

## Racing Appeals & Disciplinary Board

# Media Release

7 February 2017

## Racing Appeals & Disciplinary Board

Date of Hearing: Tuesday, 7 February 2017  
Venue of Hearing: Law Institute of Victoria, 470 Bourke St, Melbourne  
Panel: Mr. Terry O'Connor (Chairman), Mr. John Hutchison and Mr. Andrew Gould  
Name of Person Charged: Ms. Judith McMahon  
Town: Darriman  
Track: Traralgon  
Date: 2 May 2016  
GAR No: 83 (1A) and 83 (2)(3)

Offences Charged: (1) Ms. Judith McMahon administered or caused to be administered a prohibited substance to the greyhound 'Dr. Nicholas' at the Traralgon meeting held on 2 May 2016.

(2) Ms. Judith McMahon failed to present the greyhound 'Dr. Nicholas' free of any prohibited substance for an event at the Traralgon meeting held on 2 May 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 'Dr. Nicholas' at the Traralgon meeting held on 2 May 2016.

During the investigation, Stewards received evidence from registered trainer Ms. Judith McMahon, Mr. Paul Zahra (Racing Analytical Services Laboratory) and Dr. Steven Karamatic (GRV Chief Veterinarian).

After considering the evidence, Stewards charged Ms. McMahon with breaches of Greyhounds Australasia Rule 83 (1A) and 83 (2)(3) as detailed above, given that the pre-race urine sample taken from the greyhound indicated the presence of the prohibited substance arsenic.

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Under Rule 47.1 of the Greyhound Racing Victoria Local Rules breaches of GAR83 (1A) and GAR83 (2)(3) constitute Serious Offences. As a result on Monday, 5 December 2016 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.

Ms. Judith McMahon was represented by Mr. Vince Murphy of Murphy’s Lawyers Sydney.

Mr. Justin Hooper Barrister instructed by Mr. Marwan El-Asmar GRV Managing Principal Lawyer represented the Stewards Panel.

**DECISION:**

1. The hearing of charges against Mr. McMahon commenced on 5 December 2016 and were adjourned for further hearing today 7 February 2017. On 5 December 2016 this Board had raised with Counsel for the Stewards that as particularized the charges were based upon possibly false premises.
2. Today the Stewards asked that charges be ‘withdrawn’. Once a charge for a serious offence is issued the Board must ‘hear and determine’ that charge – see Racing Act 1958 Section 83M (1). As the hearing had commenced and the Stewards were not to call any evidence the appropriate course is to strike out each charge.
3. As the Stewards were not calling evidence no issue arose under GAR notwithstanding that Racing Analytical Services Limited had issued a series of certificates as to arsenic levels in greyhounds raced by Ms. McMahon.

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