

Racing Appeals & Disciplinary Board

Media Release

24 March 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Friday, 24 March 2017
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria
Panel: Mr. Shane Marshall (Chairman), Dr. Andrew Gould and Mr. Phillip Davies
Name of Person Charged: Mr. Rodney Ashworth
Town: Cowwarr
Track: Warragul
Date: 23 June 2016
GAR No: 83 (2)(3)

Offence Charged: Mr. Rodney Ashworth failed to present the greyhound 'Caidan Marlo' free of any prohibited substance for an event at the Warragul meeting held on 23 June 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 'Caidan Marlo' at the Warragul meeting held on 23 June 2016.

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

After considering the evidence, Stewards charged Mr. Ashworth with a breach of Greyhounds Australasia Rule 83(2)(3) in that he failed to present the greyhound 'Caidan Marlo' free of any prohibited substance for an event at the Warragul meeting held on 23 June 2016 given that the post-race urine sample taken from the greyhound indicated the presence of the prohibited substance 6alpha-hydroxystanozolol.

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 Friday, 24 March 2017 this matter was heard

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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. Rodney Ashworth represented himself.

Ms. Jade Murphy GRV Senior Lawyer instructed by Mr. Marwan El-Asmar GRV Managing Principal Lawyer represented the Stewards Panel.

Mr. Rodney Ashworth pleaded guilty to the charge.

DECISION:

1. Mr. Rodney Ashworth is a registered greyhound trainer and the trainer of the greyhound "Caidan Marlo". Caidan Marlo competed in race 1 at Warragul on 23 June 2016. A post-race urine sample taken from the greyhound showed the presence of the prohibited substance 6alpha-hydroxystanozolol.
2. Stewards of Greyhound Racing Victoria ("GRV") have charged Mr. Ashworth with an offence under Greyhound Australasia Rule ("GAR") 83 (2)(3) with presenting a greyhound for an event while not being free of a prohibited substance.
3. Stanozolol is a category 4 prohibited substance under a penalty guidelines document issued by GRV. It is an anabolic steroid. It meets the definition of "prohibited substance" in GAR 1 where anabolic steroids are specifically mentioned in paragraph (a) of the definition.
4. According to GRV's Chief Veterinarian, Dr. Karamatic, there are two products that contain stanozolol which are registered for use in dogs and can only be prescribed by a registered veterinary surgeon to an animal requiring a therapeutic need for the substance. Both products involve injections.
5. Dr. Karamatic has given evidence that the "use of anabolic androgenic steroids gives an unfair performance advantage to treated dogs by increasing muscle mass, increasing endurance and altering the behaviour of the greyhound".
6. On 8 January 2016, GRV published a general alert to trainers on its website about the use of anabolic androgenic steroids in greyhounds. The alert advised that on 1 January 2016, anabolic steroids were added to the list of permanently banned prohibited substances in GAR 79A (2)(x).
7. The change to GAR 79A (2)(x) was implemented by GRV with effect from 1 June 2016. This means that from that date trainers have not been lawfully able to possess, acquire or attempt to acquire any anabolic androgenic steroid. However, prior to that date those substances remained "prohibited substances".

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8. Mr. Ashworth has not been charged with administering stanozolol to the greyhound. The charge is a presentation one only. Mr. Ashworth presented the greyhound for an event and a swab showed that the greyhound had been presented with a prohibited substance in its system. All elements of the presentation offence are made out. Once the nature of the presentation charge was explained to him, Mr. Ashworth pleaded guilty.
9. Mr. Ashworth denies giving stanozolol to Caidan Marlo. He alleges that there was a security breach in his kennels in January or February 2016 which resulted in the positive swab. As stanozolol can stay in a dog's system for a long time he says that it would have still been present on 23 June 2016 as a result of the security breach.
10. According to Mr. Ashworth, his neighbour saw a silver four wheel drive arrive at his property and men alight from the vehicle and enter the kennels. However there is no satisfactory evidence before the Board regarding this event. At all times, security of kennels remains the responsibility of the trainer.
11. The offence under GAR83 (2) is one of absolute liability. It is not for the Stewards to say how the prohibited substance came to be in the system of the greyhound or to attempt to advance an explanation.
12. We find the charge proven. As stated at paragraph 8 above, all elements of it have been made out. In determining a penalty we take into account specific and general deterrence, the public interest in maintaining a drug free level playing field in the industry and previous penalties for like offences. We also take into account Mr. Ashworth's record of previous offending. We further take into account Mr. Ashworth's guilty plea, but for which the penalty would have been higher.
13. In all the circumstances the appropriate penalty is 12 months disqualification with 3 months of that period suspended pending no further breach of GAR 83 in the next 2 years. The period of disqualification shall commence on 2 April 2017. In addition Caidan Marlo is disqualified from race 1 at Warragul on 23 June 2016.

.....End.....