6 May 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR DES DOUCH**

**Date of hearing:** 28 April 2020

**Panel:** Judge John Bowman (Chairperson) and Ms Amanda Dickens.

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

Mr Des Douch represented himself.

**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 with Greyhound Racing Victoria (GRV) and a person bound by the GAR and Local Racing Rules.
2. You were at all relevant times the trainer of the greyhound ‘*Notorious Mac’* (WFACF)*.*
3. ‘*Notorious Mac*’ was nominated to compete in Race 8, TAB.COM.AU, conducted by the Sandown Park Greyhound Racing Club on the 11th of July 2019 (the Event).
4. On the 11th of July 2019, you presented *‘Notorious Mac’* at the Event not free of any prohibited substance, given that:
	1. A sample of urine was taken from ‘*Notorious Mac’* in the carpark upon your arrival at the Event (the Sample);
	2. Dehydronorketamine was detected in the Sample.

**Plea:** Guilty

**DECISION**

Mr Des Douch, you have been charged with a breach of GAR 83(2). You are pleading guilty to the charge. It involves a pre-race sample taken from the dog ‘Notorious Mac’ which competed in Race 8 at Sandown on 11 July 2019. The sample proved positive to Dehydronorketamine a metabolite of ketamine. This is a permanently prohibited substance. It is accepted that the positive swab resulted from the dog being fed knackery meat. Positive swabs from knackery meat have been around from some time and there seems to have been an increase in recent times, although this particular substance has not been detected since August 2017. Problems relating to the use of knackery meat are well known in the industry.

You have been a public trainer since 2014 and prior to that had a long career in thoroughbred racing. You and your family are very well known in that industry and have a long and distinguished record. We also accept that you have changed the meat that you feed your dogs since notification of this problem. We note the very strong reference in your favour given by Mr Rob Popplestone, the Operations Manager of the Sale Greyhound Club. We also accept the reference read to us from your veterinary surgeon. You have no relevant prior convictions. You train some 20 dogs. Most of them are yours and you have some pups.

We accept that you are a person of high integrity and that you are shattered by this. Unfortunately, your dog has tested positive to a permanently banned substance. We appreciate that this may seem to you to be something of a lottery. Other trainers have used knackery meat and never had a dog test positive. Some have had positive returns, but to a less significant substance, like procaine, which is still a breach of the Rule. However, the substance in the present case is a permanently prohibited one.

The penalty imposed for a breach involving ketamine has consistently been a 4 month suspension with 2 months suspended. We sympathise with your position and consider you to be a trainer with a very good reputation, and a person of high repute.

Further we again warn trainers of the well-known risks associated with knackery meat. Perhaps it is time that a warning was again circulated concerning these risks.

However, we also try to be consistent. The last 9 cases including this substance have involved the penalty referred to previously. We are of the view that it should be imposed again.

Accordingly, you are suspended for a period of 4 months, 2 months of which is in turn suspended for a period of 12 months if there is no further breach of this Rule. We are confident that there will not be. We will not impose a fine.

Further, Notorious Mac is disqualified from Race 8 at Sandown on 11 July 2019 and the finishing order is amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal