

Racing Appeals & Disciplinary Board

Media Release

17 March 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Friday, 17 March 2017
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria
Panel: Mr. Shane Marshall (Chairman), Mr. David Gleeson and Mr. Peter Lee
Name of Person Charged: Mr. Christopher Van Lieshout
Town: Mickleham
Track: The Meadows
Date: 1 June 2016
GAR No: 83 (1A) and 83 (2)

Offences Charged: (1) Mr. Christopher Van Lieshout administered or caused to be administered a prohibited substance to the greyhound 'Unique Replica' at the Meadows meeting held on 1 June 2016.

(2) Mr. Christopher Van Lieshout failed to present the greyhound 'Unique Replica' free of any prohibited substance for an event at the Meadows meeting held on 1 June 2016.

REPORT:

Following advice from Racing Analytical Services Laboratory, the Stewards of Greyhound Racing Victoria conducted an investigation into the results of the pre-race urine sample taken from the greyhound 'Unique Replica' at the Meadows meeting held on 1 June 2016.

During the investigation, Stewards received evidence from registered trainer Mr. Christopher Van Lieshout, Mr. Paul Zahra (Racing Analytical Services Laboratory) and Dr. Steven Karamatic (GRV Chief Veterinarian).

After considering the evidence, Stewards charged Mr. Van Lieshout with breaches of Greyhounds Australasia Rule 83 (1A) and 83 (2) as detailed above, given that the pre-race urine sample taken from the greyhound indicated the presence of the prohibited substance cobalt.

The Racing Appeals & Disciplinary Board (RADB) is established under section 83B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

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Under Rule 47.1 of the Greyhound Racing Victoria Local Rules breaches of GAR83 (1A) and GAR83 (2) constitute Serious Offences. As a result on Friday, 17 March 2017 this matter was heard before the Racing Appeals and Disciplinary Board in the first instance under Greyhound Local Racing Rule 47.3 and Sections 83C(b) and 83M(1) of the Racing Act.

Mr. Christopher Van Lieshout represented himself at the hearing.

Mr. Marwan El-Asmar GRV Managing Principal Lawyer instructed by Ms. Jade Murphy GRV Senior Lawyer represented the Stewards Panel.

Mr. Christopher Van Lieshout pleaded not guilty to both charges.

DECISION:

1. Mr. Christopher Van Lieshout is a registered trainer of greyhounds and at all material times, the trainer of the greyhound, "Unique Replica". Unique Replica competed in race 5 at The Meadows on 1 June 2016. A pre-race urine sample taken from Unique Replica detected cobalt at a mass concentration of greater than 100 nanograms per millilitre.
2. Mr. Van Lieshout has been charged with breaching Greyhound Australasia Rule ("GAR") 83 (1A) by administering a prohibited substance to a greyhound that has been presented for an event. He has also been charged with breaching GAR83 (2) by presenting a greyhound for an Event without being free of a prohibited substance.
3. Mr. Van Lieshout has pleaded not guilty to the charges.
4. Cobalt is a naturally occurring substance which is usually present in greyhounds at very low levels, as a result of normal dietary intake.
5. ("GAR") 83 (10) provides that:-

"Cobalt at or below a mass concentration of 100 nanograms per millilitre in a sample of urine taken from a greyhound will not breach the provisions of sub-rule (1A) or (2) or this rule".

GAR 83 (10) came into operation in Victoria on 1 December 2015 after a great deal of publicity generated by GRV. The detail about that publicity is set out in the Board's decision in Crawford, 12 July 2016.

6. Racing Analytical Services Ltd ("RASL") detected cobalt in the sample at 153 nanograms per millilitre. A reserve sample was sent for referee analysis at the Racing Chemistry Laboratory in Perth. Cobalt was detected in that sample at 150 nanograms per millilitre.

