



HEARING AND DETERMINATION OF CHARGES ISSUED AGAINST LICENSED TRAINER MARK OSTINI

**Tamworth Racecourse  
Via Videoconference**

**19 December 2024**

**Stewards: D R Hadley (Chair)  
M W Cleaver  
J W Prior**

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## **Background**

In November 2024, Racing NSW Investigators commenced an investigation into allegations of race day administration of medication by licensed trainer Mr Mark Ostini at Armidale Racecourse. Racing NSW Investigators obtained witness statements, seized CCTV footage as well as other electronic and physical evidence.

About 8:30am on 28 November 2024, Racing NSW Officials entered the registered stable address of Mr Mark Ostini at Armidale Racecourse and conducted an inspection. Officials seized nine (9) red coloured oral tubes labelled "*B.L.T Lung Airway Clairisol TM, 1250mg*", six (6) green coloured oral tubes, nine (9) vials labelled "*Joint Repair IV*" and other medications. The medications were located concealed inside a washing dryer. Investigators seized treatment records and obtained relevant photographs

On 29 November 2024, Stewards issued two charges against Mr Ostini under AR249(1)(b) and AR249(1)(a). Stewards enacted the provisions of AR23, suspending Mr Ostini's Trainer's licence, pending the hearing and determination of the charges.

Upon subsequent inspection of the treatment records, Stewards identified that there had been a number of fraudulent entries in the treatment records.

On 12 December 2024, Stewards issued a further three charges against Mr Ostini.

Racing NSW Stewards today conducted a hearing to determine the charges issued against Mr Ostini. A brief of evidence compiled by Racing NSW Investigator Nikki Burke was tendered and oral evidence was taken from Mr Mark Ostini.

## **Charges issued against Mr Mark Ostini**

### **Charge 1: AR249(1)(b)**

The details of the charge being that between 1:25pm and 1:30pm on the 10 November 2024, he did, without the permission of the Stewards, cause the oral administration of the medication '*B.L.T Lung Airway Clairisol*' by Mr Alan Gordon to *Princess Mary* (attempt) and *Puzzle Designer* on race day prior to the commencement of Race 5 and Race 7, at Armidale where they were engaged to race.

**Plea: Guilty**

**Finding: Guilty**

### **Charge 2: AR249(1)(a)**

The details of the charge being that at 1:45pm on the 10 November 2024, he did, without the permission of the Stewards, administer the oral medication '*B.L.T Lung Airway Clairisol*' to *Princess Mary* on race day prior to the commencement of Race 5, the Country Boosted Class 1 Handicap at Armidale, where it was engaged to race.

**Plea: Guilty**

**Finding: Guilty**

### **Charge 3: AR229(1)(a)**

The details of the charge being that between 3 October 2024 and 7 November 2024, he did fraudulently enter and record the administration of treatments and medications within his treatment records for the relevant period purporting to be Dr Calum Paltridge. He then signed the treatment records in the name of veterinarian Dr Calum Paltridge.

**Plea: Guilty**

**Finding: Guilty**

### **Charge 4: LR82(3)**

The details of the charge being that from 2022 until 10 November 2024, he did employ Mr Alan Gordon as a stable hand when not duly registered.

**Plea: Guilty**

**Finding: Guilty**

### **Charge 5: AR252(1)**

The details of the charge being that on 28 November 2024, he did have on his premises at Armidale Racecourse, a medication and/or substance which had not been registered, labelled, prescribed, dispensed or obtained in accordance with applicable Commonwealth and State legislation

**Plea: Guilty**

**Finding: Guilty**

## **Penalty**

The following penalty considerations were taken into account –

- Guilty pleas were entered at the earliest opportunity
- Objective seriousness of the breaches
- Precedent penalties
- Personal and professional circumstances
- Previous breach of AR252(1)
- The aggravating feature of him having a person undertake the duties of a stablehand, including the administration of medication, when knowingly unlicensed
- Principles of specific and general deterrence and what message is sent to the industry in respect to such conduct
- The purpose of issuing penalties as a protective measure for the image, interests and welfare of the thoroughbred racing industry

**Charge 1: AR249(1)(b) – 15 months disqualification of licence reduced to 12 months (to be served wholly concurrent with charge 2)**

**Charge 2: AR249(1)(a) – 15 months disqualification of licence reduced to 12 months**

**Charge 3: AR229(1)(a) – 9 months disqualification of licence reduced to 6 months**

**Charge 4: LR82(3) – 3 months disqualification of licence reduced to 2 months**

**Charge 5: AR252(1) – 5 months disqualification of licence reduced to 4 months**

Having regard to the principles of totality of penalty, in addition to the orders in respect of concurrency for charges 1 and 2, and the discounts for the early entry of guilty pleas, the Stewards ruled that the total period of disqualification is 24 months to commence on 29 November 2024 being the date Mr Ostini's licence was suspended under the provisions of AR23, and to expire on 29 November 2026 at which time he may reapply for a licence.

Mr Ostini was advised of his appeal rights.

## **Relevant Rules:**

### **AR 249 Administration of medication on race day**

*(1) Notwithstanding the provisions set out in Schedule 1, Part 2, Division 2, a person must not, without the permission of the Stewards:*

*(a) administer; or*

*(b) cause to be administered, any medication to a horse at any time on race day prior to the commencement of a race in which the horse is engaged to race.*

### **Division 4 – Corruption, dishonesty and misleading behaviour**

#### **AR229 Corruption, dishonesty and misleading behaviour**

*(1) A person must not:*

*(a) engage in any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing;*

**LR 82.** *(1) Every person holding a trainer's licence or permit to train or a racing employee contractor licence from Racing NSW must on or before 1st November each year apply to Racing NSW to register every person employed by him or her or assisting him or her in connection with the training or care of racehorses (in this rule referred to as an "employee"). Any such registration, except as hereinafter provided, remains in force until the 31st day of October in the following year.*

*(3) No employee unless duly registered may be employed by a trainer. This requirement also applies to stablehands transferring from another trainer.*

#### **AR252 Possession of medication/substance/preparation in breach of legislation**

*(1) A person must not have in his or her possession or on his or her premises any medication, substance or preparation which has not been registered, labelled, prescribed, dispensed or obtained in accordance with applicable Commonwealth and State legislation.*

*(2) The Stewards may confiscate any medication, substance or preparation referred to in subrule (1), and use it as evidence in any inquiry, hearing or other proceeding under the Rules.*

#### **AR23 Suspension pending the hearing and determination of a charge**

*Without limiting any other rules or Stewards' powers, if a person has been charged with a breach of the Rules or with the commission of an indictable criminal offence, and if the Stewards are of the opinion that the continued participation of that person in racing might pose an unacceptable risk of prejudicing the image, interests, integrity or welfare of racing, the Stewards may pending the hearing and determination of the charge:*

*(a) suspend any license, registration, right or privilege, granted to that person under these Australian Rules.*

**D R Hadley**  
**General Manager – Investigations**  
**Racing NSW**