



INQUIRY INTO BREACH OF TRAINERS LICENCE TERMS AND CONDITIONS BY TRAINER MS LINDY
WHAREKURA AND TRAINING OF RACEHORSE ISLAND LEGEND.

Racing NSW Offices
Druitt Street
Sydney

6 May 2022

Stewards: **M F Van Gestel (Chairman)**
 S G Railton
 S C Knight

Racing NSW Stewards today conducted an inquiry into a breach of the terms and conditions of a trainer's licence issued to Ms Lindy Wharekura and the training of the racehorse Island Legend. Evidence today was taken from Ms Wharekura, licensed trainer Ms Wanda Ings and licensed stablehand Ms Holly Williams. Ms Wharekura and Ms Williams were assisted by solicitor Mr Wayne Pasterfield. In addition, a brief of evidence was considered by the Stewards which was prepared by the Racing NSW Investigations and Surveillance Unit following an operation conducted at Ms Wharekura's stables on 14 April 2022.

Charges Ms Lindy Wharekura

Charge 1 - NSWLR51(2)(b) breach of licence Terms and Conditions

The details of the charge being that Ms Wharekura did breach NSWLR51(2)(b) in that she failed to comply with the terms and conditions of her trainer's licence due to the following matters.

1. On 7 March 2022 she was issued with a conditional trainers licence.
2. From on or around 23 December 2021 Ms Ings was the trainer of the racehorse Island Legend and the registered trainer from 3 January 2022.
3. Effective 3 January 2022, Ms Ings was also the registered trainer of the racehorse Hottentotta, owned by Mr Ryan Lightfoot.
4. Between the period 18 March 2022 and 6 April 2022 Island Legend was being trained by Ms Wharekura at her Hawkesbury stables in breach of condition a. of her trainer's licence terms and conditions, in that it had previously been trained by Ms Ings.
5. From 23 March 2022 until 14 April 2022, the racehorses Lickedey and Who Shot Shelly, owned by Mr Ryan Lightfoot, were being trained by Ms Wharekura in breach of condition b. of her trainer's licence terms and conditions in that Mr Ryan Lightfoot was an owner for which Ms Ings had trained racehorses for within the last 12 months.

Charge 2 – AR229(1)(a) Improper Practice

The details of the charge being that Ms Wharekura did engage in an improper practice in connection with racing due to the following matters.

1. On 7 March 2022 she was issued with a conditional trainer's licence.
2. From on or around 23 December 2021 Ms Ings was the trainer of the racehorse Island Legend and the registered trainer from 3 January 2022.

3. Between the period 18 March 2022 and 6 April 2022 Island Legend was being trained by Ms Wharekura at her Hawkesbury stables in breach of condition a. of her trainer's licence terms and conditions, in that it had previously been trained by Ms Ings.
4. Between 18 March 2022 and 6 April 2022 Ms Ings improperly remained as the registered trainer of Island Legend recorded with Racing Australia as detailed in the stable return history when Island Legend was being trained by Ms Wharekura.
5. On 3 April 2022 Island Legend competed in and won a barrier trial conducted at the Mudgee racecourse whilst Ms Ings improperly remained as the registered trainer of Island Legend recorded with Racing Australia as detailed in the stable return history when she was the trainer of the gelding.
6. Such practice detailed above improperly resulting in the trainer of the Island Legend being misrepresented during the period 18 March 2022 and 6 April 2022, including when Island Legend competed in and won a barrier trial at the Mudgee racecourse on 3 April 2022.

Charge 3 – AR232(i) False and/or Misleading Evidence

The details of the charge being that Ms Wharekura did give false and/or misleading evidence at an interview and/or investigation on 14 April 2022.

Penalty – Ms Wharekura

The following penalty considerations were considered.

- Early guilty plea at first available opportunity in respect of all charges.
- Ms Wharekura's licensing history having been licensed in the racing industry for 21 years.
- Good disciplinary record.
- Principle of specific and general deterrence and what message is sent to the industry in respect to such conduct.
- Purpose for issuing penalties as a protective measure for the image and interests of the thoroughbred Industry.

1. **Charge 1 – LR51(2)(b) – 3 months disqualification, reduced from 4 months for guilty plea.**
2. **Charge 2 – AR229(1)(a) – 3 months disqualification, reduced from 4 months for guilty plea.**
3. **Charge 3 – AR232(i) – 3 months disqualification, reduced from 4 months for guilty plea.**

Having considered the principles of penalty concurrency and totality, the Stewards determined that the penalty for charges 1 and 2 be served concurrently and charge 3 cumulatively. In total Ms Wharekura was disqualified for a period of 6 months to commence 6 May 2022 and to expire on 6 November 2022. Stewards ruled under the provisions of AR283(7) that Ms Wharekura had 7 days to continue to care for horses in her care, but she must not start a horse in a race or barrier trial during that period.

Charges – Ms Wanda Ings

Charge 1 – AR229(1)(a) Improper Practice

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The details of the charge being that Ms Ings did engage in an improper practice in connection with racing due to the following matters.

