31 March 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**DAVID BURNETT**

**Date of hearing:** 26 March 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Robert Abrahams.

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

Mr David Burnett 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 “Who Told Stevie”.

3. “Who Told Stevie” was nominated to compete in, Race 8, NARDI PRODUCE, Mixed 4/5, conducted by the Geelong Greyhound Racing Club at Geelong on 7 August 2020 (**the Event**).

4. On 7 August 2020, you presented “Who Told Stevie” at the Event not free of any prohibited substance, given that:

1. A post-race sample of urine was taken from “Who Told Stevie” at the Event (**the Sample**);
2. Procaine was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr David Burnett is a registered greyhound trainer and is the trainer of the greyhound “Who Told Stevie”. The greyhound competed in Race 8 at Geelong on 7 August 2020. A post-race swab showed the presence of Procaine.
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Burnett with presenting a greyhound for an event while not being free of a prohibited substance under Greyhounds Australasia Rule (“GAR”) 83(2). Mr Burnett pleaded guilty to the charge.
3. Mr Burnett has been involved in greyhound training for 27 years. He usually has about 15 greyhounds in his kennels. In all that time he has never been subject to a positive swab finding. Under his direction, his staff feed his greyhounds knackery meat from a pet foods supplier. His practice has been to stop feeding knackery meat 48 hours before a race and then feed only fit for human consumption meat. This is despite GRV advising trainers for a long time not to feed knackery meat within 72 hours of a race and, more lately, not to use it at all. Frequently, positive swabs to Procaine and other prohibited substances can result from the feeding of meat not fit for human consumption, meat as happened in this case. Mr Burnett used knackery meat because of cost considerations, but now he only uses kangaroo meat or has done so since being advised of this positive swab.
4. Procaine is used to sedate sick cattle before they are slaughtered. It can affect the condition or performance of a greyhound by inducing an artificially pain free state.
5. Despite continued warnings to trainers about the use of not fit for human consumption meat and the possibility of positive swabs to Procaine and other substances, many trainers are not heeding those warnings. They are choosing, often for economic reasons, to persist with feeding knackery meat. Cases of this sort are coming before the Tribunal with like regularity as the way they came before the former GRV Racing Appeals and Disciplinary Board (“RADB”). This Tribunal and the RADB have both foreshadowed the need for higher penalties if this trend continues. However, this case is not an appropriate vehicle to start taking that approach. Mr Burnett has a long, clean record regarding prohibited substances. He pleaded guilty at the first opportunity. He switched to kangaroo meat immediately after being notified of the positive swab. He is genuinely remorseful.
6. In setting a penalty, we take into account the factors set out in the preceding paragraph, as well as general deterrence and the importance of keeping a level playing field. We also take into consideration recent penalties in like matters. In all the circumstances, we impose a penalty of a $1,500 fine, with $500 suspended for 12 months pending no further breach of GAR 83 in that time. We hope GRV gives prominent publicity to this case, as well as the probable intention of the Tribunal in an appropriate future case, for example, where a trainer wishes to persist in feeding knackery meat, to impose a higher penalty. If one cannot afford to provide alternatives to knackery meat, it would be reasonable to reconsider one’s future in the industry.
7. In addition to the penalty set out above, the result of the positive swab means that Who Told Stevie is disqualified from Race 8 at Geelong on 7 August 2020. As a result, the owners will forfeit first place prize money of $1,405.
8. We note that, in relation to trainers’ desires to keep feeding knackery meat up until 72 hours before a race, in a recent case (yesterday), in the matter of Mr Sean Lithgow, a positive swab to Pentobarbitone (a prohibited substance) resulted in an effective one months suspension. The advice in that case from the GRV Industry Veterinarian was that a positive swab to that substance can arise from the feeding of knackery meat up to two weeks before an event.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal