25 February 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MRS PATRICIA SMITH**

**Date of hearing:** 24 February 2020

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall (Deputy Chairperson) and Ms Maree Payne.

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

Ms Patricia Smith represented herself.

**Charge:** 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 Greyhound Australasia Rules (GAR).
2. You were, at all relevant times, the trainer of the greyhound *“Chops Malone”.*
3. *“Chops Malone”* was nominated to compete in Event 10, AUSSIE INFRARED @ STUD, Mixed 4/5, conducted by the Ballarat Greyhound Racing Club at Ballarat on 28 August 2019 (**the Event**).
4. On 28 August 2019, you presented “Chops Malone” at the Event not free of any prohibited substance, given that:

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

(b) Oxazepam was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. Ms Patricia Smith is a registered greyhound trainer and the trainer of the greyhound ‘Chops Malone’. Chops Malone competed in race 10 at Ballarat on 28 August 2019. The greyhound won the race.
2. A post-race sample of urine taken from the greyhound showed the presence of Oxazepam, a metabolite of diazepam. Diazepam is a sedative. It is capable of having a negative effect on the performance of a greyhound.
3. Mrs Smith trains in combination with her husband, Mr Cliff Smith. Mr Smith took the greyhound to the event in question. He suffers from seizures and stopped on the way to the track to take tablets which he said contain diazepam. The tablets were powdery. He did not wash his hands after taking them. It appears that he inadvertently contaminated the greyhound.

1. Stewards of Greyhound Racing Victoria have charged Mrs Smith with presenting a greyhound for an event while not being free of a prohibited substance pursuant to (‘GAR’) 83(2). Mrs Smith has pleaded guilty to the charge.
2. Dr Karamatic, GRV’s Chief Veterinarian, has given evidence that none of the present medications taken by Mr Smith contain oxazepam or diazepam. However, Dr Karamatic did not consider whether Mr Smith used temazepam, which contains oxazepam.
3. In setting a penalty we take into account general deterrence, specific deterrence and the importance of keeping a level playing field by maintaining a drug free industry. The charge is one of absolute liability. It appears that the most likely cause of contamination was Mr Smith’s use of temazepam. It does appear that the contamination was inadvertent. We note that Mrs Smith has a prior conviction for a presentation charge. In all the circumstances, we suspend Mrs Smith for 4 months, with 2 months of that period being suspended for 12 months, subject to no further breach of GAR 83. The suspension shall commence immediately.
4. In addition, Chops Malone is disqualified from race 10 at Ballarat on 28 August 2019.

Mark Howard
Registrar, Victorian Racing Tribunal