29 November 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**BRENDA KINDER**

**Date of hearing:** 26 November 2024

**Date of decision:** 26 November 2024

**Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Ms Danielle Hikri.

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

Ms Brenda Kinder represented herself.

**Charges and particulars:**

**Charge No. 1 of 2**

Greyhounds Australasia Rule 141(1) reads as follows:

**Rule 141 Greyhound to be free of prohibited substances**

*(1) The owner, trainer or other person in charge of a greyhound:*

1. *nominated to compete in an Event;*
2. *presented for a satisfactory trial or such other trial as provided for by the Rules; or*
3. *presented for any test or examination for the purpose of a stand-down period being varied or revoked,*

*must 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 Greyhounds Australasia Rules.

1. You were, at all relevant times, the trainer of the greyhound *“Riot As One”.*

1. *“Riot As One”* was nominated to compete in Race 11, SHIMA SHINE AT STUD (27+RANK), Grade 5, conducted by the Bendigo Greyhound Racing Association at Bendigo on 17 January 2024 (**the Event**).

1. On 17 January 2024, you presented *“Riot As One”* at the Event not free of any prohibited substance, given that:
	1. A post-race sample of blood was taken from *“Riot As One”* at the Event (**the Sample**);
	2. Meloxicam was detected in the Sample.

**Charge No. 2 of 2**

Greyhounds Australasia Rule 148(1) reads as follows:

**Rule 148 *Possession* of a *prohibited substance*, *exempted substance* or other substance and other rules in relation to certain substances**

1. *A person must not, without the express permission of the Stewards, possess any prohibited substance, exempted substance or other substance (including any other medication, medicine, injectable substance, supplement, herbal product or therapeutic good) that:*
2. *is not registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA);*

**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 Greyhound Australasia Rules.
2. On 26 February 2024, a kennel inspection was conducted at your registered greyhound kennel address at 243 McColl Road, Girgarre VIC 3624 (**the Premises**);
3. During the course of the kennel inspection, Stewards located the injectable substance “Tone \* Plus” (**the Substance**);
4. The Substance has not been approved or registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA);
5. You did not have permission from the Stewards to possess the Substance.

**Pleas:** Guilty to both Charges.

**DECISION**

1. Ms Brenda Kinder is a registered greyhound trainer. On 17 January 2024 she presented her greyhound Riot As One to race when that greyhound had meloxicam present in its system. This is the first charge against her today.
2. The second one is a charge that she possessed an injectable substance named Tone Plus, which was noticed by a Steward who visited her house on 26 February 2024. Tone Plus is a substance not approved or registered by the relevant Victorian authorities.
3. It appears that the meloxicam was ingested through knackery meat which Ms Kinder was accustomed to feed to her greyhounds, because the source was close to her home and it was cheap. Meloxicam is a prescription veterinary medicine used for pain relief. It is often found in knackery meat. It has a positive effect on greyhound performance.
4. We emphasise that it is not suggested by the Stewards that Tone Plus is a performance enhancing substance. The nature of the contents of the bottle is not in issue in relation to the second charge. It is simply that this substance has not been through the registration or approval process and should not have been in Ms Kinder’s possession.
5. Ms Kinder has been a licenced participant in the greyhound industry for approximately 50 years and this is her first positive swab. She has a clean record in the industry. She is now retired and lives on the pension. She is a hobby trainer with seven racing greyhounds. Since this positive sample she has stopped buying knackery meat.
6. She said that she obtained the bottle of Tone from NSW. She did not remember exactly when she obtained it, but it was years ago. She used it if a dog had a sore leg, but had not used it recently. She estimated that the last time she used it was about two or three years ago. She did not realise that it was prohibited for her to have such a substance in her kennels.
7. In coming to a decision on sentence, we have weighed up the matters put forward on Ms Kinder's behalf, together with the considerations of general deterrence, the need for consistency in sentencing and in particular the need to demonstrate that the presence of drugs in connection with greyhound racing will not be tolerated. Taking all of these matters into consideration, we impose the following penalties.
8. On the presentation charge, the penalty which we impose is a fine of $1,500 with $500 suspended for 24 months.
9. On the second charge, which is a charge of possessing an unregistered product, the penalty which we impose is a fine of $1,000 with $750 suspended for 24 months.
10. Riot As One is disqualified from Race 11 at Bendigo on 17 January 2024 and the finishing order is amended accordingly

Mark Howard

Registrar, Victorian Racing Tribunal