18 October 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**BENJAMIN MAGRI**

**Date of hearing:** 5 October 2021

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Anthony Pearce, instructed by Mr Marwan El-Asmar, appeared on behalf of the Stewards.

Mr Benjamin Magri represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 83(2) states:

(2) The owner, trainer or person in charge of a greyhound-

1. nominated to compete in an Event;
2. presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
3. presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked

shall present the greyhound free of any prohibited substance.

**Particulars of charge:** 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 “Aston Gwen”.

3. Aston Gwen was nominated to compete in, Race 4, CKH PAINTING SHEPPARTONCUP HT1, S/E Heat, conducted by the Shepparton Greyhound Racing Club at Shepparton on 15 March 2021 (**the Event**).

4. On 15 March 2021, you presented Aston Gwen at the Event not free of any prohibited substance, given that:

(a) A post-race sample of urine was taken from “Aston Gwen” at the Event (**the Sample**);

(b) Ketoprofen was detected in the Sample.

**Plea:** Guilty

**DECISION**

Licensed trainer, Mr Benjamin Magri, was the trainer of the greyhound “Aston Gwen”, which competed in Race 4 at the Shepparton meeting on 15 March 2021. The greyhound finished in first place.

A post-race urine sample taken from Aston Gwen has returned a positive result for the presence of ketoprofen, a prohibited substance by virtue of its anti-inflammatory properties.

Subsequently, Stewards issued the following charge to Mr Magri to which he has pleaded guilty today, the charge being a breach of Greyhounds Australasia Rule (“GAR”) 83(2). The particulars are that on 15 March 2021, Mr Magri presented Aston Gwen to race in Race 4 at the Shepparton Greyhound Racing Club meeting when not free of any prohibited substance (ketoprofen).

A post-race Stewards inspection of Mr Magri’s training establishment did not reveal any products containing ketoprofen. It appears that the most feasible reason for the presence of ketoprofen in the greyhound was the feeding of non-human grade (knackery) meat to Aston Gwen. This is in spite of repeated warnings issued by Greyhound Racing Victoria (“GRV”) to industry participants about the risks associated with feeding knackery meat. Mr Magri was aware of these warnings.

Mr Magri has been a registered participant in greyhound racing since 2014 and his family has been involved in greyhound racing for many years. He has been listed as a public trainer since 25 February 2020. This is his first positive out of 57 swabs taken. He no longer feeds knackery meat to his greyhounds.

In fixing a penalty, we are mindful that the industry be reminded of the importance of drug free racing and the need for a level playing field for all participants. Considerations of general deterrence and the penalties applied in recent like cases are also taken into account, as is Mr Magri’s gulty plea.

In all the circumstances, we impose a fine of $1,500, with $1,000 suspended for a period of 12 months pending no further breaches of GAR 83(2) in that time.

We also order that Aston Gwen be disqualified from Race 4 at Shepparton held on 15 March 2021 and also disqualified from Race 8 at Shepparton on 20 March 2021, the latter race being a final for which the greyhound qualified after placing first in its heat at Shepparton on 15 March 2021.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal