

GREYHOUND

Racing Appeals & Disciplinary Board

Media Release

2 May 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Tuesday, 2 May 2017
Venue of Hearing: Law Institute of Victoria, 470 Bourke Street, Melbourne
Panel: Mr. Shane Marshall (Chairman), Mr. Peter Lee and Mr. Phillip Pryor
Name of Person Charged: Mr. Charlie Azzopardi
Town: Caroline Springs
Track: Ballarat
Date: 7 November 2016
GAR No: 83 (1A) and 83 (2)

Offences Charged: (1) Mr. Charlie Azzopardi administered or caused to be administered a prohibited substance to the greyhound 'Quick Return' at Ballarat meeting held on 7 November 2016.

(2) Mr. Charlie Azzopardi failed to present the greyhound 'Quick Return' free of any prohibited substance for an event at Ballarat meeting held on 7 November 2016.

REPORT:

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of the pre-race urine sample taken from the greyhound 'Quick Return' at Ballarat meeting held on 7 November 2016.

During the investigation, Stewards received evidence from registered trainer Mr. Charlie Azzopardi, Mr. David Batty (Racing Analytical Services Laboratory) and Dr. Steven Karamatic (GRV Chief Veterinarian).

After considering the evidence, Stewards charged Mr. Azzopardi with breaches of Greyhounds Australasia Rule 83 (1A) and 83 (2) as detailed above, given that the pre-race urine sample taken from the greyhound indicated the presence of the prohibited substance pholcodine.

GREYHOUND

Racing Appeals & Disciplinary Board

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules breaches of GAR83 (1A) and GAR83 (2) constitute Serious Offences. As a result on Tuesday, 2 May 2017 this matter was heard 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.

Mr. Charlie Azzopardi did not attend the hearing.

Ms. Jade Murphy GRV Senior Lawyer represented the Stewards Panel.

DECISION:

1. Mr. Charlie Azzopardi is a registered greyhound trainer and the trainer of the greyhound "Quick Return". Quick Return competed in race 7 at Ballarat on 7 November 2016. A post-race urine sample taken from the greyhound showed the presence of pholcodine.
2. Stewards of Greyhound Racing Victoria ("GRV") have charged Mr. Azzopardi under Greyhound Australasia Rules ("GAR") 83 (1A) and also under GAR 83 (2)(3). The first charge alleges that Mr. Azzopardi presented Quick Return for an event and administered to the greyhound a prohibited substance prior to Quick Return competing in the event. The second charge is one of presentation. It alleges that Mr. Azzopardi presented Quick Return for an event while not being free of a prohibited substance.
3. Mr. Azzopardi failed to appear at the hearing. We find the charges proven. We intend to impose a penalty only on the administration charge as the presentation charge arises out of the same substratum of facts.
4. Mr. Azzopardi has been co-operative and very frank with the Stewards. At the first opportunity he volunteered that he had given a cough suppressant known as "Duro-Tuss" to the greyhound. Duro Tuss contains pholcodine. Mr. Azzopardi told Stewards that he gave Duro Tuss to the greyhound 7 days prior to the race. He said he did not realise that Duro Tuss contained a prohibited substance.
5. According to GRV Chief Veterinarian, Dr. Karamatic, pholcodine is chemically related to morphine and has a mild sedative effect but little pain relief effect. It has a lengthy withholding period following administration. Dr. Karamatic has noted the frequency of positive swabs to pholcodine and stressed that its use in racing greyhounds should be discouraged as "the use of cough suppressants can delay recovery in cases of a productive cough". Pholcodine can also mask signs of kennel cough thereby placing healthy greyhounds at risk of kennel cough.
6. The Board last considered a case involving pholcodine in Parr (18 January 2017). Mr. Parr was only charged with a presentation offence. He had only been training the greyhound concerned for a short time period to the event. As stated in paragraph 2 in

GREYHOUND

Racing Appeals & Disciplinary Board

Parr, pholcodine "is known to stay in the system of a greyhound some weeks after being given to the greyhound". This would explain why pholcodine was still in the system of Quick Return despite Mr. Azzopardi giving the greyhound Duro Tuss a week before the event.

7. As noted in Parr, pholcodine is a category 1 prohibited substance under GRV's penalty guidelines document. A minimum penalty of \$500 is suggested by that document. In a final note to that document it is stated:-

"Generally higher penalties will be suggested for repeat offenders, and in cases where evidence of a deliberate administration may exist".

We are informed by that document but not bound by it. We are also informed by it that administration is considered to be more serious than a presentation offence.

8. Mr. Azzopardi has been a trainer for about 35 years. At the time of the event he only trained the one greyhound. He has prior offences. The last of which occurred in February 2006 and involved a three months disqualification.
9. In assessing penalty we take into account animal welfare considerations, specific and general deterrence and the public interest in keeping a drug free industry. We also take into account Mr. Azzopardi's co-operation with the Stewards, as well as his prior offences. We are satisfied that specific deterrence is not a large factor as Mr. Azzopardi has learned his lesson about the use of cough suppressants. However, general deterrence demands that the Board send a strong message to the industry that the use of cough suppressants will not be considered lightly on the question of penalty, especially in administration cases.
10. In all the circumstances we consider the appropriate penalty to be a fine of \$2,000. In addition Quick Return is disqualified from race 7 at Ballarat on 7 November 2016.

.....End.....