26 August 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**KAYLAH THORBURN**

**Date of hearing:** 5 August 2021

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Judge Julie Nicholson.

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

Ms Kaylah Thorburn represented herself.

**Charges:** 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.

GAR 84A(1) states:

(1) The person in charge of a greyhound must keep and retain records detailing all vaccinations, antiparasitics and medical treatments administered to a greyhound from the time the greyhound enters their care until the greyhound leaves their care and for a minimum of two (2) years. Such record of treatment must be produced for inspection when requested by a Steward or a person authorised by the Controlling Body. Any person responsible for a greyhound at the relevant time who fails to comply with any provision of this rule shall be guilty of an offence.

**Particulars of charges: Charge 1: GAR 83(2)**

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 “Tribal”.
3. “Tribal” was nominated to compete in, Race 4, Find Us On Facebook, Mixed 4/5, conducted by the Warragul Greyhound Racing Club at Warragul on 12 February 2021 (**the Event**).
4. On 12 February 2021, you presented “Tribal” at the Event not free of any prohibited substance, given that:
5. A post-race sample of blood was taken from “Tribal” at the Event (**the Sample**);
6. Meloxicam was detected in the Sample.

**Charge 2: GAR 84A(1)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Racing Victoria Rules of Racing.
2. On 13 March 2021, you failed to produce treatment records for inspection, upon request from Mrs Catherine Scarlett, a person authorised by the Controlling Body, for greyhounds for which you were the responsible person at the relevant time.

**Pleas:** Guilty

**DECISION**

Ms Kaylah Thorburn, you have pleaded guilty to breaching Greyhounds Australasia Rule (“GAR”) 83(2).

You presented your greyhound “Tribal” in Race 4 at the Warragul Greyhound Racing Association meeting held on 12 February 2021 when it was not free of a prohibited substance, namely meloxicam.

Meloxicam is an anti-inflammatory drug which can affect the performance of a greyhound. On 14 April 2021, you told Stewards that you regularly fed your dog knackery meat, but on the day of the race you fed your dog meat fit for human consumption. You also informed the Stewards on that date that an unnamed pup was treated with Meloxibell and that the Tribal came into contact with it which may have resulted in Tribal having meloxicam in its system on race day.

It is notorious that the feeding of knackery meat to a greyhound can produce the result of a greyhound presenting with a prohibitive substance in its system on race day. In our opinion that is the likely cause of you presenting your greyhound when it was not free of a prohibited substance.

Greyhound Racing Victoria (“GRV”) has previously alerted those in the industry of the risks involved in feeding knackery meat to greyhounds.

You are 24 years of age and have been a trainer since 2017. There is no suggestion that you in any way deliberately or intentionally administered any prohibited substance to your greyhound. You have excellent character references, and you have a good record in the industry. You have bred your first litter of pups and you expect and hope to train those in the future. You have a great passion for the industry and the industry itself really keeps you going, as you stated to us previously.

We have taken into account your plea of guilty, your cooperation with the Stewards, your personal circumstances, your training history and your character references.

General deterrence and, to a far lesser extent, specific deterrence each have their part to play in arriving at an appropriate penalty. It is very important that greyhound racing is conducted on a level playing field without prohibited substances. Each case must be treated and decided on its own individual facts.

In all the circumstances, on charge 1, we find the charge proven and fine you $1,500. However, we suspend $1,000 of that fine for a period of 12 months. We order that Tribal be disqualified from Race 4 at the Warragul Greyhound Racing Association meeting held on 12 February 2021 and that placings be amended accordingly.

On charge 2, we find the charge proven and, as a result, we fine you $500 and fully suspend that fine for a period of 12 months.

Mark Howard
Registrar, Victorian Racing Tribunal