

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

Ms TANYA HANSON

Date of hearing: Wednesday, 27th July 2023

Stewards Panel: Bruce Free (Chair), Dominic Tyson, Gavin Griffin and Eli O'Sign.

Present: Ms Tanya Hanson

Rule: Australian Rules of Racing AR231(1)(b)(iv)

Charge: That on the 24th of May, 2024 as a licensed trainer with the Office of Racing Integrity and for a period of time prior to that failed to provide sufficient nutrition or feed to horses on her property which included AMANCAYA, TIESTO and EL GUSTO.

Ms Hanson pleaded guilty to a charge under the provisions of AR231 Care and welfare of horses:

Part (1) A person must not

(b) if the person is in charge of a horse – fail at any time:

(iv) to provide proper and sufficient nutrition for a horse.

PENALTY

\$4000 fine. With \$3000 wholly suspended that she does not reoffend for a period of two years under this rule.

Plea: Guilty

1. Particulars

- (a) The Respondent, Ms Hanson is a 62-year-old licensed Open Permit Trainer who has been involved in the racing industry for over 45 years.
- (b) On Friday 24th May 2024, Chairman of Stewards, Mr B Free received a call from Trainer Ms T Hanson in relation to a horse AMANCAYA where she advised stewards of the welfare of the horse.
- (c) Friday, 24th May, 2024 Chairman B Free attended the property of trainer T Hanson to view the condition of the horse and provided photos to the regulatory veterinarian for him to attend and assess.
- (d) Veterinarian Dr Bruce Jackson attended the property on the 28th May, 2024 to assess the condition of AMANCAYA and three other horses that were located with AMANCAYA.
- (e) Three of the four horses were assessed as body scores of 1 (0-5 scale, 0 poor, 5 very fat).
- (f) It was also noted that AMANCAYA had a raw wound approximately 80 x 60mm present on top of the wither and a rub wound to the chest that appeared to be caused by a belt buckle, indicating the rug was too small and had been on for an extended period of time possibly without supervision.
- (g) Evidence was tendered from Dr Isabel Collier BVM&S.
- (h) Stewards also considered a brief of evidence tendered by the Office of Racing Integrity Regulatory veterinarian, Dr Bruce Jackson.
- (i) Photos on condition of all horses were tendered.
- (j) The panels view that the horse (AMANCAYA) was in a state of discomfort is not an expert view, however it is supported by expert opinion. That being the Office of Racing Integrity Veterinarian and the evidence tendered by Dr Isabel Collier BVM&S and Dr B Jackson.

2. Penalty

Turning to the matter of penalty the Stewards are cognisant of the following Sentencing Principles –

- (i) That penalties are designed to punish the offender for his/her wrongdoing. They are not meant to be retributive in the sense that the punishment is disproportionate to the offence, but the offender must be met with a punishment.
- (ii) That in a racing context it is very important that a penalty has the effect of deterring others from committing similar offences through the consideration of both general and specific deterrence.

- (iii) That penalties imposed upon those offending the rules should reflect the industry's disapproval towards not ensuring the care and training of racehorses is of high importance.
- (iv) The damage to the reputation of the industry that such actions cause.
- (v) It is the responsibility of all racing participants to ensure the health and welfare of their animals, whether racing, training or trialling, is of a high standard.

3. Penalty Discussion:

When searching for comparable penalties imposed for breaches of AR 231(1)(b)(ii) Racing Australia records demonstrate a wide divergence in the approach taken by individual racing authorities. The penalties imposed range from fines, suspensions to disqualifications.

However, where the offending relates directly to an animal suffering distress then the penalty's imposed are significant.

With regard to this incident the panel is particularly mindful that the welfare of all animals is of paramount importance and trainers have an absolute duty of care to ensure that they provide the proper care and welfare for any horse in their care.

To this end it has been established that Ms Hanson failed in her duty of care with respect to the requirement to ensure all horses were provided adequate amounts of feed.

We believe that the penalty to be imposed must reflect not only the Stewards, but also the industry's concern when someone is found to have not provided such care.

Animals are the stars of our sport, and we strive to uphold the highest standards of care from birth to retirement and beyond – constantly evolving our welfare standards.

4. Penalty

Turning to penalty, as stated,

The panel has also had regard to the following factors:

- Plea for charge of guilty
- Ms Hanson had contacted stewards in relation to the horse's welfare.
- Ms Hanson has been involved in the racing industry for approximately 45 years.
- Ms Hanson was remorseful and upfront and stated that she had dropped her guard.
- The circumstances of this breach.
- Submissions made by Ms Hanson.

- Her level of culpability and personal circumstances.
- Her cooperation with the investigation.

Given all circumstances the panel believed on this occasion that the penalty to be imposed should be a monetary fine.

This being to hold Ms Hanson accountable, to encourage her of the responsibility for her actions, and to deter her and others from committing the same or similar offences.

5. Outcome

Ms Hanson pleaded guilty and a penalty of \$4,000 was imposed with \$3,000 wholly suspended for a two-year period that she not re-offend under this rule again.

Ms Hanson was advised of her right of appeal.

Decision Date: 27th July, 2024