14 October 2024

**DECISION**

**RACING VICTORIA**

**and**

**AUSTIN COFFEY**

**Date of hearing:** 10 October 2024

**Date of decision:** 10 October 2024

**Panel:** Judge Kathryn Kings (Deputy Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Scott Hunter appeared on behalf of the Stewards.

Mr Andrew Nicholl represented Ms Austin Coffey.

**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.

 Local Racing Rule (“LR”) 48A states:

 (2) Subject to LR 48A (3), a trainer must not allow a horse under his or her care that is in training and /or competing in Victoria to receive Veterinary Services unless the person at the time of providing Veterinary Services is a Permitted Veterinarian.

**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 ‘Koyuga Breeze’ (the Horse).

3. On 9 April 2024, the Horse was brought to the Swan Hill Racecourse and ran in Race 5, the ‘In Memory of Peter Coady BM58 Handicap’, over 1600 metres (the Race).

4. On 9 April 2024, following the running of the Race, a urine sample (R002906) was taken from the Horse (the Sample).

5. An analysis of the Sample detected the presence of Caffeine and its metabolites Theophylline and Paraxanthine.

6. Caffeine is a prohibited substance pursuant to Division 1 of Part 2 of Schedule 1 (Prohibited list B) of the Australian Rules of Racing.

**Charge 2: LR 48A**

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 horses Margee’s Field and Miss Blackman (the Horses).

3. Between 17 February 2024 and 26 February 2024, at which time the Horses were training and/or competing in Victoria, Dr. Tim Russell provided veterinary treatment to the Horses.

4. Your conduct, in allowing the Horses to receive veterinary services from Dr. Russell, who was not a permitted veterinarian, was in beach of LR 48A.

**Pleas:** Guilty

**DECISION**

Mr Austin Coffey, you have pleaded guilty to two charges.

Charge 1 is pursuant to Australian Rule of Racing (“AR”) 240(2), which could be described as a presentation charge. You were at all relevant times the trainer of the horse, “Koyuga Breeze” who was presented for and competed in Race 5 at Swan Hill on 9 April 2024. A post-race urine sample was taken from the horse and analysis of that sample detected the presence of the prohibited substance caffeine and its metabolites, theophylline and paraxanthine.

Caffeine is a prohibited substance pursuant to Division 1 of Part 2 of the Schedule (Prohibited List B) of the AR.

You have a long history as a trainer. You have four previous breaches under AR 240(2), being in December 1995, September 2016, October 2018 and January 2023, for which you received fines. This is your fifth breach of that Rule.

Taking into account specific and general deterrence, your guilty plea and your previous breaches of the Rule, we impose a penalty of a three month suspension which is wholly suspended for 24 months pending no further relevant offences during that time. In addition, we impose a fine of $8,000.

In addition, Koyuga Breeze is disqualified from Race 5 at Swan Hill on 9 April 2024 and the finishing order is amended accordingly.

Charge 2 is pursuant to Local Racing Rule (“LR”) 48A, which prohibits trainers allowing a veterinarian who is not permitted to provide treatment to horses training and or competing in Victoria.

You were the trainer of the horses, “Margee’s Field” and “Miss Blackman”. Between 17 and 26 February 2024, at which times the horses were training or competing in Victoria, Dr Tim Russell provided veterinary treatment to the horses. Dr Russell was not a permitted veterinarian.

We consider there were mitigating factors in the circumstances surrounding Charge 2 as you did ask Dr Russell whether he was a permitted veterinarian and was assured he was. In those circumstances, we impose a penalty of a fine of $500.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal