

Racing Appeals & Disciplinary Board

Media Release

10 February 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Friday, 10 February 2017
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria
Panel: Mr. Shane Marshall (Chairman), Mr. Terry O'Connor (Deputy
Chairman), and Mr. David Gleeson
Name of Person Charged: Ms. Joy Mills
Town: Johnsonville
Track: Sale
Date: 16 October 2016
GAR No: 83 (2)(3)
Offence Charged: Ms. Joy Mills failed to present the greyhound 'Fancy Minter' free of
any prohibited substance for an event at the Sale meeting held on
16 October 2016.

REPORT:

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of a post-race urine sample taken from the greyhound 'Fancy Minter' at the Sale meeting held on 16 October 2016.

During the investigation, Stewards received evidence from registered trainer Ms. Joy Mills, Ms. Naomi Selvadurai (Racing Analytical Services Laboratory) and Dr. Steven Karamatic (GRV Chief Veterinarian).

After considering the evidence, Stewards charged Ms. Mills with a breach of Greyhounds Australasia Rule 83(2)(3) in that she failed to present the greyhound 'Fancy Minter' free of any prohibited substance for an event at the Sale meeting held on 16 October 2016 given that the post-race urine sample taken from the greyhound indicated the presence of the prohibited substance procaine.

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules a breach of GAR83 (2)(3) constitutes a Serious Offence. As a result on Friday, 10 February 2017 this matter was heard

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before the Racing Appeals and Disciplinary Board in the first instance under Greyhound Local Racing Rule 47.3 and Sections 83C(b) and 83M(1) of the Racing Act.

Ms. Joy Mills represented herself.

Mr. Marwan El-Asmar GRV Managing Principal Lawyer instructed by Ms. Heidi Lester GRV Chief Steward represented the Stewards Panel.

Ms. Joy Mills pleaded guilty to the charge.

DECISION:

1. Ms. Joy Mills is a registered greyhound trainer and the trainer of greyhound "Fancy Minter". She has many years experience as a trainer in Victoria and New South Wales. She has a small kennel of greyhounds and may be described as a hobby trainer.
2. Fancy Minter competed in race 2 at Sale on 16 October 2016. She won the race. A post-race urine sample detected the presence of Procaine. Stewards of Greyhound Racing Victoria ("GRV") have charged Ms. Mills under Greyhound Australasia Rule ("GAR") 83 (2) and (3) with presenting a greyhound for an event while not being free of a prohibited substance. Under a penalty guidelines document issued by GRV, Procaine is a category 2 prohibited substance, being a pain-relief medication. The guidelines suggest a minimum one month disqualification as punishment. We are informed by those guidelines but not bound by them.
3. The offence charged is one of absolute liability. It is not for the Stewards to prove the source of the positive swab. Ms. Mills has pleaded guilty to the charge. We find the charge proven. We note the evidence of GRV's Chief Veterinarian that Procaine is a prohibited substance under the definition of that term in GAR 1 and is "capable of affecting the condition or performance of a greyhound such as by introducing an artificially pain free state".
4. In a preliminary inquiry held into the positive swab and before the Board, Ms. Mills has claimed that the source of the Procaine was her use of knackery meat in the feed of the greyhound before she raced rather than human consumption meat. Based on previous experience we accept that this is the most likely explanation.
5. Ms. Mills told the stewards inquiry that she didn't read the fine print of GRV's policy on feeding meat. That policy, contained in the penalty guidelines document, has been well publicised by GRV and in decisions of this Board. Paragraph 5 of that document, under the heading "feeding" clearly states:-

"To avoid the possible detection of procaine (and other prohibited substances) in your greyhound, it is suggested that trainers be well aware of the risk of feeding knackery

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meat within 36-48 hours of racing. The risk may be small but is it worth the loss of a race due to an avoidable situation”.

6. In our 6 December 2016 decision in Webb at paragraph 6 the Board stated:-

“Earlier this year in the decisions of Dewan (published 25 July 2016) and Pattinson (published 2 August 2016) this Board foreshadowed that an increase in penalty may be the only way of getting the message through to the industry of the need for care in feeding so that the “level playing field” on race day may be maintained”.

7. In this matter the Board is required to balance just punishment, specific and general deterrence, denunciation, the preservation of the integrity of greyhound racing (to help ensure a level playing field of drug free racing) and the trainer’s prospects of rehabilitation. We also take into account the guilty plea and Ms. Mills good record as well as her excellent character.

8. We note that Ms. Mills no longer uses knackery meat. She is remorseful and is now aware of the need to be rigorous to limit the risk of prohibited substances coming through the food chain. Specific deterrence therefore is not a major consideration in our assessment of a penalty. However the other factors listed above especially general deterrence, are important considerations.

9. The Board is tiring of cases coming before it where scant regard is given to the GRV’s feeding guidelines. More needs to be done by trainers to guard against food chain related positive swabs. Perhaps GRV can also more prominently re-publicise those guidelines online and in hard copy magazines.

10. In all the circumstances, and consistently with the penalty in Webb, the Board considers that the appropriate penalty in this case is a fine of \$1,500, with \$500 being suspended for 12 months pending no further breach of GAR 83. The Board, however, wishes to put trainers on notice that should like transgressions continue it will consider both higher fines and periods of suspensions or disqualifications in future cases depending on their individual circumstances.

11. In addition, “Fancy Minter” is disqualified from race 2 at Sale on 16 October 2016.

.....End.....