10 December 2019

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MS LYN SMITH**

**Date of hearing:** 6 December 2019

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall and Ms Marilyn Harbison.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Ms Lyn Smith 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:** On 25 June 2019 at Horsham, you presented ‘Evolution’ at the Event not free of any prohibited substance, given that:

1. A post-race sample of urine was taken from ‘Evolution’ at the Event (**the Sample**); and
2. Meloxicam was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Ms Lyn Smith is the trainer of the greyhound ‘Evolution’ which competed in race 1 at Horsham on 25 June 2019. A post-race blood sample taken from Evolution showed the presence of the prohibited substance, Meloxicam.
2. Stewards of Greyhound Racing Victoria (GRV) have charged Ms Smith under GAR 83(2) with presenting a greyhound for an event whilst not being free of a prohibited substance. It is an offence of absolute liability with no requirement for the Stewards to identify the source of the positive swab.
3. A GRV Veterinarian, Dr Evans, has given evidence that Meloxicam is a non-steroidal anti-inflammatory drug used to provide pain relief and reduce fever. It can affect the performance of a greyhound in a positive way. It can be ingested and used in the treatment of sick cattle and horses. It can show up in greyhounds after they eat the meat of an animal which has been treated with Meloxicam.
4. GRV introduced ‘feeding guidelines’ in August 2016 which stated that:

GRV does not support the feeding of ‘unfit for human consumption meat’ and participants who choose to do so take the risk that prohibited substances may be inadvertently administered.

1. Ms Smith, until receiving news of the positive swab, regularly used knackery meat for three and a half years from a knackery in Maffra. The knackery told her that the meat was clean and from cows that had been kept for 28 days before slaughter. However, no guarantees regarding contamination were given. The Tribunal accepts that the use of knackery meat was the most likely cause of the positive swab.
2. Ms Smith has pleaded guilty. We find the charge proven. We note that Ms Smith now uses kangaroo meat to feed her greyhounds.
3. In setting a penalty the Tribunal takes into account general deterrence and the importance of keeping of keeping a drug free industry. We take into account Ms Smith’s good record and recent penalties at the GRV Racing and Disciplinary Board in like matters.
4. In all the circumstances we impose a fine of $1,500 with $1,000 of that amount being suspended pending no further breach of GAR83 in the next 12 months. The RADB noted in Bailey [25 July 2019] that too many cases involving knackery meat were coming before it and that the size of financial penalties may have to increase to get the message across to trainers that the feeding of knackery meat carries risks of contamination. We echo that warning.
5. We further disqualify ‘Evolution’ from race 1 at Horsham on 25 June 2019.

Mark Howard
Registrar, Victorian Racing Tribunal