1. On 7 March 2022 Ms Wharekura was issued with a conditional trainer's licence.
2. From on or around 23 December 2021 Ms Ings was the trainer of the racehorse Island Legend and the registered trainer from 3 January 2022.
3. Between the period 18 March 2022 and 6 April 2022 Island Legend was being trained by Ms Wharekura at her Hawkesbury stables in breach of condition a. of her trainer's licence terms and conditions, in that it had previously been trained by Ms Ings.
4. Between 18 March 2022 and 6 April 2022 Ms Ings improperly remained as the registered trainer of Island Legend recorded with Racing Australia as detailed in the stable return history when Island Legend was being trained by Ms Wharekura.
5. On 3 April 2022 Island Legend competed in and won a barrier trial conducted at the Mudgee racecourse whilst Ms Ings improperly remained as the registered trainer of Island Legend recorded with Racing Australia as detailed in the stable return history when Ms Wharekura was the trainer of the gelding.
6. Such practice detailed above improperly resulting in the trainer of the Island Legend being misrepresented during the period 18 March 2022 and 6 April 2022, including when Island Legend competed in and won a barrier trial at the Mudgee racecourse on 3 April 2022.

Charge 2 – AR296(2)(d)(ii) Failing to Lodge Stable Return

The details of the charge being that Ms Ings did fail to lodge an amendment to the stable return for Island Legend disclosing that the gelding had left her stable and moved to the stable premises of Ms Wharekura on 18 March 2022 and failed to disclose the precise location of the gelding when located at the registered training premises of Ms Wharekura between the period 18 March 2022 and 6 April 2022.

Penalty – Ms Ings

The following penalty considerations were considered.

- Early guilty plea at first available opportunity in respect of both charges.
- Ms Ing's licensing history having been licensed as a trainer for approximately 40 years.
- Principle of specific and general deterrence and what message is sent to the industry in respect to such conduct.
- Purpose for issuing penalties as a protective measure for the image and interests of the thoroughbred Industry.

1. **Charge 1 – AR229(1)(a) – 3 months disqualification, reduced from 4 months for guilty plea.**
2. **Charge 2 – AR296(2)(d)(ii) – \$1000 fine.**

Ms Ings disqualification to commence 6 May 2022 and to expire 6 August 2022. Stewards ruled under the provisions of AR283(7) that Ms Ings had 7 days to continue to care for horses in her care, but she must not start a horse in a race or barrier trial during that period.

Charge – Ms Holly Williams

AR227(b) – Party to Ms Wharekura and Ms Ings committing Improper Practice

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The details of the charge being that Ms Williams was a party to Ms Wharekura and Ms Ings engaging in an improper practice in connection with racing due to the following matters.

1. From on or around 23 December 2021 Ms Ings was the trainer of the racehorse Island Legend and the registered trainer from 3 January 2022.
2. Between the period 18 March 2022 and 6 April 2022 Island Legend was being trained by Ms Wharekura at her Hawkesbury stables in breach of condition a. of her trainer's licence terms and conditions, in that it had previously been trained by Ms Ings.
3. Between 18 March 2022 and 6 April 2022, Ms Ings improperly remained as the registered trainer of Island Legend recorded with Racing Australia as detailed in the stable return history, when Island Legend was being trained by Ms Wharekura.
4. On 3 April 2022 Ms Williams transported Island Legend from Ms Wharekura's Hawkesbury stables to compete in and win a barrier trial conducted at the Mudgee racecourse on that day, whilst Ms Ings improperly remained as the registered trainer of Island Legend recorded with Racing Australia as detailed in the stable return history, when Ms Wharekura was the trainer of the gelding.
5. Such practice of transporting Island Legend to the Mudgee racecourse on 3 April 2022, resulting in Ms Williams being a party to Ms Wharekura and Ms Ings breaching AR229(1)(a) in that the trainer of the Island Legend was improperly misrepresented when Island Legend competed in and won a barrier trial at the Mudgee racecourse on that day.

Penalty – Ms Williams

The following penalty considerations were considered.

- Early guilty plea at first available opportunity
 - Ms Williams's licensing history having been licensed and employed in the racing industry for a long period of time.
 - Principle of specific and general deterrence and what message is sent to the industry in respect to such conduct.
 - Purpose for issuing penalties as a protective measure for the image and interests of the thoroughbred industry.
1. **AR227(b) – 2 months suspension of stablehand licence, reduced from 3 months for guilty plea and other circumstances.**

Relevant Rules

***LR51(2)** The Board may grant any licence or permit upon such terms and conditions and for such period and for such locality as they may see fit, and may refuse to grant any such licence or permit without assigning any reason for such refusal, and may at any time cancel or suspend or vary without giving any reason any such licence registration or permit before the termination of the period for which such licence or permit was granted.*

(b) Any licensee who fails to comply with sub rule (a), or fails to comply with the other terms and conditions of their licence may be penalised, may have his or her licence suspended, varied or revoked and/or be stood down from his or her licensed rights and/or privileges.

AR 227 Breaches of the Rules

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

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(b) attempts to commit, aids, abets, counsels, procures, connives at, approaches or requests another person to commit, conspires with another person to commit, or is a party to another person who commits, a breach of the Rules.

AR 229 Corruption, dishonesty and misleading behaviour

(1) A person must not:

(a) engage in any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing;

AR 232 Failure to observe processes and directions of PRAs or Stewards

A person must not:

(i) give any evidence at an interview, investigation, inquiry, hearing and/or appeal which is false or misleading.

AR 296 Named horse change of location

(2) A trainer must:

(d) lodge an amendment to a Stable Return immediately if:

(ii) a horse leaves or joins the trainer's stable, or moves to another of the trainer's premises (where the trainer's stable is comprised of more than one premises), with the amendment to disclose the precise location of the horse.

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