28 November 2019

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR VICTOR MILLINGTON**

**Date of hearing:** 28 November 2019

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall (Deputy Chairperson) and Dr Andrew Gould.

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

Mr Victor Millington represented himself.

**Charge:** Greyhounds Australasia Rule 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 charges:** On 5 March 2019 at Horsham, you presented ‘Solar Life’ at the Event not free of any prohibited substance, given that:

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

**Plea:** Guilty

**DECISION**

1. Mr Victor Millington is a registered greyhound trainer and the trainer of the greyhound ‘Solar Life’. On 5 March 2019, Solar Life competed in race 3 at Horsham. A post-race sample of urine taken from the greyhound showed the presence of Theobromine, a metabolite of caffeine.
2. Caffeine is a stimulant which is known to improve the performance of greyhounds when given in low or moderate doses. High doses would tend to decrease performance.
3. Stewards of Greyhound Racing Victoria (GRV) have charged Mr Millington with breaching Greyhounds Australasia Rule (GAR) 83(2) by presenting a greyhound for an event whilst not free of a prohibited substance. Theobromine is a prohibited substance as defined in GAR1.
4. Mr Millington has pleaded guilty to the charge. He believes, that a possible cause of the positive swab was feeding the greyhound a product called ‘Waking Dog Cop Rice’. He believes that the product may contain traces of caffeine. Mr Millington was unaware that was the case at the time. Dr Karamatic has given evidence that it is not conclusive that the product contained caffeine. However, it appears unlikely that Cop Rice caused the positive swab.
5. In mid March 2019, GRV placed a warning in its magazine that Cop Rice may contain traces of caffeine. The offence occurred in early March. It is one of absolute liability. It is not up to the Stewards to prove how the contamination occurred.
6. Mr Millington has pleaded guilty to the charge. In setting a penalty we take into account general deterrence, animal welfare considerations and the importance of maintaining a drug free industry to keep a level playing field. We also take into account Mr Millington’s long history in the industry with no prior offences and his good character. We further take into account that the offending appears to have been inadvertent and that Mr Millington has expressed remorse.
7. In all the circumstances we suspend Mr Millington for three months but fully suspend that suspension on the condition that Mr Millington not breach any provision of GAR83 in the next 12 months. In addition, ‘Solar Life’ is disqualified from race 3 at Horsham on 5 March 2019.

Mark Howard
Registrar, Victorian Racing Tribunal