19 July 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MALCOLM CARR**

**Date of hearing:** 14 July 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Amanda Dickens.

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.

Mr Malcolm Carr represented himself.

**Charges:** Greyhounds Australasia Rule (“GAR”) 83(1A) states:

 (1A) A person who –

(a) administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;

 (b) aids, abets counsels or procures any person to administer a prohibited substance to a greyhound; or

(c) has prior knowledge of a prohibited substance being administered to a greyhound

 which is detected in any sample taken from such greyhound that has been presented for an Event or when subject to any other contingency provided for pursuant to these Rules, shall be guilty of an offence.

GAR 83(2) states:

(2) The owner, trainer or person in charge of a greyhound-

 (a) nominated to compete in an Event;

 (b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or

 (c) 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(2) states:

 (2) Each record of treatment kept in accordance with this rule must be made by midnight on the day on which the treatment was given and, as a minimum requirement, include the following information: a) Name of the greyhound; b) Date and time of administration of the treatment; c) Name of the treatment (brand name or active constituent); d) Route of administration; e) Amount given; f) Name and signature of person or persons administering and/or authorising treatment.

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

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound “Tigers On Fire”.
3. Tigers On Fire was presented for, and competed in, Race 3, RAM Locksmith (250+RANK), Maiden, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 17 July 2021 (the Event).
4. You administered, or caused to be administered, to Tigers On Fire, a prohibited substance, being Lignocaine and 3-Hydroxylignocaine, which was detected in a sample taken from Tigers On Fire in that:

(a) You administered, or caused to be administered, a product containing Lignocaine, namely “Apex Antibiotic Solution”, to Tigers On Fire on or around 13 July 2021;

(b) A post-race sample of urine was taken from “Tigers On Fire” at the Event (the Sample);

(c) Lignocaine and 3-Hydroxylignocaine were detected in the Sample.

**Charge 2: 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 “Tigers On Fire”.
3. Tigers On Fire was nominated to compete in, Race 3, RAM Locksmith (250+RANK), Maiden, conducted by the Cranbourne Greyhound Racing Club at Cranbourne on 17 July 2021 (the Event).
4. On 17 July 2021, you presented Tigers On Fire at the Event not free of any prohibited substance, given that:

(a) A post-race sample of urine was taken from Tigers On Fire at the Event (the Sample);

(b) Lignocaine and 3-Hydroxylignocaine was detected in the Sample.

 **Charge 3: GAR 84A(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 “Tigers On Fire”.
3. On or around 13 July 2021, you administered or caused to be administered a treatment, namely “Apex Antibiotic Solution” to Tigers On Fire (the Treatment).
4. You did fail to record the minimum requirements for this Treatment in your treatment records.

**Pleas:** Guilty to all charges

**DECISION**

1. Mr Malcolm Carr is a registered greyhound trainer of long standing and, at all material times, was the trainer of the greyhound, “Tigers On Fire”.
2. Tigers On Fire competed in Race 3 at Cranbourne on 17 July 2021. A post-race urine swab showed the presence of lignocaine and one of its metabolites. Lignocaine is a prohibited substance, as are its metabolites. It is a local anaesthetic which provides pain relief. It has an affect on a greyhound which is more likely to be positive and induces a pain free state in a greyhound.
3. The source of the positive swab was the application of a cream called “Apex Antibiotic Solution” on 13 July 2022 by Mr Carr to the greyhound. Mr Carr applied the cream to treat a chilblain sore on the left ear of the greyhound. He did not realise the cream contained lignocaine.
4. Mr Carr did not enter the use of the Apex Antibiotic Solution in his treatment book because he said he was trying it on a one off basis, merely to give it a try.
5. Mr Carr has pleaded guilty to three offences under the Greyhounds Australasia Rules (“GARs”). The first is an administration charge under GAR 83(1A). The second is a presentation charge under GAR 83(2) and the third is a charge concerning Mr Carr’s failure to enter the treatment of the Apex Antibiotic Solution in his treatment book contrary to GAR 84A(2). Mr Carr has pleaded guilty to all three charges.
6. In setting a penalty, we have taken into account the guilty pleas and the good record of Mr Carr. We also take into account general deterrence and the importance of keeping a level playing field by having a drug free industry. We are also informed by recent penalties in like matters as well as denunciation of conduct in using prohibited substances.
7. On the charge under GAR 83(1A), we impose a penalty of a $1,500 fine, with $1,000 suspended for 12 months given the length of time since the offence and the lack of offending in the interim.
8. On the charge under GAR 83(2), we impose the same penalty as that on Charge 1 but make it fully concurrent with the penalty imposed on Charge 1.
9. On the charge under GAR 84A(2), we impose a $300 fine.
10. The effective total fine is $800.
11. In addition, Tigers On Fire is disqualified from Race 3 at Cranbourne on 17 July 2021.
12. In setting the suspended portion of the fine higher than in past cases, we have taken into account evidence that a distinguished veterinarian advised Mr Carr that the substance could be safely administered outside three days before the race. That is why the suspended portion of the fine is $1,000, rather than $500, as in the two most recent cases involving this substance.

Kathleen Scully
Acting Registrar, Victorian Racing Tribunal