

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

Ms LIANDRA GRAY

Date of hearing: Tuesday 9th May 2023

Stewards Panel: Bruce Free (Chair), Dominic Tyson, and Gavin Griffin.

Present: Ms Liandra Gray

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

Charge: THAT on the 2nd of January, 2023 as a licensed trainer with the Office of Racing Integrity after the horse OUR SATURDAY cast itself on a post in the stalls, rode the horse when it was lame and suffering pain and that Ms Gray failed to provide adequate treatment in a timely manner to ensure the welfare of the horse was addressed.

Ms L Gray was found guilty of a charge under 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:

(ii) to take such reasonable steps as necessary to alleviate any pain inflicted upon or being suffered by the horse;

PENALTY

\$4000 fine. With \$2000 wholly suspended that she does not reoffend for a period of two years under this rule.

Plea: Not Guilty

1. Particulars

- (a) The Respondent, Ms Gray is a 34-year-old licensed Open Permit Trainer and Licenced Trackwork Rider based at Spreyton, Tasmania.
- (b) On Monday 2nd January 2023, Ms L Gray attended trackwork with one of her horses namely OUR SATURDAY where it cast itself over the rail in between the day stalls.
- (c) The horse was assisted and removed from over the rail, where it then rested its toe pointing down and was observed to having superficial abrasions to the right hind leg.
- (d) Ms Gray then proceeded to saddle the horse and rode the horse up into the bullring.
- (e) After returning Ms Gray removed the saddle and proceeded to take the horse into the wash bay where it was evident the horse was in pain and showed signs of discomfort.
- (f) Evidence was taken from four licensed participants, which each stated that the horse was lame in the off hind.
- (g) Stewards also considered a brief of evidence tendered by the Office of Racing Integrity Regulatory veterinarian, Dr B Jackson.
- (h) The film of the incident at the stables supports the particulars to the charge.
- (i) Throughout all of this incident, the horse appears to be in discomfort.
- (j) The panels view that the horse was in a state of discomfort is not an expert view, it is supported by expert opinion. That being the Office of Racing Integrity Veterinarian and the evidence tendered by the four witnesses.
- (k) The Stewards find the charge proved.

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 Gray failed in her duty with respect to OUR SATURDAY, being that we are clearly satisfied that the horse was in distress after its mishap in the stall area.

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.

4. Penalty

Turning to penalty, as stated,

The panel has also had regard to the following factors:

- Ms L Gray has been involved in the racing industry for approximately 16 years.
- Ms L Gray is a single parent and derives her sole income from horse racing
- the circumstances of this breach.
- submissions made by Ms L Gray.
- her level of culpability and personal circumstances.
- her cooperation with the investigation.
- during the inquiry Ms Gray showed no remorse with respect to the incident.

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 Gray 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 Gray was found guilty and a penalty of \$4,000 was imposed with \$2,000 wholly suspended for a two-year period that she not re-offend under this rule again.

Ms Gray was advised of her right of appeal.

Decision Date: 9th May 2023