3 June 2022

**DECISION**

**RACING VICTORIA**

**and**

**KEITH CONSTANTINE**

**Date of hearing:** 1 June 2022

**Panel:** Judge John Bowman (Chairperson).

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

Mr Keith Constantine represented himself.

**Charge and particulars:**

**Charge One: AR 228(b)**

Australian Rule of Racing (“AR”) 228(b) which reads as follows:

***AR 228 Conduct detrimental to the interests of racing***

*A person must not engage in:*

*…*

*(b) misconduct, improper conduct or unseemly behaviour;*

*…*

**Particulars of Charge**

1. You are, and were at all relevant times, a stable employee registered with Racing Victoria.
2. On 10 February 2021, you attended the Hamilton Racing Club for the purposes of trackwork and training.
3. On 10 February 2021, during the morning, licensed trainer Trudy Cottier was engaged with a conversation with licensed trainer Jessie Constantine (the conversation).
4. During the course of the Conversation, you told Ms Cottier to “fuck off” and/or called her a “cunt”.
5. Your conduct, as set out in particular 4, constituted improper conduct and/or unseemly behaviour, and was accordingly in breach of AR 228(a).

**Plea:** Guilty

**DECISION**

Mr Keith Constantine, you have pleaded guilty to a breach of AR 228(b), which relates to misconduct, improper conduct or unseemly behaviour.

The offence in question occurred at Hamilton racecourse on 10 February 2021, at a time when trackwork and training were being conducted. The offence centres upon bad language used by you and directed to Ms Trudy Cottier, a licensed trainer essentially based at Hamilton. There is something of a background of potential difficulties involving you and your daughter Jesse, who is a licensed trainer, and Ms Cottier. However, there is no need to discuss that further. As stated, you have pleaded guilty to the use of bad language directed towards Ms Cottier on this occasion, although you do not agree that you used all of the language constituting the charge.

I accept that you are in poor health, basically because of emphysema. I note that your emphysema has caused you to be hospitalised in recent times. Your occupation was that of a builder, although you are now retired, no doubt largely because of your health problems. You assist your daughter with her training. She trains some eight horses. Your wife is in full employment and manages the financial affairs, including repayments in respect of your property.

You have previously been fined $400 for a similar breach of this Rule. That occurred in 2019. That prior offence is taken into account. Thus, specific deterrence is a live issue.

General deterrence is also important. This sort of behaviour should not be tolerated. I appreciate that there is a history of problems involving you and your daughter and Ms Cottier, but the Stewards are busy people with enough work to do without having to deal with offences of this nature. Further, those attending the Hamilton racecourse and carrying out their work duties should not have to put up with this type of behaviour.

In all the circumstances, and bearing in mind your prior offence, as well as your plea of guilty, the general circumstances and background, the occurrence of the behaviour and your health problems, I have come to the following conclusion.

You are fined the sum of $1,000, but of that amount $400 is suspended for a period of 24 months pending no further relevant offence occurring.

In other words, you are to pay a fine of $600, but if you commit a relevant offence in the next two years, a further $400 will be payable.

I also hope that these problems at Hamilton can be resolved, so that all concerned can get on with the business of training their horses without conflict or distractions.

Mark Howard
Registrar, Victorian Racing Tribunal