

Racing Appeals & Disciplinary Board

Media Release

19 April 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Wednesday, 19 April 2017
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria
Panel: Mr. Shane Marshall (Chairman), Mr. David Gleeson and Mr. Phillip Davies
Name of Person Charged: Ms. Charmaine Dundon
Town: Traralgon
Track: Bendigo
Date: 24 March 2016
GAR No: 83 (2)(3)

Offence Charged: Ms. Charmaine Dundon failed to present the greyhound 'Hyperstat' free of any prohibited substance for an event at the Bendigo meeting held on 24 March 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 'Hyperstat' at the Bendigo meeting held on 24 March 2016.

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

After considering the evidence, Stewards charged Ms. Dundon with a breach of Greyhounds Australasia Rule 83(2)(3) in that she failed to present the greyhound 'Hyperstat' free of any prohibited substance for an event at the Bendigo meeting held on 24 March 2016 given that the post-race urine sample taken from the greyhound indicated the presence of the prohibited substance Benzoyllecgonine and Ecgoninemethylester.

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 Wednesday, 19 April 2017 this matter was

Racing Appeals & Disciplinary Board

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. Charmaine Dundon did not appear at the hearing. A written submission was provided to the Board by Mr. Grant Walker.

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

DECISION:

1. Ms. Charmaine Dundon was at all material times a registered greyhound trainer and the trainer of the greyhound "Hyperstat". Hyperstat competed in race 9 at Bendigo on 24 March 2016. A post-race urine sample taken from the greyhound showed the presence of the prohibited substance Benzoylecgonine ("BZE") and Ecgoninemethylester ("EME").
2. Mr. Grant Walker kennelled and handled the greyhound at the Bendigo meeting. He signed a Racing Analytical Services Ltd sample identity document indicating that he was satisfied with the urine sampling procedure.
3. Mr. Walker and Ms. Dundon are at loss to explain the presence of BZE and EME in the sample. In a preliminary inquiry held into the positive swab Ms. Dundon referred to the fact that handlers of the other 7 dogs in the race had access to the kennelling area. Mr. Walker said it was his belief that the dog was contaminated at the track.
4. The difficulty for Ms. Dundon is that the offence is one of absolute liability. It is not for the Stewards to prove how the positive swab came about. Second, and most important, there is no evidence that from the time the greyhound came to the track until after the event, and before the swabbing, any person touched the greyhound on the mouth or muzzle area except for Mr. Walker.
5. In a preliminary inquiry, mention was made of catchers and even Stewards or Veterinarians using cocaine. There was no evidence to support any of these assertions which are no more than mere supposition. Written submissions provided to the Board by Mr. Walker also provided no evidence to support any assertion of contamination after the race.
6. Cocaine is a serious drug. Together with its metabolites, it is a permanently banned substance as defined by Greyhound Australasia Rule ("GAR") 79A (2)(v)(vi). It is a category 4 prohibited substance under the penalty guidelines document issued by Greyhound Racing Victoria ("GRV") for which a minimum period of 2 years' disqualification is suggested. The prohibited substance is capable of affecting the performance of a greyhound in a positive way by increasing euphoria and bringing about a decreased sense of fatigue.

Racing Appeals & Disciplinary Board

7. Stewards of GRV have charged Ms. Dundon under GAR83 (2)(3) with presenting a greyhound for an event while not being free of a prohibited substance. This is what occurred in this matter. Hyperstat has been shown by a urine sample to have been presented for an event while not being free of a prohibited substance. No coherent or logical explanation has been advanced to support the theory of contamination at the track. We find the charge proven.

8. In assessing penalty we take into account specific deterrence, general deterrence and the importance of maintaining a drug free industry. We also take into account previous penalties in like matters. We see no reason in this case why a disqualification should not be imposed. Given the seriousness of the metabolites involved we consider that the appropriate period of disqualification should be 18 months. The 18 months period of disqualification shall commence immediately. In addition, Hyperstat is disqualified from race 9 at Bendigo on 24 March 2016.

.....End.....