10 November 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MS DEIDRE O’MARA**

**Date of hearing:** 27 October 2020

**Panel:** Judge John Bowman (Chairperson) and Judge Julie Nicholson.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Ms Deidre O’Mara represented herself.

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

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 *“Run Maggie Run”.*

3. *“Run Maggie Run”* was nominated to compete in, Race 7, JASON McKEOWN PHOTOGRAPHY, Grade 5 T3, conducted by the Healesville Greyhound Racing Association at Healesville on 17 April 2020 (**the Event**).

4. On 17 April 2020, you presented *“Run Maggie Run”* at the Event not free of any prohibited substance, given that:

1. A pre-race sample of urine was taken from *“Run Maggie Run”* at the Event (**the Sample**);
2. Ibuprofen was detected in the Sample.

**Plea:** Not Guilty

**DECISION**

Ms Deidre O’Mara has pleaded not guilty to a breach of Greyhounds Australasia Rule (“GAR”) 83(2). Such a breach is classified as a serious offence. This is a presentation case. The charge is that a pre-race urine sample taken from “Run Maggie Run”, owned and trained by Ms O’Mara, before Race 7 at Healesville on 17 April 2020, proved positive to Ibuprofen. Run Maggie Run won the race.

Unfortunately, Ms O’Mara, who represented herself, clearly does not understand the difference between an administration charge and a presentation charge. It has been made clear to her that there is no suggestion that either she, as trainer, or her partner, Mr Norm Burns, who handled the dog at the track and generally helped in looking after her, wrongfully administered any prohibited substance to the dog. However, because of difficulties in her clearly grasping this, the plea must be treated as “not guilty”. She also does not understand the nature of a control sample, thinking that this was an overall negative return in relation to the substance, as opposed to a test showing that there was no contamination of the sample.

We appreciate that this is her only dog and is obviously much loved by Ms O’Mara and her partner. In the Stewards interview, there is reference to them both kissing and hugging the dog. Neither are in good health and both take various medications. Mr Burns is in particularly poor health. These medications are the probable source of the positive return.

We are comfortably satisfied that the sampling and testing procedures have been carried out properly by the Stewards and that the dog was presented with a prohibited substance in its system. We repeat that this is a presentation charge and that there is no suggestion that there was any deliberate administration of a prohibited substance.

We find the presentation charge proven and will hear the parties on the question of penalty.

**PENALTY**

Having heard further submissions and obtained further information, we turn now to the question of penalty. We are generally treating this as being a plea of “guilty” and the Stewards are adopting much of the same approach.

We take into account that this was an accidental contamination, probably from medications that Ms O’Mara and Mr Burns are taking. Great care should be taken when handling dogs, however affectionately, in a situation where medication is being consumed or available. General deterrence, the perception of a level playing field and a drug free industry are all very important considerations.

As stated, we accept that what occurred was totally accidental.

Ms O’Mara has just the one dog, which seems to be very much the household pet as well as having won races. She is 76 years of age and her friend and partner, Mr Burns, is 80. Her only income is the aged pension. She and Mr Burns live in his old miner’s cottage in Rushworth. Mr Burns has had a battle with bowel cancer and is awaiting knee surgery, which is to be carried out on 4 November 2020. Ms O’Mara has been looking after him whilst he awaits surgery and is also on the waiting list for her own knee surgery.

She has been a public trainer since 2010, although she has been involved in the industry on and off for many more years. She has a very good record.

The Stewards have sought a penalty of $500. In all the somewhat unusual circumstances prevailing in this particular case, we feel that a lesser amount is appropriate.

Mrs O’Mara is fined $300, but we emphasise again, this is in unusual circumstances which relate to this particular case. Run Maggie Run is disqualified from Race 7 at Healesville on 17 April 2020.

Mark Howard
Registrar, Victorian Racing Tribunal