2 June 2025

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MICHAEL ZAMMIT**

**Date of hearing:** 16 May 2025

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**Panel:** Judge Marilyn Harbison (Deputy Chairperson), and Ms Amanda Dickens.

**Appearances:** Ms Amara Hughes, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.

 Mr Glenn Walters appeared on behalf of Mr Michael Zammit.

**Charge:**

Greyhounds Australasia Rule (“GAR”) 139(3)(a) states:

(3) When a sample taken from a greyhound being trained by a trainer or in the care of a registered person has been established to contain a permanently banned prohibited substance:

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

**Particulars of charge:**

1. You were, at all relevant times, an attendant registered with Queensland Racing (Member No. 243280) and a person bound by the Greyhound Australasia Rules.
2. You were, at the relevant time, the person in charge of the greyhound “Valpolicella” (NKCNP).
3. An out of competition test sample was taken from Valpolicella (NKCNP) at the registered kenned address of 51 Nash Road, Bunyip, on 8 November 2023.
4. Methandienone was detected in the Sample
5. Methandienone is a permanently banned prohibited substance.

**Plea:** Guilty

**DECISION**

1. Mr Michael Zammit faces one charge today. The charge is that of being a person in charge of the greyhound, Valpolicella. It was found with a permanently banned prohibited substance in its system. That substance is methandienone, which is an anabolic steroid.
2. He has pleaded guilty to this charge.
3. Mr Zammit is a Queensland registered trainer. He brought the dog to Victoria on 5 November 2023. The dog had been entered to race on 11 November 2023 at The Meadows. The substance was detected in an out of competition test taken three days before that race.
4. The dog was owned by his brother, Mr Anthony Zammit, who was also charged in relation to the presence of the substance.
5. Neither Mr Michael Zammit nor his brother have been able to trace how this substance came to be present in the dog. Mr Michael Zammit had the care of the dog during the trip to Melbourne and also when it was kennelled before the race.
6. The dog was tested multiple times both before and after the race, in Victoria and Queensland. This was the only positive test recorded. The circumstances of testing of the dog are set out in the decision relating to Mr Anthony Zammit, and we shall not repeat them here. Mr Anthony Zammit received a period of disqualification for twelve months, with nine months of that sentence suspended for two years. This sentence reflected the fact that the presence of permanently banned substances in a dog is a very serious matter as these substances are not of any therapeutic value and are in most cases illegal to possess.
7. Mr Anthony Zammit’s sentence also reflected the evidence before us at that time. He could not have been in any way involved with the ingestion of the substance, as it must have occurred whilst he was still in Queensland. This is not the case with Mr Michael Zammit.
8. However, it has become apparent on hearing Mr Michael Zammit’s statement that kibble and supplements which he gave to Valpolicella were provided to him by his brother in prefilled plastic pouches. Mr Michael Zammit used this feed for the dog whilst it was in Victoria, together with raw meat sourced from another trainer.
9. Therefore, it is possible that the food in the pouches was contaminated in Queensland, not in Victoria, under Mr Michael Zammit’s care.
10. The Stewards submitted that this could not be the case, given the scientific evidence which was accepted in Mr Anthony Zammit’s case that there was a very short period of time during which this substance was able to be detected. The Stewards submitted that we should use this evidence in assessing the likelihood of the submission made as to possible contamination from Queensland.
11. We agree with counsel for Mr Michael Zammit that it would be inappropriate for us to do so. For the purpose of this case, we accept that it is a possibility that the pouches were contaminated before they were handed over to Mr Michael Zammit. However, this still remains just a possibility, amongst other possibilities.
12. We accept that Mr Michael Zammit has no idea how the dog came to be ingested with this substance.
13. We have formed the view that both Mr Michael Zammit and his brother are equally culpable in relation to the contamination of the dog.
14. Counsel for Mr Michael Zammit made comprehensive and very helpful submissions and we have been provided with references from Mr Randall Corless, a Chartered Accountant, who describes Mr Zammit as a man of high integrity and from Mr Graham Beh, a veterinarian who describes him as having consistently demonstrated honesty, integrity and sportsmanship in greyhound racing.
