

## Racing Appeals & Disciplinary Board

# Media Release

6 February 2017

## Racing Appeals & Disciplinary Board

Date of Hearing: Monday, 6 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. Phillip Davies  
Name of Person Charged: Mr. Anthony Azzopardi  
Town: Myrniong  
Track: Ballarat  
Date: 25 May 2016  
GAR No: 83 (2)(3)

Offence Charged: Mr. Anthony Azzopardi failed to present the greyhound 'Asa Barboza' free of any prohibited substance for an event at the Ballarat meeting held on 25 May 2016.

### REPORT:

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of a pre-race urine sample taken from the greyhound 'Asa Barboza' at the Ballarat meeting held on 25 May 2016.

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

After considering the evidence, Stewards charged Mr. Azzopardi with a breach of Greyhounds Australasia Rule 83(2)(3) in that he failed to present the greyhound 'Asa Barboza' free of any prohibited substance for an event at the Ballarat meeting held on 25 May 2016 given that the pre-race urine sample taken from the greyhound indicated the presence of the prohibited substance methylprenisolone.

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 Monday, 6 February 2017 this matter was heard

## Racing Appeals & Disciplinary Board

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. Anthony Azzopardi was represented by Mr. Vince Murphy of Murphy's Lawyers Sydney.

Mr. Patrick Considine of Minter Ellison Solicitors instructed by Mr. Andrew Cusumano Solicitor Greyhound Racing Victoria represented the Stewards Panel.

Mr. Anthony Azzopardi pleaded guilty to the charge.

### **DECISION:**

1. Mr. Anthony Azzopardi is a registered trainer of greyhounds and was, at all material times, the trainer of greyhound "Asa Barboza". Asa Barboza competed in race 9 at Ballarat on 25 May 2016. A pre-race urine sample taken from the greyhound showed the presence of methylpresnisolone.
2. The analysis of the sample was undertaken, in the first instance, by Racing Analytical Services Limited ("RASL"). RASL reported that the urine sample was shown to contain methylpresnisolone. It was a qualitative analysis not a quantitative one. The referee laboratory, Australian Racing Forensic Laboratory confirmed the presence of methylpresnisolone in the reserve urine sample. This also was a qualitative analysis only.
3. Stewards of Greyhound Racing Victoria ("GRV") have charged Mr. Azzopardi under Greyhound Australasia Rule ("GAR") 83 (2) and (3) with presenting a greyhound for an event while not being free of a prohibited substance.
4. Methylpresnisolone is a prohibited substance under the definition of that term in GAR 1. It is an anti-inflammatory agent and a corticosteroid or glucocorticoid, according to GRV Chief Veterinarian Dr. Karamatic. In Dr. Karamatic's opinion it is "capable of affecting the condition or performance of a greyhound and any effect would be expected to be positive".
5. It is not to the point that in this particular race the amount of the prohibited substance in question may not have affected the result of the race. Without a quantitative analysis of the sample one cannot be sure. The point is that one greyhound in the race did not race drug free and that was Asa Barboza. It is not to the point that the greyhound did not perform well in the race.
6. The offence the subject of the charge is one of absolute liability. It is not for the Stewards to allege how the substance came to be present in the greyhound. At a preliminary inquiry held by Stewards into the positive swab, Mr. Azzopardi referred to the fact that he had fed non-human consumption meat to his "B grade dogs" including

## Racing Appeals & Disciplinary Board

Asa Barboza. He pointed to this fact as the likely cause of the positive swab. He has changed his practices and now only uses human consumption meat on all his greyhounds. Mr. Azzopardi also referred to the cleanliness of his kennels and the efforts taken by him to prevent contamination by staff.

7. Methylprednisolone is a category 2 prohibited substance under a penalty guidelines document issued by GRV. That is because of its pain relief quality. According to Dr. Karamatic, it is capable of inhibiting "the sensation of muscle or joint pain and increase the fatigue threshold". The penalty guidelines document recommends a minimum penalty of one months' disqualification. We are informed by that recommendation but not bound by it.
8. Mr. Azzopardi has pleaded guilty to the offence. We find the charge proven. His counsel, Mr. Murphy, has raised several matters in mitigation of penalty. Apart from the guilty plea itself, Mr. Murphy referred to Mr. Azzopardi's excellent record in over 20 years of training without any prior positive swabs and his good character. Mr. Murphy has also referred to the possibility of contamination through the use of non-human consumption meat.
9. In all the circumstances we consider that the appropriate penalty is a fine. We do so taking into account specific deterrence, general deterrence, denunciation, the integrity of the greyhound racing industry and Mr. Azzopardi's prospects of rehabilitation. We also take into account penalties in other category 2 prohibited substance matters. We impose a fine of \$1,500, \$500 of which is suspended pending no further breach of GAR 83 in the next 12 months. In addition, "Asa Barboza" is disqualified from race 9 at Ballarat on 25 May 2016.

.....End.....