7 October 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MS DALLAS MASSINA**

**Date of hearing:** 30 September 2020

**Panel:** Judge John Bowman (Chairperson) and Ms Maree Payne.

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

Ms Dallas Massina represented herself.

**Charge:** Greyhounds Australasia Rule (GAR) 83(2) states:

The owner, trainer or person in charge of a greyhound-

1. nominated to compete in an Event;
2. presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
3. 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.

2. You were, at all relevant times, the trainer of the greyhound *“Kannella”.*

3. *“Kannella”* was nominated to compete in, Race 2, GRV VIC BRED MAIDEN SERIES HT2, Maiden Heat, conducted by the Horsham Greyhound Racing Club at Horsham on 3 March 2020 (**the Event**).

4. On 3 March 2020, you presented *“Kannella”* at the Event not free of any prohibited substance, given that:

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

(b) Arsenic was detected at a mass concentration of greater than 800 nanograms per millilitre in the Sample.

**Plea:** Guilty

**DECISION**

Ms Dallas Massina, you have pleaded ‘guilty’ to a presentation charge pursuant to GAR 83(2). ‘Kannella’, trained by you, ran in Race 2 at Horsham on 3 March 2020. It won the race. A post-race urine sample tested positive for the prohibited substance, arsenic. The level of arsenic was well over the prescribed limit.

At the time you had timber posts on the property where you train in conjunction with your parents, and now your daughter. They are all licensed persons. On the property at the time were timber fence posts. Kannella is a dog which frequently chewed fence posts. Since this charge arose, you have placed a muzzle on that dog when it is out and about on the family property. The Stewards submitted that the arsenic was not contained in any substance or medication being given to the dog and that the most likely source of the arsenic was the fence posts. Thus, the Stewards accept that there was no deliberate administration.

You have been a registered trainer since 1988. You have an excellent record. You are essentially a full-time trainer of the family’s dogs and reside with your parents and daughter on a few acres at Golden Square.

Matters of general and specific deterrence are relevant, but particularly general deterrence. A series of notices to the industry were sent out effectively by the Stewards between 2016 and 2018, these notices warning of the problems with arsenic and specifically referring to its possible presence in timber. The notices are still on the GRV website. Unfortunately, you do not seem to have been aware of them. It is important that licensed persons read such important notices to the industry and take appropriate steps.

This Tribunal and its predecessor, the Greyhound RAD Board, has consistently applied much the same penalties in cases such as this since 2018. An appeal to VCAT produced a similar result. There has been one case, that of Ms Carol Jackson in February of this year, where truly exceptional circumstances existed and what could be described as the usual penalty was varied.

Of course, each case must be considered on its merits, but consistency of penalty is also desirable. We do not consider that exceptional circumstances exist in your case. The warnings in relation to arsenic, particularly in timber, should have been noted by you and the muzzling of the dog, which frequently chewed timber, carried out earlier.

We agree with the Stewards that the chewing of the timber is the most likely cause of the high arsenic reading. We also agree that the appropriate penalty is suspension for a period of six months, with four months in turn suspended. Further, there is a fine of $500. Kannella is disqualified from Race 2 at Horsham on 3 March 2020 and the finishing order amended accordingly.

We would add one further observation. We appreciate that, if the training of the dogs is transferred to your parents, who are licensed and over the age of seventy years, you would not want them to be taking the dogs to racetracks in the present circumstances of the COVID-19 virus. Your daughter, whilst licensed, is in full time employment. As suggested, your situation could be raised with the Chief Steward, although obviously that would be a matter for him and we make no recommendation or prediction as to what the outcome should or might be.

Mark Howard
Registrar, Victorian Racing Tribunal