10 August 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**PAUL KALTSIS**

**Date of hearing:** 10 June 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Robert Abrahams.

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

Mr Paul Kaltsis represented himself.

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

A person who –

1. administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;
2. aids, abets counsels or procures any person to administer a prohibited substance to a greyhound; or
3. 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.

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 Greyhound Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound “Big Dove”.
3. “Big Dove” was presented for, and competed in, Race 12, TAB – CREATE YOUR SPRING CALENDAR, Grade 5, conducted by the Bendigo Greyhound Racing Association at Bendigo on 30 October 2020 (**the Event**).
4. You administered, or caused to be administered, to “Big Dove”, a prohibited substance, being Cobalt, which was detected in a sample taken from “Big Dove” in that:
5. You are responsible for the feeding of, and administration of supplements to, “Big Dove”;
6. One (1) product containing cobalt, namely “Rapidvite Amino Cal Plus”, was identified at your kennels on 7 December 2020;
7. A pre-race sample of urine was taken from “Big Dove” at the Event (**the Sample**);
8. Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample; and
9. The mass concentration of cobalt detected in the sample could only be caused by the administration of cobalt.

**Charge 2**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
2. You were at all relevant times the trainer of the greyhound “Big Dove”.
3. “Big Dove” was nominated to compete in, Race 12, TAB – CREATE YOUR SPRINGCALENDAR, Grade 5, conducted by the Bendigo Greyhound Racing Association at Bendigo on 30 October 2020 (**the Event**)
4. On 30 October 2020, you presented “Big Dove” at the Event not free of any prohibited substance, given that:
5. A pre-race sample of urine was taken from “Big Dove” at the Event (**the Sample**);
6. Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample.

**Plea:** Guilty

**DECISION**

1. Mr Paul Kaltsis is a registered greyhound trainer of longstanding. At all material times he was the trainer of the greyhound “Big Dove”. Big Dove competed in Race 12 at Bendigo on 30 October 2020. A pre-race swab showed the presence of cobalt at 148 nanograms (“ng”) per millilitre (“ml”). Cobalt at a mass concentration of 101 ng/ml or more is a prohibited substance under the Greyhounds Australasia Rules (“GARs”).
2. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Kaltsis with presenting a greyhound for an event while not free of a prohibited substance under GAR 83(2) and with administering a prohibited substance to a greyhound that has been presented for an event contrary to GAR 83(1A).
3. Cobalt is a naturally occurring trace element, which is present in the normal dietary intake of a greyhound. It is a stimulant and is capable of affecting the condition or performance of a greyhound. Any effect is likely to be positive.
4. Cobalt is contained in large amounts in a product called “Rapidvite Amino Cal Plus”. Stewards located that product at the kennel premises of Mr Kaltsis when coming to advise him of the positive swab.
5. In a preliminary inquiry conducted by the Stewards, Mr Kaltsis said that he only fed Rapidvite to pups and brood bitches, but not racing dogs. He conceded that it was possible that it was fed to Big Dove in error. He could think of no other explanation for the positive swab. An out of competition test on the greyhound conducted a few weeks later on 7 December 2020 showed one ng/ml and in an earlier race on 16 May 2020, the swab showed two ng/ml.
6. In an expert veterinary report, Dr Steven Karamatic opined that “the chance of a greyhound exceeding the generous threshold [100 ng/ml] without the administration of cobalt is zero”.
7. Mr Kaltsis has pleaded guilty to the charges. We accept that the most likely cause of the administration of cobalt was that it was an accident and not an intentional act. In setting penalties, we have taken into account Mr Kaltsis’ good record over his 40 years of training. We also take into account general deterrence and the importance of maintaining a level playing field by keeping a drug free industry. We are further informed by recent penalties in like cases. We also understand that any suspension will have a harsh effect on Mr Kaltsis, as he relies on training greyhounds for a living.
8. In all the circumstances, on the administration charge, we impose a 12 month suspension, but suspend 10 months of that sentence on the condition that Mr Kaltsis commit no other offence against GAR 83 in the next 12 months. On the presentation charge, we impose the same penalty as on charge one, to be served concurrently with the penalty on the administration charge. In addition, Big Dove is disqualified from Race 12 at Bendigo on 30 October 2020. The suspension for the effective period of two months shall commence immediately.
9. We note that the Tribunal and its predecessor, the Greyhound Racing Appeals and Disciplinary Board, has consistently applied a penalty of an effective two months suspension. The penalty does not seem to be having a deterrent effect and it may be time for the Tribunal to consider whether penalties should be increased for a breach of the cobalt threshold. However, this case is not an appropriate vehicle for that to happen. We did give consideration to making the suspended period of the sentence subject to no similar offending in the next 24 months. We consider that this case is not the appropriate vehicle to extend that period given the inadvertence of the offending and that other samples for Mr Kaltsis’ dogs were well below the threshold.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal