23 March 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MS MARGERY QUICK**

**Date of hearing:** 12 March 2020

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall and Ms Amanda Dickens.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Ms Margery Quick represented herself.

**Charges:** Greyhound Australasia Rule (GAR) 79A (4) states:

When a sample taken from a greyhound being trained by a licensed trainer or in the care of a registered person has been found to contain a Permanently Banned Prohibited Substance specified in sub-rule (2):

1. the trainer and any other person who was in charge of such greyhound at the relevant time shall be guilty of an offence.

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 charges:**

**Charge 1**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the GAR.
2. You were, at all relevant times, the trainer of the greyhound *“Apache Chaz”.*
3. On 13 June 2019, an out of competition sample of urine was taken from “Apache Chaz” at your kennel address (the Sample).
4. The permanently banned prohibited substance Ostarine was detected in the Sample.

**Charge 2**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the GAR.
2. You were, at all relevant times, the trainer of the greyhound *“Apache Chaz”.*
3. *“Apache Chaz”* was nominated to compete in Event 2, The Beckley Centre Geelong, conducted by the Geelong Greyhound Racing Club at Geelong on 14 June 2019 (**the Event**).
4. On 14 June 2019, you presented *“Apache Chaz”* at the Event not free of any prohibited substance, given that:

(a)A pre-race sample of urine was taken from *“Apache Chaz”* at the Event (the Sample);

(b) Ostarine was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Ms Margery Quick is a registered greyhound trainer and the trainer of the greyhound ‘Apache Chaz’. She is a hobby trainer.
2. Apache Chaz was the subject of an out of competition test on 13 June 2019. Ostarine was detected in the sample. On 14 June 2019, Apache Chaz was entered in Race 2 at Geelong. A pre-race sample showed the presence of Ostarine.
3. Stewards of Greyhound Racing Victoria (GRV) have charged Ms Quick under GAR 79(A)4 in respect of the out of competition test and under GAR 83(2) in respect of the pre-race swab. Ms Quick has pleaded guilty to both charges.
4. Ostarine is a permanently banned substance. It is used for the prevention and treatment of muscle wasting in patients with cancer. It is an anabolic agent which can give unfair performance advantage to dogs treated with it. On 22 August 2018, GRV published a warning to trainers concerning a list of prohibited substances on its website. Ostarine was on that list.
5. Ms Quick told Stewards she did not give any banned substances to Apache Chaz, has never heard of Ostarine and has no idea as to how the positive swabs occurred. She suspects foul play from another person, but is not in a position to prove it.
6. The offences are ones of absolute liability and it is not up to the Stewards to prove how the positive swabs occurred. In setting a penalty we take into account general and specific deterrence, the importance of keeping a drug free industry and a penalty in a like recent matter.
7. In setting a penalty we also take into account that Stewards suspended Ms Quick on 17 July 2019 pending this hearing. We also take into account her excellent character. We propose to impose a penalty on the first charge, but impose no extra penalty on the second charge, having regard to the proximity of time in between the two tests. We further take into account the existence of a prior presentation offence for Theobromine.
8. Under the penalty guidelines published by GRV, the suggested minimum penalty is a 12 month disqualification and a $2,500 fine. We are informed by those guidelines but not bound by them.
9. In all the circumstances we impose a 10 month disqualification effective from 19 July 2019. In addition, Apache Chaz is disqualified from Race 2 at Geelong on 14 June 2019.

Mark Howard
Registrar, Victorian Racing Tribunal