

22 January 2024

DECISION

GREYHOUND RACING VICTORIA

and

RODNEY ASHWORTH

- Date of hearing:** 8 January 2024
- Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Mr Des Gleeson.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Rodney Ashworth represented himself.
- Charges:** Greyhounds Australasia Rule ("GAR") 141(1) states:
(1) The owner, trainer or other person in charge of a greyhound:
(a) nominated to compete in an Event;
(b) presented for a satisfactory trial or such other trial as provided for by the Rules; or
(c) presented for any test or examination for the purpose of a stand-down period being varied or revoked,
must present the greyhound free of any prohibited substance.
- GAR 151(1) states:
(1) The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:
(a) from the time the greyhound enters their care until the greyhound leaves their care; and
(b) for a minimum of two years.
- Particulars:** **Charge 1: GAR 141(1)**
1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at all relevant times, the trainer of the greyhound “Early Boy”.

3. Early Boy was nominated to compete in Race 4, SPORTSBET EMERALD HT2, Special Event, conducted by the Healesville Greyhound Racing Association at Healesville on 7 March 2023 (the Event).

4. On 7 March 2023, you presented Early Boy at the Event not free of any prohibited substance, given that:

(a) A post-race sample of urine was taken from Early Boy at the Event (the Sample);

(b) Guaifenesin was detected in the Sample.

Charge 2: GAR 151(1)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Racing Victoria Rules of Racing.

2. On 12 April 2023, you failed to produce treatment records for inspection, upon request from Mrs Catherine Scarlett, a Steward and person authorised by the Controlling Body, for greyhounds for which you were the responsible person at the relevant time.

Pleas: Guilty

DECISION

1. Mr Rodney Ashworth faces one charge under Greyhounds Australasia Rule (“GAR”) 141(1), regarding the presentation of the greyhound “Early Boy” for an event while not free of a prohibited substance.
2. He also faces a second charge, being that he failed to produce any treatment records for any of the greyhounds under his care when requested under GAR 151(1).
3. Mr Ashworth has pleaded guilty to each of the offences.

4. Mr Ashworth is a registered greyhound trainer and the trainer of “Early Boy”. This greyhound competed in Race 4 at Healesville on 7 March 2023. The dog was swabbed after the race and returned a swab positive to the substance, guaifenesin.
5. Guaifenesin is a muscle relaxant. It is not prescribed for use in greyhounds but there are two products containing this substance which are prescribed for use in horses. There are also 59 human registered products, mainly common brands of cough medicine, which use this product as an ingredient. Such medications are often found in knackery meat. The veterinary evidence presented to us indicated that, if this ingredient was present in meat from a knackery and the meat was fed to the greyhound, this might be a possible explanation for the positive sample.
6. The substance is capable of affecting the condition or performance of a greyhound and the veterinary evidence we heard was that any effect is more likely to be negative, such as by causing muscle relaxation, than positive.
7. Mr Ashworth was not familiar with this substance and could offer no explanation as to how it could have been found in the greyhound. He is solely responsible for feeding and caring for the greyhounds and he told us that none of his greyhounds had been treated with cough medicine and he did not have any cough medicine on his property, nor had he used it. He told the Stewards that he obtained his meat from Campbells Quality Meats in Traralgon. He provided a letter from them, which reads as follows:

“I can confirm that Rodney Ashworth purchases all his hearts from Campbells quality meats and they are fit for human consumption”.

It is signed by Terry Campbell, Butcher.

8. We accept that the contents of the letter are truthful. However, this simply means that the source of the contamination is not able to be ascertained. This is a strict liability offence. This means that Mr Ashworth is responsible for presenting the greyhound with the prohibited drug in its system, whether the reason for the presence of the drug can be established or not. It is not a charge of having intentionally administered the drug, which is a very different factual scenario.
9. We add for completeness that Mr Ashworth pointed out during the hearing that he had not signed the document accompanying the sample. However, he did not challenge the record of the accuracy of the sample taken or the presence of guaifenesin in the dog.

10. The Stewards inspected Mr Ashworth's property on 12 April 2023. At that time, they requested that he supply them with treatment records for all of his greyhounds kennelled at the property. He was unable to provide those treatment records and said that he had trouble keeping records himself since his partner had moved out of the property. He told the Stewards that he was not good at spelling and his partner had previously done all the bookwork regarding the dogs.
11. Mr Ashworth has been a public trainer since 2004. Over that time, he has been charged with several minor offences of little relevance to our sentencing task today. However, he has been also convicted of two serious offences which were presentation offences involving the presence of banned drugs. The first was testosterone and the second anabolic steroids.
12. The offence relating to testosterone arose out of a race on 21 October 2014. Mr Ashworth was found guilty and disqualified for nine months, with three months of the penalty suspended for 12 months. He did not breach this suspension period. However, he was further charged and convicted on 24 March 2017 on the second presentation offence in respect of a different greyhound, the offence itself having occurred on the 23 June 2016. This offence related to the banned substance anabolic steroids. This being the second presentation offence, he was disqualified for 12 months with three months of that sentence suspended. In relation to that offence, he believed that someone else had administered the prohibited substance to his dogs. However, there was no finding one way or another as to whether or how this happened.
13. Mr Ashworth is now before us on a presentation offence of lesser gravity, in that it involves the ingestion of a therapeutic substance, rather than the more serious banned substances. The significance of these two prior convictions is that Mr Ashworth was well on notice of the dangers of feeding suspect meat to his dogs and the need to be vigilant as to his feeding regime.
14. We heard and accepted the following mitigating factors. He told us that following these convictions, he ceased using knacker meat altogether and now uses only meat fit for human consumption. We accept this, but clearly the measures that he has taken have not been sufficient to avoid contamination from prohibited substances.
15. We accept that Mr Ashworth is passionate about greyhound racing and has had a long history of involvement in the industry. He intends at the end of this year to work full time in the industry. He is now up to date with all of his treatment records and is very careful in the type of feed that he provides to his dogs. Nevertheless, the facts relating to Charge 2 are at the more serious end of the spectrum, given that he had no

treatment records at all to give to the Stewards, rather than the more usual case where treatment records are incomplete.

16. We accept that, in each one of his prior presentation offences, the source of the contamination could not be ascertained. Mr Ashworth has his own theories as to how this occurred. However, the fact that he has now found himself in the same position three times, coupled with the absence of any treatment records which might have been able to shed some light on the contamination source, is of concern to us.
17. In setting penalties, we take into account general and specific deterrence and the importance of keeping a level playing field by aiming for a drug free industry. We also take into account the guilty pleas and Mr Ashworth's total cooperation with the Stewards.
18. Mr Ashworth has argued that we should make any period of suspension totally suspended. However, given his prior history, in our view the appropriate penalty is a penalty which involves at least a short period of suspension as recognition of the severity of the charge which he faces.
19. In all the circumstances, we impose the following penalties:

Charge 1: six month suspension with three months of that suspension to be suspended for 24 months. This makes an effective suspension period of three months, provided that Mr Ashworth does not commit any further relevant offences in that time. In relation to this charge, we also fine him \$1,000.

Charge 2: \$500 fine.

20. In addition, Early Boy is disqualified from Race 4 at Healesville on 7 March 2023. The greyhound is also disqualified from Race 12 at Healesville on the 12 March 2023. The finishing orders in the subject races are amended accordingly. The basis for the second disqualification is found in GAR 141 (5), which provides that if the race which is the subject matter of this hearing is part of a series, then the dog must be disqualified from all further events in that same series.

Kathleen Scully
Acting Registrar, Victorian Racing Tribunal