

30 March 2023

DECISION

GREYHOUND RACING VICTORIA

and

DANNY MacDONALD

Date of hearing: 24 March 2023

Panel: Judge John Bowman (Chairperson) and Judge Kathryn Kings.

Appearances: Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Danny MacDonald represented himself.

Charges and particulars:

Charge No. 1 of 3

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:*
- (a) *nominated to compete in an Event;*
 - (b) *presented for a satisfactory trial or such other trial as provided for by the Rules; or*
 - (c) *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.
2. You were, at all relevant times, the trainer of the greyhound "Max Nipper".
3. "Max Nipper" was nominated to compete in Race 10, ADAMS ACCOUNTING MAFFRA (1-3 WINS) (250+), Restricted Win, conducted by the Sale Greyhound Racing Club at Geelong on 29 May 2022 (**the Event**).
4. On 29 May 2022, you presented "Max Nipper" at the Event not free of any prohibited substance, given that:
 - (a) A pre-race sample of urine was taken from "Max Nipper" at the Event (**the Sample**);
 - (b) Meloxicam was detected in the Sample.

Charge No. 2 of 3

Greyhounds Australasia Rule 142(1) reads as follows:

Rule 142 Administration of a prohibited substance established in a sample taken from a greyhound in connection with an Event

(1) An offence is committed if a *person*:

- (a) *administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;*
- (b) *aids, abets, counsels or procures the administration of or an attempt to administer a prohibited substance to a greyhound; or*
- (c) *has prior knowledge of a prohibited substance being administered or attempted to be administered to a greyhound,*

which is established in any sample taken from a greyhound presented for an Event or when subject to any other contingency pursuant to the Rules.

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. You were, at all relevant times, the trainer of the greyhound “Max Nipper”.
3. “Max Nipper” was presented for, and competed in, Race 10, ADAMS ACCOUNTING MAFFRA (1-3 WINS) (250+), Restricted Win, conducted by the Sale Greyhound Racing Club at Geelong on 29 May 2022 (**the Event**).
4. You administered, or caused to be administered, to “Max Nipper”, a prohibited substance, being Meloxicam, which was detected in a sample taken from “Max Nipper” in that:
 - (a) You administered a product containing Meloxicam to “Max Nipper” several times in May 2022;
 - (b) A pre-race sample of urine was taken from “Max Nipper” at the Event (the Sample);
 - (c) Meloxicam was detected in the Sample.

Charge No. 3 of 3

Greyhounds Australasia Rule 151(1) reads as follows:

Rule 151 Treatment records to be kept

- (1) *The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:*
 - (a) *from the time the greyhound enters their care until the greyhound leaves their care; and*
 - (b) *for a minimum of two years*
- (2) *If requested by a Controlling Body, a Steward, or an authorised person, the record/s of treatment referred to in subrule (1) of this rule must be produced for inspection.*

(3) *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) the name of the greyhound;*
- (b) the date and time of administration of the treatment;*
- (c) the name of the treatment (brand name or active constituent);*
- (d) the route of administration;*
- (e) the amount given; and*
- (f) the name and signature of the person or persons administering and/or authorising the treatment.*

For the purpose of subrule (3), "day" means the 24-hour period from 12.00am to 11.59pm on any calendar day.

(4) *An offence is committed if any person in charge of a greyhound at the relevant time fails to comply with any of subrules (1) to (3) of this rule.*

(5) *A person who commits an offence under subrule (4) of this rule may be penalised.*

(6) *For the purposes of this rule "treatment" includes:*

- (a) all Controlled Drugs (Schedule 8);*
- (b) all Prescription Animal Remedies and Prescription Only Medicines (Schedule 4);*
- (c) any injectable substance not already specified in this rule, notwithstanding the route of administration;*
- (d) all Pharmacist Only (Schedule 3) and Pharmacy Only (Schedule 2) medicines; and*
- (e) all veterinary and other medicines containing other scheduled or unscheduled prohibited substances.*

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.
2. You were at all relevant times the Trainer of the greyhound "Max Nipper".
3. On or around May 2022, you administered a treatment, namely a product containing Meloxicam, to "Max Nipper" **(the Treatment)**.
4. The Treatment was not recorded in your treatment records when you produced them to GRV Steward Heather HARVEY upon her request.

5. The Treatment was required to be recorded in your treatment records.

Pleas: Guilty to all charges.

DECISION

Mr Danny MacDonald, you have pleaded guilty to a breach of Greyhounds Australasia Rule ("GAR") 141(1), GAR 142(1) and a breach of GAR 151(1).

Charges 1 and 2 arise out of the run of "Max Nipper" in race 10 at Sale on 29 May 2022. Max Nipper in fact ran last.

Subsequently a pre-race sample proved positive to the prohibited substance Meloxicam. We accept that the Meloxicam probably arose from the use of a gel used to track the dog in respect of an injury, probably a fungal condition.

We note the following. You are 65 years of age. You are a hobby trainer and, until recently, had only two dogs, one of which was Max Nipper, which, unfortunately, has very recently died. Thus, you have only the one dog, which is kennelled at your home.

You have been a licensed trainer since 2019. Previously you did some racehorse training for a period.

Your domestic situation is quite complicated, in that you have three young children, its oldest one being aged three, who reside with you. You pay some modest maintenance in respect of other children. You pay rent each week of \$235. With this young family living with you, you have little time for work. When you did work, you were a bricklayer.

Thus, yours is a demanding and complicated background. We note that you have no prior convictions, and we take that into account. We also note your early plea of guilty and complete co-operation at all time.

The penalties we impose in this unusual case are as follows:

On Charge 1, a fine of \$1,500 wholly suspended for a period of 24 months.

On Charge 2, suspension for a period of 1 month and a fine of \$1,500 wholly suspended for a period of 24 months.

Turning to Charge 3, the failure to keep proper records, the work of the Stewards is difficult enough without having to deal with the problem caused by inadequate records. For this, you are fined \$300.

Further, Max Nipper is disqualified from Race 10 at Sale on 29 March 2022 and the finishing order is amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal