9 May 2024

**DECISION**

**RACING VICTORIA**

**and**

**MATT LAURIE**

**Date of hearing:** 11 April 2024

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**Panel:** The Hon. Shane Marshall AM (Deputy Chairperson) and Ms Melissa Mahady.

**Appearances:** Mr Jack Anderson appeared on behalf of the Stewards.

Mr Damian Sheales, instructed by Ms Kate Brideoake, represented Mr Matt Laurie.

**Charges:** Australian Rule of Racing (“AR”) 240(2) states:

(2) Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.

AR 242(a) states:

If a prohibited substance on Prohibited List A is detected in a sample taken at any time from a horse being trained by a licensed person:

(a) the trainer and any other person who was in charge of the horse at the relevant time breaches these Australian Rules, unless that trainer or other person satisfies the relevant PRA or the Stewards that he or she took all proper precautions to prevent the administration of the prohibited substance to the horse.

AR 104(1) states:

(1) A trainer must record any medication or treatment administered to any horse in the trainer’s care by midnight on the day on which the administration was given.

**Particulars: Charge 1: AR 240(2)**

 1. You are, and were at all relevant times, a trainer licensed by Racing Victoria and a person bound by the Rules of Racing.

2. You were, at all relevant times, the trainer of Anahita.

3. On 28 June 2023, Anahita was brought to the Ladbrokes Park Lakeside Racecourse and was engaged to race in Race 4, the ive > Handicap over 1300 metres (the Race).

4. On 28 June 2023, after the Race, a urine sample was taken from Anahita (the Sample).

5. An analysis of the Sample detected the presence of Trendione.

6. Trendione is a prohibited substances pursuant to Division 1 of Part 1 of Schedule 1 (Prohibited List A) of the Australian Rules of Racing.

**Charge 2: AR 242(a)**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria and a person bound by the Rules of Racing.

2. You were, at all relevant times, the trainer of Delicious Tycoon.

3. On 3 August 2023, an out of competition blood sample was taken from Delicious Tycoon (the Sample).

4. An analysis of the Sample detected the presence of Trendione.

5. Trendione is a prohibited substances pursuant to Division 1 of Part 1 of Schedule 1 (Prohibited list A) of the Australian Rules of Racing.

**Charge 3: AR 104(1)**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.

2. You were, at all relevant times, responsible for the maintenance of the treatment records for any horse in your care.

3. Between 20 June 2023 to 28 June 2023 and between 28 July 2023 to 3 August 2023, your treatment records did not contain all the information as required by AR 104(1) and (2), including but not limited to: Times of administration, routes of administration, the name and signature of the person/s administering and/or authorising the administration of the treatment or medication; and the reason for administering the treatment or medication.

**Pleas:** Guilty

**DECISION**

1. Mr Matt Laurie is a licensed racehorse trainer. He was at all material times the trainer of the mare, “Delicious Tycoon”, and the filly, “Anahita”.
2. Anahita competed in and won Race 4 at Sandown on 28 June 2023. A urine sample was taken from the filly. It revealed the presence of the prohibited substance, trendione.
3. Trendione is contained in a substance which is sold under the label, “Regu Mate”. It is a synthetic hormone used to suppress the behavioural signs of heat, also called "oestrous" or being in season. It is an oil solution, usually for oral use, either directly on the filly or mare's tongue or in the feed. As a female horse enters heat and prepares for breeding, her levels of oestrogen rise.
4. Delicious Tycoon had an out of competition blood sample taken from her at a stable inspection 3 August 2023. An analysis of the sample taken from the mare also detected trendione.
5. Stewards conducted an inquiry into the two positive swabs. They were informed that Regu Mate was given to the two horses by a representative of Mr Laurie at a time and level on specific advice from a veterinarian. That was so, notwithstanding industry warnings about the use of Regu Mate during training or racing of fillies and mares being likely to result in a positive swab. Industry advice to that effect was given on 1 August 2022. It appears that the veterinarian's advice was based on the rarity of swabs positive to trendione. However, as the industry warnings stated and this proceeding proves, there remains the real risk of a positive swab to a prohibited substance if Regu Mate is given to a filly or mare who is in training to race or soon to race. The words of the veterinarian were that he thought that, "if it was used judiciously, it would be fine". As it turned out, it was not fine. This case should serve as a reminder to all in the industry to follow the industry advice, rather than rolling the dice and hoping not to get caught giving a prohibited substance to horses. Engaging in conduct which raises the likelihood of a breach of the rules in any respect should not be part of a calculated way of doing business, playing the odds and not getting caught. We do not suggest that such was intended here, but the point should be made for future reference.
6. Mr Laurie has pleaded guilty to the charges. In dealing with them, given the proximity in time and the common substratum of facts surrounding each matter, we have decided to impose an active penalty only on the first charge concerning Anahita and to impose the same penalty on the second charge, regarding Delicious Tycoon, but make it wholly concurrent with the penalty under Charge 1.
7. The first charge is laid under Australian Rule of Racing (“AR”) 240(2), which proscribes the bringing of a horse to a racecourse for the purpose of participating in a race and where a prohibited substance is detected in a sample taken from the horse. The second charge is laid under AR 242(a) which prohibits trainers or others in charge of a horse from having a sample found to contain a prohibited substance taken from the horse. That charge covers the situation where a sample is taken out of competition, as occurred here with Delicious Tycoon.
8. In setting a penalty on the prohibited substance related charges, we take into account general deterrence and the importance of maintaining a level playing field by having a drug-free industry, as well as the fact that the substance concerned is permanently banned. We also take into account the guilty pleas and the relatively good record of Mr Laurie regarding prohibited substance matters. He has one relevant prior matter involving clenbuterol, in breach of AR 240(2), in which there was no loss of licence and there was the imposition of a small fine.
9. The 2015 matter involving another prohibited substance can be disregarded, as the decision of the Racing Appeals Tribunal revealed that the contamination was accidental and no penalty was imposed, other than a finding of guilt to the charge. We also take into account that Mr Laurie must have been aware of the industry warnings. However, we note that he accepted the advice of his veterinarian that the risks could be mitigated by the timing of the use of the substance and the method of its use.
10. We take into account recent penalties in like matters. The decision of Ms Rebecca Waymouth was published on 15 December 2023. In particular, we refer to paragraph 8. We also refer to the matter of Mr Lefoe, June 2021. The Northern Territory equivalent of this Tribunal imposed a $10,000 fine. In that matter, the trainer did not rely on the advice of the veterinarian. We consider the culpability of Mr Laurie to be less of comparison. Nonetheless, we consider that a significant financial penalty is appropriate.
11. In all the circumstances, we impose a fine of $8,000 on Charge 1. We impose the same fine on Charge 2, but make it wholly concurrent with the penalty imposed on Charge 1.
12. Mr Laurie has also been charged with a record-keeping offence in breach of AR 104(1). He failed, in two confined periods of time, to maintain records in a form required by the Rules. He has a recent previous offence for a similar breach for which a $500 fine was imposed. Given that this is the second offence, we impose a fine of $1,500. We note that proper record-keeping has been the practice of the stable since this offence. Counsel for Mr Laurie took no issue with the suggestion of Mr Anderson for the Stewards that the penalty on this charge should be $1,500.
13. The total financial penalty imposed is $9,500. Unlike Ms Waymouth, we have not made any portion of the $8,000 fine on Charge 1 suspended. Ms Waymouth’s matter was a case involving much different personal circumstances from those in the present case.
14. In addition, Anahita is disqualified from Race 4 at Sandown on 28 June 2023 and the finishing order is amended accordingly.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal