyhound *“Tinker China”.*

1. *“Tinker China”* was nominated to compete in, Race 10, hookedonscotch.com.au, Tier 3 – Grade 7, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 5 April 2021 (the Event).

1. On 5 April 2021, you presented *“Tinker China”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Tinker China”* at the Event (the Sample);
	2. Lignocaine and 3-Hydroxylignocaine were detected in the Sample.

**Pleas:** Guilty to all charges

**DECISION**

1. Ms Constance McMillan is a registered greyhound trainer. On 5 April 2021 she presented “Tinker China” for race 10 at Cranbourne. A pre-race sample of urine showed the presence of guaifenesin and procaine, as well as lignocaine and a metabolite of that substance.
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Ms. McMillan with three presentation offences regarding the three types of prohibited substances found in the greyhound's urine sample. Each of the charges is laid under Rule 83 (2) of the Greyhounds Australasia Rules.
3. Ms McMillan has pleaded guilty to the charges. The positive swabs to all 3 substances has arisen due to Ms. McMillan feeding her greyhound not fit for human consumption meat.
4. Each of the prohibited substances emanates from animals used for knacking meat. Procaine is commonly used in the euthanasia of cattle. It has pain relieving qualities. Lignocaine also affects the nervous system. Guaifenesin affects the musco-skeletal system. Lignocaine also provides pain relief, while guaifenesin is a muscle relaxant. Each prohibited substance affects the condition and performance of greyhounds. The first two do so in a positive way and the latter in a negative way.
5. At the time, Ms McMillan fed her greyhounds meat obtained from a pet food supplier, as well as mince obtained from a butcher. In recent years, GRV has warned trainers about the dangers of feeding not fit for human consumption meat to greyhounds and the dangers of likely positive swabs to prohibited substances. Many trainers run the risk of feeding not fit for human consumption meat because of its cheaper costs, compared to meat such as kangaroo, chicken and other meat fit for human consumption. In doing so, they run the risk of incurring fines and suspensions.
6. Ms McMillan now feeds her greyhounds fit for human consumption meat.
7. In setting a penalty, we take into account Ms McMillan's guilty plea, her cooperation with Stewards and previous unblemished record. We also take into account specific and general deference, as well as the importance of maintaining a level playing field by keeping a drug free industry. We are also informed by recent penalties in like matters.
8. In all the circumstances we impose a penalty on charge 1 of a $1,500 fine with $500 suspended for a period of 24 months. On the second and third charges we impose the same penalty, but make it concurrent with the penalty under charge 1 in each case. It is more likely than not that each prohibited substance arose from the same feeding source.
9. In addition, Tinker China is disqualified from race 10 at Cranbourne on 5 April 2021.

Mark Howard
Registrar, Victorian Racing Tribunal