

Racing Appeals & Disciplinary Board

Media Release

17 January 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Tuesday, 17 January 2017
Venue of Hearing: Law Institute of Victoria, 470 Bourke St, Melbourne
Panel: Mr. Shane Marshall (Chairman), Mr. Terry O'Connor (Deputy Chairman), and Mr. Peter Lee
Name of Person Charged: Mr. Sam Liuzzi
Town: Lara
Track: Ballarat
Date: Wednesday, 25 May 2016
GAR No: 83 (2)(3)

Offence Charged: Mr. Sam Liuzzi failed to present the greyhound 'Fabstar' free of any prohibited substance for an event at the Ballarat meeting held on Wednesday, 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 'Fabstar' at the Ballarat meeting held on Wednesday, 25 May 2016.

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

After considering the evidence, Stewards charged Mr. Liuzzi with a breach of Greyhounds Australasia Rule 83(2)(3) in that he failed to present the greyhound 'Fabstar' free of any prohibited substance for an event at the Ballarat meeting held on Wednesday, 25 May 2016 given that the pre-race urine sample taken from the greyhound indicated the presence of the prohibited substance 6a-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 Tuesday, 17 January 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.

The Racing Appeals & Disciplinary Board (RADB) is established under section 83B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

Racing Appeals & Disciplinary Board

Mr. Sam Liuzzi represented himself.

Dr. Brian Williams (Steward in Charge - Racetrack Operations) represented the Stewards Panel.

Mr. Sam Liuzzi pleaded guilty to the charge.

DECISION:

1. Mr. Sam Liuzzi is a registered greyhound trainer and at all material times was the trainer of the greyhound "Fabstar". Fabstar competed in race 8 at Ballarat on 25 May 2016. A pre-race sample showed the presence of 6a-hydroxystanozolol which is a metabolite of stanozolol.
2. Stewards of Greyhound Racing Victoria ("GRV") have charged Mr. Liuzzi with presenting a greyhound for an event while not being free of a prohibited substance.
3. The offence the subject of the charge is one of absolute liability. It is not for the stewards to say how the prohibited substance come to be detected in the greyhound.
4. Stanozolol is a category 4 prohibited substance under the penalty guidelines document issued by GRV. The document recommends a penalty of a minimum of two years' disqualification. We are informed by that recommendation by not bound by it.
5. Stanozolol is a substance which meets the definition of prohibited substance in the Greyhound Australasia Rules ("GAR"); in particular that part of the definition in paragraph (a) which refers to "... hormones and their synthetic counterparts ... anabolic steroids." According to Dr. Karamatic, GRV's Chief Veterinarian, "Stanozolol is capable of affecting the condition, behaviour or performance of a greyhound and any effect is likely to be positive".
6. Mr. Liuzzi has pleaded guilty to the charge. There is no issue that the swabbing procedures were carried out correctly. Mr. Liuzzi is at a complete loss to explain the positive swab. In assessing penalty we take into account his guilty plea, his over 30 years in the industry with an exemplary record and his good character.
7. We also take into account and balance, just punishment, general deterrence, the importance of maintaining a drug free industry, animal welfare, prospects of rehabilitation and other penalties in like cases. Taking all of the above matters into account and those referred to in the preceding paragraph we consider that an appropriate penalty is 6 months disqualification. However given Mr. Liuzzi's excellent record and good character we are prepared to suspend 3 months of that period on the condition that no further breach of GAR 83 occurs in the next 12 months. The period

Racing Appeals & Disciplinary Board

of disqualification will commence on 26 January 2017. In addition, Fabstar is disqualified from race 8 at Ballarat on 25 May 2016.

8. We have assessed the penalty we have given as appropriate bearing in mind the observations of his Honour Judge Nixon, sitting in the Victorian Civil and Administrative Tribunal in the case of Cotton V Greyhound Racing Victoria [2012] VCAT 460. In that case his Honour observed that the seriousness of an offence involving an anabolic steroid is high and "a period of disqualification is warranted when a positive swab involves an anabolic steroid".

.....End.....