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7. Cobalt is a “prohibited substance” under the GAR. It meets the definition of that term as it is a substance which is capable of affecting a greyhound by its actions on the cardiovascular system. Further, it is specified in Schs 1 to 9 inclusive of the Standard for the Uniform Scheduling of Drugs and Poisons. According to GRV’s Chief Veterinarian, Dr. Karamatic, the finding of a urinary concentration of cobalt greater than 100 nanograms per millilitre “confirms the presence of a prohibited substance that is capable of affecting performance, and any affect is most likely to be positive.
8. Mr. Van Lieshout had been feeding the greyhound during her meals with a heaped teaspoon of a product called Feramo D. Mr. Van Lieshout thought Feramo D was approved by GRV because it was on sale at the Shepparton racetrack. He was not aware that it contained cobalt until told by Dr. James, a veterinarian employed by GRV, at a kennel inspection following the positive swab. Mr. Van Lieshout was also not aware of the rule change that introduced rule 83 (1) into the GAR.
9. Mr. Van Lieshout only trained a very small number of greyhounds in June 2016. He trained them in what has been described by a Mr. Stravropoulos as a “mutual partnership” between the two men. Mr. Stravropoulos kenneled and handled Unique Replica on 1 June 2016. He was also responsible for administering supplements to the greyhound from time to time. Some 11 days after the Event in question he injected Unique Replica with cobalt containing Hemoplex. Mr. Stravropoulos told a stewards inquiry into the positive swab that it was not of the ordinary to administer Vitamin B complex at different stages. Vitamin B complex contains cobalt. Mr. Van Lieshout acknowledged to the Stewards inquiry that Mr. Stravropoulos injected the greyhound with Hemoplex and said he didn’t know of Mr. Stravropoulos injecting the greyhound with Hemoplex on other occasions. Despite being the trainer, Mr. Van Lieshout devolved all feeding decisions to Mr. Stravropoulos.
10. Ultimately, as the trainer of the greyhound, Mr. Van Lieshout is responsible for the feeding and injecting of the greyhound. At the time of the positive swab GAR 83 (10) had been in place for 7 months and there had been much publicity about increased testing for cobalt and about avoiding the use of certain supplements. Feramo D contains vitamin B12 which has cobalt as an active agent. GRV publicity about vitamin B12 and cobalt warned trainers of the use of such supplements. It is surprising therefore that it was still being sold at a racetrack, giving the outward appearance of being a GRV approved product.
11. The GRV warnings about cobalt also referred to avoiding Troy Hemoplex injection as it contains cobalt gluconate as an active agent. Although it is only certain that the greyhound received a Hemoplex injection after the race, it is uncertain from the evidence of Mr. Van Lieshout and Mr. Stravropoulos before the Stewards inquiry whether a similar injection was given pre-race. At the very least, the Feramo D supplement was capable of elevating cobalt levels in the greyhound.

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12. We find the administration charge made out Mr. Van Lieshout's normal feeding supplementation included a daily "heaped teaspoon" of Feramo D. This is what the greyhound was receiving on a daily basis in the days leading up to the event. It does not matter that Mr. Van Lieshout did not personally feed the greyhound as the trainer he is the responsible person.
13. We also find the presentation charge made out. Mr. Van Lieshout presented a greyhound for an event where a swab showed that a prohibited substance was present, as cobalt was detected in the sample at 150 nanograms per millilitre. It is not an excuse that Mr. Van Lieshout did not kennel or handle the greyhound. He was the trainer and remains responsible for presenting the greyhound for the event.
14. In determining an appropriate penalty it is necessary for the Board to balance just punishment, specific and general deterrence, denunciation, the preservation of the integrity of greyhound racing by keeping it drug free, animal welfare considerations and Mr. Van Lieshout's prospects of rehabilitation. We also take into account Mr. Van Lieshout's good character and good record in his short time as a trainer. Although no discount can be given for the concept of "recency", with the Event being 7 months after the rule change, at the time of the race the Board had not dealt with the first of its cobalt cases in Crawford following the relevant rule change. Further, no discount can be given for any guilty plea.
15. Taking into account also other penalties given in like cases we consider the appropriate penalty is to disqualify Mr. Van Lieshout for a period of 18 months but to suspend 9 months of that period pending no further breach of GAR83 in the next 18 months. In addition, Unique Replica is disqualified from race 5 at the Meadows on 1 June 2016. The period of disqualification for Mr. Van Lieshout will commence on 24 March 2017. The penalty we impose is on the administration charge. We impose no penalty on the presentation charge which arises out of the same substratum of facts.

.....End.....