26 September 2019

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR LAURIE MALLIA**

**Date of hearing:** 25 September 2019

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall (Deputy chairperson) and Ms Heidi Keighran.

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

Mr Laurie Mallia represented himself at the hearing.

**Charge:** Greyhounds Australasia Rule 83 (1A) states:

A person who-

(a) administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;

(b) aids, abets, counsels or procures any person to administer a prohibited substance to a greyhound; or

(c) has prior knowledge of a prohibited substance being administered to a greyhound which is detected in any sample taken from such greyhound that has been presented for an Event or when subject to any other contingency provided for pursuant to these Rules, shall be guilty of an offence.

Greyhounds Australasia Rule 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** On the 6 May 2019 at the Ballarat Greyhound Racing Club, Mr Mallia administered, or caused to be administered, to ‘Dyna Diedre’, a prohibited substance, being cobalt, which was detected in a sample taken from ‘Dyna Diedre’ in that:

1. You administered products containing cobalt, namely Rapidvite Amino Cal Plus and Feramo D, to ‘Dyna Diedre’ on 5 May 2019;
2. A pre-race sample of urine was taken from ‘Dyna Diedre’ at the event (the sample);
3. Cobalt was detected in the sample at a mass concentration of greater than 100 nanograms per millilitre; and
4. The mass concentration of cobalt detected in the sample could only be caused by the administration of cobalt.

**Charge 2** On 6 May 2019, you presented ‘Dyna Diedre’ at the Event not free of any prohibited substance, given that:

1. A pre-race sample of urine was taken from ‘Dyna Diedre’ at the Event (**the Sample**); and
2. Cobalt was detected in the Sample at a mass concentration of greater than 100 nanograms per millilitre.

**Plea:** Guilty to both charges

**DECISION**

1. Mr Laurie Mallia is a registered greyhound trainer and the trainer of the greyhound ‘Dyna Diedre’. Dyna Diedre competed in race 12 at Ballarat on 6 May 2019. A pre-race urine sample taken from the greyhound detected cobalt at a mass concentration of greater than 100 nanograms per millilitre. The level was 130 ng/ml.

1. Stewards of Greyhound Racing Victoria (GRV) have charged Mr Mallia under Greyhounds Australasia Rule (GAR) 83(1A) with administering a prohibited substance to a greyhound that has been presented for an event, being a prohibited substance which is detected in a sample taken from a greyhound. There is also a charge under GAR 83(2) of presenting a greyhound for an event while not being free of a prohibited substance.
2. Mr Mallia has pleaded guilty to each charge. The Tribunal finds the charges proven. It will fix an appropriate penalty on the more serious administration charge and impose no extra penalty on the presentation charge which arises out of the same substratum of facts.
3. Cobalt is a prohibited substance when it is present in a sample at greater than 100 nanograms per millilitre. That is the combined effect of GAR 83(10) and the definition of prohibited substance in GAR 83(1).
4. Mr Mallia is a small hobby trainer. For a 2 year period from 2015 to 2017 he was relatively inactive. That was the time in which the cobalt threshold was introduced into the GAR’s and when GRV generated much publicity about cobalt being contained in some feed substances. The history of the introduction of GAR 83(1) and the accompanying publicity is documented in a decision of the GRV Racing Appeals and Disciplinary Board (“the Board”) in the matter of Crawford on 12 July 2016.
5. Mr Mallia was not aware that Amino Cal Plus and Feramo D, which he fed to his greyhounds, contained cobalt. He now knows and has ceased feeding substances containing cobalt to his dogs.
6. In assessing penalty the Tribunal takes into account general deterrence and the importance of upholding the integrity of the industry by providing drug free racing. The Tribunal also takes into account penalties in recent like cases handed down by the Racing Appeals and Disciplinary Board. The Tribunal further takes into account Mr Mallia’s guilty plea, his remorse, co-operation with the Stewards and good record in over 30 years of training. In all the circumstances we impose a period of 12 months suspension but suspend 10 months of that period, pending no further breach of GAR 83 in the next 12 months. The suspension shall commence immediately.

Mark Howard
Registrar, Victorian Racing Tribunal