15. Counsel submitted that Mr Michael Zammit had a lesser role of responsibility for the dog than his brother, given that Mr Anthony Zammit was a registered trainer whereas Mr Michael Zammit was an attendant. He submitted that, as an attendant, he was not subject to the exacting standards which would be imposed if he were a trainer.
16. We reject this submission. Mr Michael Zammit had previously been a trainer for a significant period of time and was clearly well aware of his responsibility to ensure that the dog was not exposed to permanently banned prohibited substances. He was not a new entrant into the industry, nor was it submitted that he was under the influence of his brother and not able to exercise his own independent judgement as to the care that should be taken of the dog. The fact that he was carrying out the task of an attendant during this time is, in our view, not of significance in relation to his level of culpability.
17. Counsel also submitted that we should take into account the delay in this matter coming to a hearing as a mitigating factor. The swab was taken on 8 November 2023 and Mr Michael Zammit was interviewed on 1 February 2024. This matter did not come before us until May 2025. It was submitted that this delay has had a significant impact on Mr Michael Zammit and his family, with the matter hanging over the head for a very long period of time.
18. We give this matter little weight. The reason that the matter has been delayed is because Mr Michael Zammit elected to have this case heard after the case involving his brother. His brother pleaded not guilty, and this was the cause of the delay in his brother's case. Had he wanted to, Mr Michael Zammit would have been able to have this matter listed for hearing in 2024.
19. Counsel asked us to take into account the fact that Mr Michael Zammit gained no financial advantage from his involvement with the greyhound. He looked after the dog as a favour to his brother. He was in Melbourne to assist with the care of his wife’s greyhounds. All the other greyhounds that he handled and fed in Melbourne over that time tested negative.
20. We agree that these are matters to be taken into account in his favour in assessing the penalty to be imposed.
21. Counsel submitted that the contamination was less culpable because it was an out of competition sample – that is, it was taken not during a race but at the kennels. Thus, it cannot be said that it had any effect upon the dogs racing capability.
22. We reject that submission. It is true that the fundamental purpose of supervision of drugs in sport is to ensure a level playing field. However, the basis of this offence is not the time or location when the drug was found in the dog’s system. This is a permanently banned prohibited substance. The participant is culpable if the dog has the substance in its system at any time.
23. We accept that Mr Michael Zammit has no prior presentation offences and that he has a very good record during the time that he has been involved in greyhound racing. He has been in the industry for approximately 34 years and has been a successful professional trainer over that time. He usually has up to 24 dogs in training at any one time.
24. He is 60 years old. He and his wife both work as trainers and their sole source of income is the prize money received from training greyhounds. He has been involved with greyhound racing for many years and has an excellent reputation within the industry.
25. He has pleaded guilty at the first available opportunity.
26. It was submitted on Mr M Zammit’s behalf that we should impose a period of suspension, not disqualification. One of the reasons for this submission was that, if he was disqualified he would need to move out of his home. His wife is also a trainer of greyhounds, and the kennels are located at their family home. The effect of any disqualification is that he would not be allowed to stay at the house. It was submitted that this was an extremely harsh result.
27. It is possible that this situation may occur. However, we note that what is usually done in those circumstances is for the Board to exempt a person from the strict requirements of this Rule. We are confident that the Board would do so in the circumstances as we have described them in this case.
28. Mr Michael Zammit was interviewed regarding this charge by Queensland Stewards on 31 January 2024 at his Queensland kennels. The Stewards noted his kennels to be very clean and tidy, exceeding the minimum standards, and that Mr Michael Zammit was very cooperative throughout the inspection. They also noted that all greyhounds on the property were in exceptional condition.
29. Taking all these matters into account, the penalty which we impose is a period of disqualification for 12 months, with 9 months of that penalty suspended for 2 years. This period of disqualification is to commence today.
30. The dog is disqualified from Race 8 at The Meadows on 11 November 2023 and the finishing order is amended accordingly.

Paige Macdonald

A/Assistant Registrar, Victorian Racing Tribunal