18 September 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR DARREN KEE**

**Date of hearing:** 4 September 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Marilyn Harbison.

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

Mr Darren Kee represented himself.

**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 *“Halwes”.*
3. *“Halwes”* was nominated to compete in, Race 1, GRV SUPPORTING THE BUSHFIRE APPEAL, Grade 7, conducted by The Meadows Greyhound Racing Association at The Meadows on 25 January 2020 (**the Event**).
4. On 25 January 2020, you presented *“Halwes”* at the Event not free of any prohibited substance, given that:
5. A post-race sample of urine was taken from *“Halwes”* at the Event (**the Sample**);
6. Flunixin was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Darren Kee is a registered greyhound trainer and the trainer of the greyhound ‘Halwes’. Halwes competed in Race 1 at the Meadows on 25 January 2020. A post-race sample of urine taken from the greyhound showed the presence of the prohibited substance Flunixin.
2. Stewards of Greyhound Racing Victoria (‘GRV’) have charged Mr Kee under Greyhounds Australasia Rule (GAR)83(2) with presenting a greyhound for an event while not free of a prohibited substance. Mr Kee has pleaded guilty.
3. Flunixin is a therapeutic substance which reduces pain, fever and inflammation. It is commonly used in veterinary medicine for the treatment of sick or lame cattle and horses. Feeding of ‘not for human consumption’ meat to greyhounds can lead to a positive swab to Flunixin. That is what occurred in this case. Mr Kee had fed his greyhound meat which was not fit for human consumption. He now uses a mixture of kangaroo and other ‘fit for human consumption’ meat. The contamination resulting from the use of meat containing Flunixin is capable of inducing a pain free state in a greyhound and enhancing performance.
4. Mr Kee has no relevant prior offences and is relatively new to greyhound training. He was co-operative with the Stewards.
5. In setting a penalty, we take into account general deterrence and the importance of maintaining a level playing field by keeping a drug free industry. We also take into account penalties in recent like matters.
6. In all the circumstances we impose a penalty of 3 months suspension fully suspended for 12 months pending no further breach of GAR83 in the next 12 months and a $1,000 fine.
7. In addition, Halwes is disqualified from Race 1 at the Meadows on 25 January 2020.
8. We note that many cases are coming before us dealing with knackery meat. We foreshadowed that the time may soon come when the penalties may be increased in the future. That was a warning stated on 3 July 2018 by the RADB in the matter of Salter and is deserving repetition. We refer especially to paragraph 8 of that decision.

Mark Howard
Registrar, Victorian Racing Tribunal