



HEARING OF CHARGES ISSUED AGAINST LICENSED TRAINER MR MARK SCHMETZER,
LICENSED FOREPERSON MS ALLY SIMMONDS AND LICENSED STABLEHAND
MS KARINA JANSON.

Newcastle Racecourse

3 March 2022

**Stewards: M F Van Gestel (Chairman)
S G Railton
D Carr
J Marshall**

Racing NSW Stewards today conducted the hearing of charges issued on 25 February 2022 against licensed trainer Mr Mark Schmetzer, licensed foreperson Ms Ally Simmonds and licensed stablehand Ms Karina Janson in respect to the treatment of the racehorse Ghost Hunter, trained by Mr Schmetzer, at the Scone equine pool on the afternoon of 8 February 2022.

Stewards considered a brief of evidence prepared by Racing NSW Investigations and Surveillance Unit and evidence was today taken from Mr Schmetzer and Ms Simmonds, who were assisted by solicitor Mr P O'Sullivan. Mr O'Sullivan appeared on behalf of Ms Janson after obtaining instructions. Veterinary evidence was taken from Racing NSW General Manager of Veterinary Services Dr Toby Koenig and Racing NSW Official Veterinarian Dr Rose Bensley, who conducted an inspection of Ghost Hunter on 9 February 2022.

Charges

1. Mr Schmetzer

- a. AR231(1)(a) – Committed acts of cruelty to Ghost Hunter on 8 February 2022 at the Scone equine pool

Plea: Guilty (contested 3 particulars and was found guilty)

- b. AR231(1)(b)(i) – Failed to exercise reasonable care, control and supervision to prevent acts of cruelty committed to Ghost Hunter on 8 February 2022 at the Scone equine pool.

Plea: Guilty (contested 3 particulars and was found guilty)

- 2. Ms Simmonds** – AR231(1)(a) – Committed acts of cruelty to Ghost Hunter on 8 February 2022 at the Scone equine pool.

Plea: Guilty

3. **Ms Janson** – AR231(1)(a) – Committed acts of cruelty to Ghost Hunter on 8 February 2022 at the Scone equine pool.

Plea: Guilty

Penalty Considerations - General

The following general penalty considerations were taken into account.

1. Early guilty plea for Ms Simmonds and Ms Janson at first available opportunity and partial early guilty plea for Mr Schmetzer.
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 Schmetzer

In addition to the general considerations, Stewards also considered the following additional matters in respect to Mr Schmetzer's breaches.

1. Disciplinary record which included two recent improper conduct charges.
2. Contrition shown and contribution to the thoroughbred racing industry.
3. Mr Schmetzer's conduct in committing the acts of cruelty and failing to exercise reasonable care, control and supervision to prevent acts of cruelty were serious breaches of the Rules of Racing.

Stewards determined the appropriate penalty for Mr Schmetzer's breaches were a period of disqualification of 10 months on each charge to be served concurrently reduced from 12 months for his partial guilty plea. Such disqualification to commence on 3 June 2022, at the expiration of a 3 month disqualification for improper conducted confirmed by the Racing NSW Appeal Panel on 2 March 2022 and to expire on 3 April 2023.

Penalty Ms Simmonds

In addition to the general considerations, Stewards also considered the following additional matters in respect to Ms Simmonds breach.

1. Contrition shown.
2. Mr Simmonds offending conduct, whilst a serious breach of the equine welfare Rules of Racing, was not as serious as Mr Schmetzer's conduct.
3. Good record.

Stewards determined the appropriate penalty for Ms Simmonds breach was a period of suspension of 2 months of her stablehand licence reduced from a starting point of 3 months for her guilty plea. Under the provisions of AR283(5)

her suspension was deferred to commence on 10 March 2022 and to expire on 10 May 2022.

Penalty Ms Janson

In addition to the general considerations, Stewards also considered the following additional matters in respect to Ms Janson’s breach.

1. Mr Janson’s offending conduct, whilst a serious breach of the equine welfare Rules of Racing, was not as serious as Mr Schmetzer’s conduct.
2. Good record.
3. Relative inexperience in the thoroughbred racing industry

Stewards determined the appropriate penalty for Ms Janson’s breach was a period of suspension of 2 months of her stablehand licence reduced from a starting point of 3 months for her guilty plea to commence on 3 March 2022 and to expire on 3 May 2022.

Relevant 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**