



HEARING OF A CHARGE ISSUED AGAINST LICENSED TRAINER MR TREVOR SUTHERLAND UNDER LR114(5) FOR DISPOSING OF THE RACEHORSES REDFU AND ROZZI AND INQUIRY INTO THE DEATH OF HANGIN WITH WILLY, WITCHBLADE AND BLESS YOU TOBY.

Racing NSW Offices
Druitt Street
Sydney

8 September 2020

Stewards: M F Van Gestel (Chairman)
W R Birch

Racing NSW Stewards today conducted a hearing of a charge issued against licensed trainer Mr Trevor Sutherland on 22 August 2020 under LR114(5)(e) for disposing of the thoroughbred horses Rozzi and Redfu in April 2020, in the knowledge that such horses were to be destroyed on the property of registered owner Mr Donnchadh Brown in contravention of LR114(5)(e). On 22 August 2020, Mr Sutherland's trainer licence was suspended under AR23(a) pending determination of the charge.

Further, an inquiry today was conducted into the disposal of the racehorses Witchblade and Hangin With Willy and the death of the racehorse Bless You Toby.

Evidence today was taken from Mr Sutherland, who was assisted by solicitor Mr Paul O'Sullivan and Mr Donnchadh Brown, who was assisted by solicitor Mrs Emma Brown. Transcripts of interviews obtained from the owners of the horses identified above were also considered

The detection of the deceased horses was identified during Racing NSW's horse welfare audits being conducted by Dr Carly Garling on 14 August 2020.

Mr Donnchadh Brown - Charge LR114(5)(e)

Mr Brown pleaded guilty to a charge under LR114(5)(e) of having disposed of the racehorses Rozzi and Redfu on or around April 2020 and Hangin With Willy and Witchblade on or around July 2020, in contravention of LR114(5)(e).

Penalty

In addition to the general principles when considering penalty, the Stewards also considered

1. Mr Brown's guilty plea
2. Contrition shown
3. Co-operation with the inquiry
4. His clean record

Mr Brown was disqualified for a period of 4 years to commence on 8 September 2020 and to expire on 8 September 2024.

Mr Trevor Sutherland

Charge 1 – LR114(5)(e)

Mr Sutherland was found guilty of a charge under LR114(5)(e) of having disposed of the racehorses Redfu and Rozzi on or around 8 April 2020 in the knowledge that such horses were to be disposed of in contravention of LR114(5)(e).

Charge 2 – AR52

Mr Sutherland pleaded guilty to a charge under AR52 of having failed to report to Racing Australia by lodging the relevant death notification form, that Bless You Toby was found to be deceased on 7 July 2020.

Charge 3 – AR229(h)

Mr Sutherland pleaded guilty to a charge under AR229(h) of making a false declaration in relation to a matter in connection with the control of racing in that on 13 July 2020 he declared through the lodgement of a stable return that Bless You Toby was spelling at Yass when such declaration was false as he was aware that Bless You Toby had been found to be deceased on 7 July 2020.

Penalty

In addition to the general principles when considering penalty, the Stewards also considered

1. Mr Sutherland's not guilty plea for charge 1 and guilty plea's for charges 2 and 3
2. His clean record
3. Long licensing history
4. References provided on behalf of Mr Sutherland

Charge 1 – Mr Sutherland was disqualified for a period of 3 years

Charges 2&3 – Mr Sutherland was disqualified for a period of 6 months.

Stewards determined that under the provisions of AR283(4) the periods of disqualification be served concurrently to commence on 22 August 2020, the date Mr Sutherland's licence was suspended, and to expire on 22 August 2023.

Relevant Rules

LR 114 Equine Welfare

(5) Further to AR64JA(1), where a decision has been made to retire a horse, or not to commence racing an Eligible Horse, and that horse has been domiciled in New South Wales for the majority of its life:

(e) the horse is not to be, directly or indirectly, sent to an abattoir, knackery or similarly disposed of.

AR 52 Deaths of named and unnamed horses to be reported

(1) Upon the death of a named horse which has not been retired from racing under AR 51:

RACING NSW – STEWARDS REPORT

- (a) the manager or his or her authorised agent must, within 24 hours of the horse being deceased, notify Racing Australia of that by lodging the relevant death notification form prescribed by Racing Australia; and*
- (b) the manager must not dispose of the horse without the written approval of the relevant PRA unless a veterinary certificate as to cause of death is provided to the relevant PRA.*
- (3) Any person who fails to comply with subrules (1) or (2) is not guilty of a breach of the relevant subrule if he or she proves to the satisfaction of the Stewards that he or she was not aware, and could not reasonably have been aware, of the death of the horse.*

Division 4 – Corruption, dishonesty and misleading behaviour

AR 229 Corruption, dishonesty and misleading behaviour

- (h) make a false or misleading statement or declaration in relation to a matter in connection with the administration or control of racing;*

AR 23 Suspension pending the hearing and determination of a charge

Without limiting any other rules or Stewards' powers, if a person has been charged with a breach of the Rules or with the commission of an indictable criminal offence, and if the Stewards are of the opinion that the continued participation of that person in racing might pose an unacceptable risk of prejudicing the image, interests, integrity or welfare of racing, the Stewards may pending the hearing and determination of the charge:

- (a) suspend any licence, registration, right or privilege, granted to that person under these Australian Rules;*

AR 283 Penalties

- (4) Unless otherwise ordered by the person or body imposing the penalty, a disqualification or suspension imposed under subrules (1) to (3) is to be served cumulatively to any other suspension or disqualification.*

**M F Van Gestel
Chairman of Stewards
General Manager - Integrity**