20 April 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR DEREK FAULKNALL**

**Date of hearing:** 16 April 2020

**Panel:** Judge John Bowman (Chairperson) and Justice Shane Marshall (Deputy Chairperson).

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

Mr Derek Faulknall represented himself.

**Charge:** Greyhound 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 GAR.
2. You were, at all relevant times, the trainer of the greyhound *“Royal Solo”.*
3. *“Royal Solo”* was nominated to compete in, Race 7, 99.1 YARRA VALLEY FM, Grade 5, conducted by the Healesville Greyhound Racing Association at Healesville on 22 September 2019 (**the Event**).
4. On 22 September 2019, you presented *“Royal Solo”* at the Event not free of any prohibited substance, given that:
	1. A pre-race sample of urine was taken from *“Royal Solo”* at the Event (**the Sample**);

(b) Procaine was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Derek Faulknall is a registered greyhound trainer and the trainer of the greyhound ‘Royal Solo’. Royal Solo competed in race 7 at Healesville on 22 September 2019. A pre-race swab taken from the greyhound detected the presence of procaine.
2. Stewards of Greyhound Racing Victoria have laid a charge against Mr Faulknall under GAR 83(2) for failing to present the greyhound for an event whilst not free of a prohibited substance.
3. Procaine is a pain relief medication usually given to livestock. It is capable of affecting the condition or performance of a greyhound by inducing an artificially pain free state.
4. In August 2016, GRV produced guidelines regarding feeding or medication which included a statement that GRV does not support the feeding of “unfit for human consumption meat” and pointed to the risk that prohibited substances may be inadvertently administered.
5. GRV had previously advised trainers not to use unfit for human consumption meat within 72 hours of racing. That advice is now outdated and has been replaced with advice not to use not fit for human consumption meat.
6. In a Stewards inquiry held into the positive swab, Mr Faulknall said that he fed not for human consumption meat, obtained from a pet shop, to his greyhounds because his normal meat supplier was not available. He has only been training for a few years and now knows not to use meat which is unfit for human consumption.
7. Mr Faulknall has pleaded guilty to the offence. Procaine is considered to be a therapeutic substance under GRV’s penalty guidelines document. That document recommends a minimum of a $500 fine and up to 12 months disqualification. We are informed by that document but not bound by it.
8. In setting a penalty we take into account general deterrence, specific deterrence and the importance of keeping a drug free industry. We also take into account Mr Faulknall’s guilty plea and recent penalties in like matters imposed by this Tribunal and by GRV Racing Appeals and Disciplinary Board. In all the circumstances we impose a fine of $1,500 of which $500 is suspended pending no further breaches of GAR 83 in the next 12 months. In addition, ‘Royal Solo’ is disqualified from race 7 at Healesville on 22 September 2019.

Mark Howard
Registrar, Victorian Racing Tribunal