



INQUIRY INTO THE DEATH OF THE RACEHORSE BALLESTEROS

**Tweed River Jockey Club
Murwillumbah Racecourse**

14 January 2020

**Stewards: M A Holloway
R W Loughlin**

Racing NSW stewards today concluded an inquiry, opened on Tuesday 10 December 2019, into circumstances surrounding an injury to, the care and subsequent death of the racehorse *Ballesteros*.

Evidence was taken from licensed trainer Mr Paul Robbins, trainer of *Ballesteros*, licensed foreman Mrs Susan Robbins, licensed trainer Mr Darryl McCabe, Mr Matthew Cross, licensed stablehands Ms Larissa Booth, Ms Tessa McLeod, Ms Courtney Moorhouse, Ms Lindsey Mellor-Langham, Ms Charlene Matsumura, and Mr Warren Strong. Racing NSW Chief Veterinarian Dr Toby Koenig assisted the inquiry. Written evidence was tendered by Assoc. Prof Dr Rachel Allavena and Dr Cleide Sprohnie-Barrera of UQ Vets Equine Hospital.

After consideration of such evidence, Stewards issued the following charges;

Mr Paul Robbins

Charge 1

AR231(1)(b)(iii) - A person must not if the person is in charge of a horse – fail at any time to provide veterinary treatment to the horse where such treatment is necessary for the horse;

The details of the charge under AR231(1)(b)(iii) being that Mr Robbins, did fail to provide veterinary treatment to *Ballesteros* as:

- a. He was at all relevant times the trainer of the racehorse *Ballesteros*.
- b. Under LR78(2) he was the trainer responsible for the care, control and supervision of the gelding.
- c. After working *Ballesteros* at Murwillumbah racecourse on or around Wednesday 9 October 2019 he became aware that the gelding was showing symptoms of lameness and/or gait abnormality.
- d. The symptoms detailed in paragraph c continued, in varied severity, over several days subsequent to the 9 October 2019.
- e. After working *Ballesteros* at Murwillumbah racecourse on Wednesday 16 October 2019 he became aware that the gelding was showing significant lameness and/or gait abnormality.
- f. The symptoms detailed in paragraph e continued over several days subsequent to the 16 October 2019.
- g. During the period 9 October 2019 to 19 October 2019 he did fail to provide *Ballesteros* with veterinary treatment when such treatment was necessary.
- h. *Ballesteros* subsequently suffered a catastrophic injury to its off-fore humerus upon manipulation of its near-foreleg on Saturday 19 October 2019 requiring its euthanasia on humane grounds.

Plea: Guilty

Penalty: 18 months disqualification, reduced to 12 months allowing for guilty plea and mitigating factors.

Stewards ordered such disqualification commence immediately and expire on Thursday 14 January 2021.

Mr Robbins was advised that under the provisions of AR283(7) & (8) he is permitted to care and exercise horses in his care for a period of 7 days, expiring Tuesday 21 January 2020, however during this time he is not permitted to start a horse in a race.

Charge 2

AR104(1) A trainer must record any medication or treatment administered to any horse in the trainer's care by midnight on the day on which the administration was given.

The particulars of the charge being that Mr Robbins did fail to record the following treatments administered to the racehorse *Ballesteros* whilst in his care –

- a. The treatment with Phenylbutazone on or around Wednesday 9 October 2019
- b. The treatment with KA Cleans & Flushes on or around Wednesday 9 October 2019
- c. The treatment with Swelldown on or around Wednesday 16 October 2019

Plea: Guilty

Penalty: \$400

Mrs Susan Robbins

AR227(b) – Without limiting any other powers, a PRA or the Stewards may penalise any person who attempts to commit, aids, abets, counsels, procures, connives at, conspires with another person to commit, or is a party to another person who commits, a breach of the Rules.

AR231(1)(b)(iii) - A person must not if the person is in charge of a horse – fail at any time to provide veterinary treatment to the horse where such treatment is necessary for the horse;

The details of the charge under AR227(b) being that Mrs Susan Robbins was a party to licensed trainer Mr Paul Robbins committing a breach of AR231(1)(b)(iii) in that Mr Paul Robbins, did fail to provide veterinary treatment to *Ballesteros* as:

- a. Mr Paul Robbins was at all relevant times the trainer of the racehorse *Ballesteros*.
- b. Under LR78(2) Mr Paul Robbins was the trainer responsible for the care, control and supervision of the gelding.
- c. She is the licensed foreperson for Mr Paul Robbins.
- d. She was responsible for the management of Mr Paul Robbins stable in his absence.
- e. After working *Ballesteros* at Murwillumbah racecourse on or around Wednesday 9 October 2019 she became aware that the gelding was showing symptoms of lameness and/or gait abnormality.
- f. The symptoms detailed in paragraph e continued, in varied severity, over several days subsequent to the 9 October 2019.
- g. After working *Ballesteros* at Murwillumbah racecourse on Wednesday 16 October 2019 she became aware that the gelding was showing significant lameness and/or gait abnormality.
- h. The symptoms detailed in paragraph g continued over several days subsequent to the 16 October 2019.

- i. During the period 9 October 2019 to 19 October 2019 she did fail to provide *Ballesteros* with veterinary treatment when such treatment was necessary.
- j. *Ballesteros* subsequently suffered a catastrophic injury to its off-fore humerus upon manipulation of its near-foreleg on Saturday 19 October 2019 requiring its euthanasia on humane grounds.

Plea: Guilty

Penalty: 12 months disqualification, reduced to 8 months allowing for guilty plea and mitigating factors.

Stewards ordered such disqualification commence immediately and expire on Tuesday 14 September 2020.

When assessing penalty for each charge stewards considered –

1. Guilty pleas.
2. Good disciplinary records
3. Forthright evidence during proceedings
4. Precedent penalties for similar offences
5. The seriousness of each offence
6. The potential impact each offence had on the reputation and perception of the racing industry.
7. The requirement of maintain horse welfare standards to an acceptable level

Further, the general principles that apply when issuing penalty

8. What message is to be given to Mr Robbins to ensure that in the future this type of conduct is not repeated.
9. What general message is required to be sent to the community at large to indicate to those who might be likeminded to engage in such conduct, what the likely consequences are.
10. The requirement to indicate to the broader community who are not likely to engage in the type of conduct that, should it be detected, the industry is operating at the highest possible standards.

Ballesteros

Ballesteros was euthanased by the holder of a firearm license. A post mortem examination of the gelding confirmed that it had sustained a catastrophic injury to the off fore humerus. Further, the manner in which the gelding was euthanased would have caused the gelding's immediate death. After considering this advice, the Stewards were satisfied that the immediate euthanasia of *Ballesteros*, without veterinary certification, was appropriate and humane. Consequently, stewards did not pursue this matter any further.

Mark Holloway
Chief Steward NRRRA