14 October 2024

**DECISION**

**RACING VICTORIA**

**and**

**LUKE OLIVER**

**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 Luke Oliver represented himself.

**Charges and particulars: Charge 1 of 2: AR 240(2)**

AR 240(2) reads as follows:

**AR 240 Prohibited substance in sample taken from horse at race meeting**

1. *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.*

**The particulars of the charge**

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 *Hey Bella* (the **Horse**)*.*
3. On 12 April 2024*,* the Horse was brought to the Cranbourne Racecourse and was engaged to race in Race 7, Rosemont F&M Maiden Plate, over 1300 metres (the **Race**).
4. On 12 April 2024, following the Race, a urine sample (V827273) was taken from the Horse (the **Sample**).
5. An analysis of the Sample detected the presence of dexamethasone.
6. Dexamethasone is a prohibited substances pursuant to Division 1 of Part 2 of Schedule 1 (Prohibited list B) of the Australian Rules of Racing.

**Charge 2 of 2: AR 104**

AR 104(1) reads as follows:

**AR 104 Trainers must keep treatment records**

* 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.*
  2. *For the purpose of subrule (1), each record of administration must include the following information: the name of the horse;*

*the date and time of administration of the treatment or medication;*

*the name of the treatment or medication administered (brand name or active constituent);*

*the route of administration including by injection, stomach tube, orally, topical*

*application or inhalation;*

*the amount of medication given (if applicable);*

*the duration of treatment (if applicable);*

*the name and signature of the person/s administering and/or authorising the administration of the treatment or medication.*

*the reason for administering the treatment or medication.*

*[subrule amended 01/02/21]*

**The particulars of the charge**

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 *Hey Bella* (the **Horse**) and responsible for the maintenance of treatment records for any horse in your care.
3. On 10 April 2024, the Horse was administered 500 ml of Lang’s Solution, which included approximately 20 ml of vitamin B complex and 20 ml of tripart.
4. On 10 April 2024, you did not record all medications or treatments administered to the Horse by the end of the day on which the administration was given, as required by AR 104(1).

**Pleas:** Guilty to both charges.

**DECISION**

Mr Luke Oliver, you have pleaded guilty to two charges. The first charge is a breach of AR 240 (2), namely a presentation charge. Charge 2 is a breach of AR 104(1) and concerns a failure to keep proper treatment records. This essentially related to one omission.

On 12 April 2024 you were the trainer of Hey Bella which was presented at the Cranbourne Racecourse and was engaged to race in Race 7, the Rosemount Fillies & Mares Maiden Plate, over 1300 metres. On 12 April 2024, a post-race urine sample was taken from the horse (V827273) and an analysis of the sample detected the presence of dexamethasone, commonly referred to as Dex.

You have been a trainer for approximately 20 years.

You gave the horse an injection 3 days before the race, but potentially may have given Dex instead of Meloxicam. It would surprise you, but it fits. Dex is a clear substance and Meloxicam is yellow. Both are administered intravenously. Meloxicam is an anti-inflammatory and is part a routine. Dex is used as an anti-inflammatory and is administered if horses have inflammation of the throat or a rash on the skin. The withholding period for Dex is 4 days and the withholding period for meloxicam is 3 days.

The Stewards accept the likely explanation.

You have a long history in the racing industry as a trainer. Currently, you have stables at Cranbourne. You have no relevant prior convictions. Your long history in the industry and your record in relation to prohibited substances is very good.

In all the circumstances, on Charge 1 you are fined $3,000.

Charge 2 relates to your record keeping. There was one omission on one occasion, which was an oversight by you. On Charge 2, we fine you $1,500.

In addition, Hey Bella is disqualified from Race 7 at Cranbourne on 12 April 2024 and the finishing order is amended accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal