

RACING NSW – STEWARDS REPORT

INQUIRY INTO WHETHER HORSES TRAINED BY STRATHALBYN TRAINER MR KYM HEALY WERE
TREATED IN CONTRAVENTION OF THE RULES OF RACING PRIOR TO RACING AT BROKEN HILL ON 17
MARCH 2018

RNSW Offices
Druitt Street
Sydney

4 June 2018

Stewards: M F Van Gestel (Chairman)
P C Dingwall

The Stewards today conducted an inquiry into the circumstances requiring the late withdrawal of Aussie Jack trained by licensed Strathalbyn trainer Mr Kym Healy, from its engagement in the Outback Cup conducted at Broken Hill on 17 March 2018. Aussie Jack was withdrawn by order of the Stewards when they could not be satisfied that the gelding had not been treated in contravention of the Rules of Racing.

Evidence today was taken from Mr Healy, licensed stablehand Mr Shane Stuttley, Racing NSW Senior Official Veterinarian Dr Craig Suann, Veterinarian Dr Megan Ginifer, Stipendiary Stewards Mr Sam Fitzgerald and Mr Ian Grimes, Racing NSW Chief Investigator Mr Nathan Hayward, Mr Michael Honson and Mr Raymond Slater.

The evidence established that on Friday 16 March 2018, Racing NSW Stewards received intelligence that Aussie Jack and Alitaka, trained by Mr Healy, were to be treated on raceday prior to racing at Broken Hill the following day. During a surveillance operation the Stewards entered the stables where Mr Healy's horses were located at approximately 12pm on raceday. Soon after entry the Stewards observed a puncture mark, swelling and blood on the nearside jugular vein of Aussie Jack. The expert veterinary evidence was that Aussie Jack had received an injection close to the inspection time

Mr Healy was issued with the following charges.

Charge 1 – Administering medication on race day

Mr Healy was found guilty of a charge under AR178E(1) in that he, without the permission of the Stewards, administered or caused to be administered medication to the horse Aussie Jack on 17 March 2018, prior to Aussie Jack's engagement in Race 6 – Outback Cup to be run at Broken Hill on that day

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Charge 2 – Injecting a horse on race day

Mr Healy was found guilty of a charge under AR178AB(1)(a) in that he, without the permission of the Stewards, injected or caused to be injected the horse Aussie Jack on 17 March 2018, prior to Aussie Jack's engagement in Race 6 – Outback Cup to be run at Broken Hill on that day.

Charge 3 - AR175(l) – Conspiring to commit a breach of the rules.

Mr Healy pleaded guilty to a charge under AR175(l) in that as the trainer of Aussie Jack and Alitaka, he did with Mr Matthew Schembri at the Broken Hill harness meeting conducted on the evening of 16 March 2018, enter into an arrangement that Mr Michael Honson was to stomach tube Aussie Jack and Alitaka on 17 March 2018, prior to racing in their respective engagements on the 17 March 2018 at the Broken Hill race meeting, such arrangement being in contravention of AR64G(1)(a) and AR178E(1).

Penalty

In determining penalty Stewards gave consideration to the following matters.

1. Serious nature of all three offences.
2. Personal circumstances relative to Mr Healy.
3. Mr Healy's clear record
4. His guilty plea under AR175(l) and that Mr Honson did not stomach tube either horse.

Charge 1 – 6 Months disqualification (Mandatory minimum under AR196(5), the Stewards being satisfied no special circumstances existed).

Charge 2 – 6 Months disqualification

Charge 3 – 6 Months disqualification reduced to 4 months for guilty plea.

Stewards ruled that the penalties for charges 1 and 2 be served concurrently and that charge 3 cumulatively to charge 1 and 2. Accordingly, Mr Healy was disqualified for a period 6 months in total for charge 1 and 2 offences to commence on 4 June 2018 and to expire on 4 December 2018. In respect to charge 3, Mr Healy was disqualified for a period to commence on 4 December 2018 and to expire on 4 April 2019, on which day Mr Healy may reapply for his licence.

In accordance with the provisions of AR196(6) the commencement of the disqualification was deferred for a period of 7 days until 11 June 2018, however during this period Mr Healy is not to start a horse in a race.

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Relevant Rules

AR 178E. (1) *Notwithstanding the provisions of AR 178C(2), no person without the permission of the Stewards may administer or cause to be administered any medication to a horse on race day prior to such horse running in a race.*

AR 178AB.

- (1) *A person must not, without the permission of the Stewards, inject a horse, cause a horse to be injected or attempt to inject a horse, which is engaged to run in any race:*
 - (a) *at any time on the day of the scheduled race, prior to the start of such event; and*
 - (b) *at any time during the One Clear Day prior to 12.01am on the day of the scheduled race.*
- (2) *Where there has been a breach of AR.178AB(1), or the Stewards reasonably suspect that there has been a breach of AR.178AB(1), the Stewards may order the withdrawal of the horse from the relevant race.*
- (3) *Where there has been a contravention of AR.178AB(1), the horse may be disqualified from the relevant race in which it competed.*
- (4) *Any person who breaches, or is a party to a breach of, AR.178AB(1), commits an offence and may be penalised.*

AR 1 “Clear Day” means a 24 hour period from 12.01am to 12 midnight.

AR 175. *The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise;*

- (l) *Any person who attempts to commit, or conspires with any other person to commit, or any person who connives at or is a party to another committing any breach of the Rules.*

AR 64G. (1) *A horse which is engaged to run in any race, official trial or jump-out must not be stomach-tubed without the permission of the Stewards:*

- (a) *at any time on the day of the scheduled race, official trial or jump-out and prior to the start of such event;*

M F Van Gestel
Chairman of Stewards
General Manager - Integrity