



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: Monday 19 February 2024

Decision-maker: Chief Steward Troy Vassallo and Chief Operating Officer Wade Birch

Name of relevant person: Ashley Marshall

Track: Richmond

Date: 2 July 2023

Rule no.: 141(1)(a), 151(1)-(4)

Charge(s):

Charge 1 - Rule 141(1)(a)

Ms Ashley Marshall presented the greyhound 'Zipping Osman' for the purposes of competing in race 5 at the Richmond meeting on 2 July 2023 in circumstances where the Greyhound was not free of any prohibited substance.

Charge 2 - Rule 151(1)-(4)

Ms Ashley Marshall failed to produce written treatment records when requested by an authorised person

Prohibited Substance(s): Recombinant Human Erythropoietin

Plea: Charge 1 – Guilty
Charge 2 - Guilty

Disciplinary action taken: Charge 1 – To impose a Two-Year Disqualification

Charge 2 – To impose a fine of \$400

With the Disqualification period backdated to the commencement of the existing interim suspension and accordingly expires 10 November 2025.

INVESTIGATION

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 21 August 2023, the Commission investigated the results of a post-race urine sample taken from the greyhound, "Zipping Osman" at the Richmond meeting on 2 July 2023.

Further analysis of the sample was conducted by New Zealand Racing Laboratory Services confirming the presence of Recombinant Human Erythropoietin.

DECISION:

1. Ms Marshall is a registered Public Trainer and the trainer of “Zipping Osman” (“the Greyhound”). The Greyhound competed in race 5 at the Richmond meeting on 2 July 2023. Following the Event, a urine sample was taken from the Greyhound.
2. The post-race swab revealed the presence of Recombinant Human Erythropoietin.
3. Recombinant Human Erythropoietin is a permanently banned prohibited substance under Rule 139(1)(b).
4. On 24 August 2023, during an inspection of her registered kennel address, Ms Marshall failed to produce complete treatment records for the Greyhound when requested to do so by a GWIC Officer.
5. On 24 January 2024 Ms Marshall attended a hearing held at GWIC’s Sydney Office which was adjourned for Stewards to consider the evidence presented.
6. On 31 January 2024 Ms Marshall was issued with a notice of charge and proposed disciplinary action (“**Notice**”)
7. In the Notice issued on 31 January 2024 the decision makers charged Ms Marshall with two charges for breaches of the following Greyhound Racing Rules:

Rule 141(1), Rules

(1) The owner, trainer or other person in charge of a greyhound:

(a) nominated to compete in an Event;

...

must present the greyhound free of any prohibited substance.

...

(3) The owner, trainer or person in charge of a greyhound presented contrary to subrule (1) of this rule shall be guilty of an offence.

Rule 151(1)-(4) Rules

(1) The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:

(a) from the time the greyhound enters their care until the greyhound leaves their care; and

(b) for a minimum of two years.

(2) If requested by the Controlling Body, a Steward, or an authorised person, the record/s of treatment referred to in subrule (1) of this rule must be produced for inspection.

(3) Each record of treatment kept in accordance with this rule must be made by midnight on the day on which the treatment was given, and, as a minimum requirement, include the following information:

- (a) the name of the greyhound;
- (b) the date and time of administration of the treatment;
- (c) the name of the treatment (brand name or active constituent);
- (d) the route of administration;
- (e) the amount given; and
- (f) the name and signature of the person or persons administering and / or authorising the treatment.

For the purpose of subrule (3), "day" means the 24-hour period from 12.00am to 11.59p on any calendar day.

(4) An offence is committed if any person in charge of a greyhound at the relevant time fails to comply with any of subrules (1) to (3) of this rule

8. The Notice invited Ms Marshall to enter a plea and make written submissions in relation to the charges and proposed penalties within a two-week period.
9. On Thursday February 15, 2024, Ms Marshall's legal representative provided written submissions and entered a guilty plea in respect to both charges.
10. In determining the matter, the decision makers considered Ms Marshall's plea and submissions, as well as all available evidence. The decision makers found the charges proven and issued the below penalties;

Charge 1 – To impose a Two Year Disqualification

Charge 2 – To impose a fine of \$400

With the Disqualification period backdated to the commencement of the existing interim suspension and accordingly expires 10 November 2025.

11. In taking this disciplinary action, the decision makers considered all evidence, including:
 - Ms Marshall's guilty plea
 - Ms Marshall's registration history and two prior breaches of Rule 141(1)(a)
 - The serious nature of the substance detected

- No explanation was established for the detection of the permanently banned prohibited substance
- GWIC penalty guidelines and precedents

12. In addition, the Greyhound was disqualified from race 5 at the Richmond meeting on 2 July 2023 pursuant to Rule 141(4) of the Rules.

.....End.....