



STEWARDS REPORT

Inquiry into registered owner Mr Wayne Howie's refusal to attend an inquiry on 22 April 2020, via video conference, into a complaint from licensed stablehand and registered owner Ms Kayla McEwen, against him concerning an exchange between both persons posted on Facebook on 29 February 2020.

South East Racing Association (SERA)

Inquiry concluded at Thoroughbred Park ACT on 27 April 2020.

Stewards Panel: J D Walshe (Chairman) and J A Dinopoulos

An inquiry was scheduled for hearing via video conference on Wednesday 22 April 2020. The inquiry was in relation to a complaint from licensed stablehand and registered owner Ms Kayla McEwen, against registered owner Mr Wayne Howie concerning an exchange between both persons posted on Facebook on 29 February 2020.

On the afternoon of Wednesday 22 April 2020 Stewards found Mr Howie in breach of AR232(h) in that he did refuse to attend the above-mentioned inquiry to be conducted via video conference when directed by Racing NSW Stewards to do so. After being invited to make submissions in writing in respect to this charge, Stewards disqualified Mr Howie for a period of 12 months to commence immediately and to expire on 27 April 2021 at which time he was advised that he would be required to be interviewed in relation to Ms McEwen's complaint against him dated 18 March 2020 and also in relation to the contents of two e-mails he forwarded to SERA Chief Steward Mr Jim Walshe on the evening of 20 April 2020.

Mr Howie was advised of his right of appeal.

Relevant Rules:

AR232 A person must not:

(h) refuse or fail to attend or give evidence at an interview, investigation, inquiry, hearing or appeal when directed or requested to do so by a PRA, the Stewards or a person authorised by a PRA or the Stewards;

AR 263 Prohibitions on persons and their conduct while disqualified

(1) Unless otherwise authorised by the PRA which imposed a disqualification (and upon such conditions as that PRA may in its discretion impose), a person disqualified under these Australian Rules must not, during the period of that disqualification:

- (a) *enter upon a racecourse or training track owned, operated or controlled by a PRA or Club or on any land used in connection with those properties;*
 - (b) *enter upon any training premises, complex or establishment of a PRA, Club or licensed person;*
 - (c) *be an office holder, official, member or employee of any PRA or Club or participate in the business of any PRA, Club, or any other racing disciplinary body;*
 - (d) *be employed by, or otherwise engaged to provide any service in any capacity to any thoroughbred racing stable;*
 - (e) *ride any horse in any race, official trial, jump-out or test;*
 - (f) *enter or nominate a horse for a race or official trial, whether acting as agent or principal or in any other capacity;*
 - (g) *subscribe to any sweepstakes;*
 - (h) *race or have trained any horse, whether as owner, lessee or in any other capacity;*
 - (i) *share in the winnings of any horse;*
 - (j) *participate in any way in the preparation for racing or training of any horse;*
 - (k) *open a betting account, operate an existing betting account, transact a bet or have a bet transacted on his or her behalf, have any interest in or share in any bet, and/or receive a benefit from any bet placed with a licensed wagering operator in connection with any thoroughbred race meeting held in Australia;*
 - (l) *conduct or assist with thoroughbred breeding in Australia;*
 - (m) *attend or participate in thoroughbred horse sales or related events;*
 - (n) *permit or authorise any other person to conduct any activity associated with thoroughbred racing, thoroughbred horse sales and/or breeding for or on behalf of the disqualified person; and/or*
 - (o) *receive any direct or indirect financial or other benefit derived from thoroughbred racing and/or breeding in Australia.*
- (2) *In addition to any of the restrictions that may apply in respect of a disqualified person, including those set out in subrule (1), the PRA or the body which imposed the disqualification may order the disqualified person:*
- (a) *not to participate in social or mainstream media in relation to any matter in connection with racing or wagering;*
 - (b) *to adhere to such other restrictions as may be necessary or desirable to prevent conduct by the disqualified person that could be prejudicial to the image, interests, integrity or welfare of racing,*
and the disqualified person must comply with any such order.
- (3) *Except with the consent of the PRA that imposed a disqualification, a person who in the opinion of the relevant PRA or the Stewards is a close associate of a disqualified person, must not train or race any horse.*
- (4) *Unless otherwise determined by the PRA that imposed or adopted a penalty, if a person breaches subrule (1), the period of disqualification imposed on that person*

must automatically restart from the most recent date of the breach, and the person may also be subject to further penalty.

(5) The provisions of subrule (4) apply to any person to whom subrule (1) applies, regardless of when the penalty that gives rise to the application of the rule was imposed.

(6) Notwithstanding the provisions of this rule:

(a) if a lessor is a disqualified person, or in the opinion of a PRA or the Stewards is a close associate of a disqualified person, a PRA may in its discretion waive the operation of the provisions of this rule in favour of a person who leases a horse from that lessor either in respect of a particular race meeting or otherwise during the currency of the lease; and

(b) if the discretion referred to in subrule (6)(a) is exercised in favour of a lessee then:

(i) if the lessor's horse wins any stake or prize money, the amount of the stake or prize money will be reduced by the amount or proportion of it to which the lessor would otherwise be entitled pursuant to any written or oral agreement entered into between the lessor and the lessee in respect of the horse; and

(ii) no part of a stake or prize money as referred to in subrule (6)(b)(i) is to be payable to the lessor nor be recoverable by the lessor from any PRA, Club, the lessee, or any other person.