



HEARING OF CHARGES ISSUED AGAINST LICENSED FOREMAN MR STEPHEN McLEAN AND
LICENSED STABLEHANDS MR DANIEL HENKEL AND MS HANNAH OLDEN.

Stewards: M F Van Gestel (Chairman)
S G Railton
J J Earl

21 October 2021

Racing NSW Stewards today conducted the hearing of charges issued against licensed foreman Mr Stephen McLean and licensed stablehands Mr Daniel Henkel and Ms Hannah Olden in respect to the treatment of the 2019 Frosted x Sixtyfour gelding, trained by licensed trainer Mr Bjorn Baker, at the Warwick Farm equine pool on the morning of Saturday 28 August 2021.

On 14 September 2021 an inquiry was conducted whereby evidence was taken from Mr Baker, Mr McLean, Mr Henkel, Ms Olden and Racing NSW Chief Veterinarian Mr T Koenig. In addition, Stewards considered a brief of evidence provided by the Racing NSW Investigations and Surveillance unit, which included witness statements and veterinary reports. Veterinary inspections conducted did not identify any physical injuries sustained by the gelding.

On 24 September 2021, Racing NSW Stewards received submissions on behalf of Mr Baker, Mr McLean, Mr Henkel and Ms Olden. Stewards issued the following charges on 30 September 2021.

Charges

1. **Mr Mclean** – AR231(1)(b) – Failure to exercise reasonable care, control and supervision to prevent acts of cruelty committed on the 2019 Frosted x Sixtyfour gelding on 28 August 2021.

Plea: Guilty

2. **Mr Henkel** – AR231(1)(a) – Committed an act of cruelty on the 2019 Frosted x Sixtyfour gelding on 28 August 2021.

Plea: Guilty

3. **Ms Olden** – AR231(1)(a) - Committed an act of cruelty on the 2019 Frosted x Sixtyfour gelding on 28 August 2021.

Plea: Guilty

4. **Mr Baker** – AR227 – Negligently failing to have sufficient controls, policies, protocols and education for staff to ensure his staff did not commit a breach of

the cruelty provisions of AR231(1)(a) & (b) on the 2019 Frosted x Sixtyfour gelding on 28 August 2021 – noting Mr Baker was not present at the time the incident occurred.

Plea: Not Guilty

Hearing of Mr Baker's charge to be conducted 22 October 2021.

Penalty Considerations - General

The following general penalty considerations were taken into account.

1. Early guilty plea at first available opportunity.
2. Principle of specific and general deterrence and what message is sent to the industry in respect to such conduct.
3. Purpose for issuing penalties as a protective measure for the image and interests of the thoroughbred Industry.
4. Social licence that the thoroughbred racing industry operates under to ensure the ongoing welfare of the thoroughbred.

Penalty Mr McLean

In addition to the general considerations, Stewards also considered additional matters in respect to Mr McLean's breach, including.

1. Numerous references provided in support of Mr Mclean, indicating his conduct was out of character.
2. Good disciplinary record over 15 years involvement in the industry.
3. Contrition shown and contribution to the thoroughbred racing industry.
4. Failure of Mr McLean, as the person in charge of the gelding, to prevent the act of cruelty was considered by Stewards to be a serious breach of the Rules of Racing.

Stewards determined the appropriate penalty for Mr McLean's breach was a period of disqualification of 4 months reduced from a starting point of 6 months for his guilty plea and other considerations listed above, to commence on 22 October 2021 and to expire on 22 February 2022.

Penalty Mr Henkel

In addition to the general considerations, Stewards also considered additional matters in respect to Mr Henkel's breach, including.

1. References provided in support of Mr Henkel, indicating the conduct was out of character.
2. Contrition shown.
3. Mr Henkel's conduct was a serious breach of the equine welfare Rules of Racing.

Stewards determined the appropriate penalty for Mr Henkel's breach was a period of disqualification of 4 months and 2 weeks reduced from a starting point of 6 months for his guilty plea and other considerations listed above, to commence on 22 October 2021 and to expire on 8 March 2022.

Penalty Ms Olden

In addition to the general considerations, Stewards also considered additional matters in respect to Ms Olden's breach, including.

1. Numerous references provided in support of Ms Olden, indicating her conduct was out of character.
2. Good disciplinary record over 10 years involvement in the industry.
3. Contrition shown and contribution to the thoroughbred racing industry.
4. Ms Olden's conduct was a serious breach of the equine welfare Rules of Racing.

Stewards determined the appropriate penalty for Ms Olden's breach was a period of disqualification of 3 months reduced from a starting point of 4 months for her guilty plea and other considerations listed above, to commence on 22 October 2021 and to expire on 22 January 2022.

Relevant Rules

AR 227 Breaches of the Rules

Without limiting any other powers, a PRA or the Stewards may penalise any person who:

- (a) *commits any breach of the Rules, or engages in conduct or negligence which has led or could have led to a breach of the Rules;*

AR 231 Care and welfare of horses

(1) *A person must not:*

- (a) *commit or commission an act of cruelty to a horse, or be in possession of any article or thing which, in the opinion of the Stewards, is capable of inflicting cruelty to a horse;*
- (b) *if the person is in charge of a horse – fail at any time:*
 - (i) *to exercise reasonable care, control or supervision of the horse so as to prevent an act of cruelty to the horse;*

**M F VAN GESTEL
CHAIRMAN OF STEWARDS
GENERAL MANAGER - INTEGRITY**