



INQUIRY AND HEARING OF CHARGE ISSUED AGAINST LICENSED TRAINER MR GARRY WHITE, IN RESPECT TO THE INJECTION OF HORSES WITHIN ONE CLEAR DAY OF RACING AND OTHER OFFENCES IDENTIFIED DURING AN INVESTIGATION CONDUCTED BY RACING NSW INVESTIGATORS ON 9 OCTOBER 2021.

Racing NSW Offices
Druitt Street
Sydney

18 November 2021

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

The Stewards today conducted an inquiry and hearing of a charge in respect to the injection of horses within one clear day of racing by licensed trainer Mr Garry White and other offences identified in an investigation conducted by the Racing NSW Investigations and Surveillance unit on 9 October 2021.

Evidence today was taken from Mr White, licensed jockey Ms Ashleigh Borg, GM-Investigations and Surveillance Ms J Johnstone, Investigator Mr J Rodger, and GM-Veterinary Services Dr T Koenig, in addition to two licensed persons who gave evidence in respect of reported breaches of the Rules of Racing. A brief of evidence provided by the Racing NSW Investigations and Surveillance Unit was also considered by Stewards.

Charges Mr Garry White

1. Charge 1 – AR254(1)(a)(ii) Injecting horses during one clear day

On the morning of Saturday 9 October 2021, as the trainer of the following horses he did, without the permission of the Stewards inject such horses which were engaged to run in the following races at the Hawkesbury race meeting on Sunday 10 October 2021.

- a. Race 2 – Hot Dancing
- b. Race 5 – Fine Impact
- c. Race 6 – Dreamline
- d. Race 8 – Timely Shadow

Mr White agreed that he had intravenously injected the medication Halo, which contains the active ingredient hyaluronic acid.

Plea: Guilty

2. Charge 2 – AR254(1)(a)(ii) Injecting horse during one clear day

On the afternoon of Wednesday 22 September 2021, as the trainer of the racehorse Alvin The Bold he did, without the permission of the Stewards inject Alvin The Bold

which was engaged to run in race 1 at the Hawkesbury race meeting on Thursday 23 September 2021.

Plea: Not Guilty **Finding:** Guilty

3. Charge 3 – AR254(1)(a)(ii) Injecting horse during one clear day

On the afternoon of Saturday 25 September 2021, as the trainer of the racehorse Shadow Girl he did, without the permission of the Stewards inject Shadow Girl which was engaged to run in race 7 at the Bathurst race meeting on Sunday 26 September 2021.

Plea: Not Guilty **Finding:** Guilty

4. Charge 4 – AR252(1) Possession of substance not properly dispensed or prescribed

During an inspection conducted by Racing NSW Investigators at his registered training premises on 9 October 2021 he did have in his possession the following medication and/or substance and/or preparation that had not been labelled, prescribed, dispensed or obtained in accordance with the applicable State legislation, namely *Poisons and Therapeutic Goods Act 1966* and *Poisons and Therapeutic Goods Regulation 2008*.

- a. 3 x Ilium Dexapent
- b. 1 x Ilium Frusemide
- c. 1 x box of Halo (6 x 6ml)
- d. 1 x Austrazole
- e. 1 x Airways TMPS
- f. 1 x Platinum Bute IV
- g. 2 x Flunixin
- h. 1 x Apex PMP Ear Suspension

Plea: Guilty

5. Charge 5 – LR82(1) Employment of unregistered stablehand

On 9 October 2021 and for approximately 12 months leading up to 9 October 2021, he did have in his employ Mr Dylan Borg, when Mr Borg was not duly registered as a licensed stablehand.

Plea: Guilty

6. Charge 6 – LR51(2) – Failure to report to Racing NSW criminal charge

Mr White failed to notify Racing NSW within 14 days that he had been charged with a criminal offence by NSW Police.

Plea: Guilty

Penalty – Mr White

The following penalty considerations were taken into account.

- Early guilty plea at first available opportunity in respect of charges 1,4,5& 6.
- Mr White’s licensing history having been licensed as a trainer for 45 years.
- His 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 – AR254(1)(a)(ii)** – 9 months disqualification reduced from 12 months for guilty plea.
2. **Charge 2 – AR254(1)(a)(ii)** – 12 months disqualification.
3. **Charge 3 – AR254(1)(a)(ii)** – 12 months disqualification.
4. **Charge 4 – AR252(1)** - \$5000 fine.
5. **Charge 5 – LR82(1)** - \$500 fine.
6. **Charge 6 – LR51(2)** – 1 month suspension

Having considered the principles of penalty concurrency and totality, the Stewards determined that for charges 1,2,3 and 6 that a total period of disqualification of 2 years be issued to Mr White, to commence on 13 October 2021, the date Mr White’s trainer’s licence was suspended under the provisions of AR23, and to expire on 13 October 2023.

Charges – Ms Ashleigh Borg

1. **Charge 1 – AR254(1)(d)(ii) Party to injecting horses during one clear day**

On the morning of Saturday 9 October 2021, she was a party to Mr White, without the permission of the Stewards, injecting the following horses within one clear day, when such horses were engaged to run in the following races at the Hawkesbury race meeting on Sunday 10 October 2021.

- a. Race 2 – Hot Dancing
- b. Race 5 – Fine Impact
- c. Race 6 – Dreamline
- d. Race 8 – Timely Shadow

Plea: Guilty

2. **Charge 2 – AR254(1)(d)(ii) Party to injecting horse during one clear day**

On the afternoon of Wednesday 22 September 2021, she was a party to Mr White, without the permission of the Stewards, injecting the racehorse Alvin The Bold within one clear day, when such horse was engaged to run in race 1 at the Hawkesbury race meeting on Thursday 23 September 2021.

Plea: Not Guilty

Finding: Guilty

Penalty – Ms Borg

The following penalty considerations were taken into account.

- Early guilty plea at first available opportunity in respect of charge 1.
- Ms Borg's licensing history having been licensed for 11 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 – AR254(1)(a)(ii)** – 4 ½ months disqualification reduced from 6 months for guilty plea.

2. **Charge 2 – AR254(1)(a)(ii)** – 6 months disqualification.

Having considered the principles of penalty concurrency and totality the Stewards determined that for charges 1 and 2 that a total period of disqualification of 8 months be issued to Ms Borg, to commence on 18 November 2021 and to expire on 18 July 2022.

Alvin the Bold and Shadow Girl

The provisions of AR254(3) provide that if a person breaches AR254(1) and the horse completes in the race, such horse may be disqualified from the race.

Having regard to these provisions, Racing NSW Stewards will provide the opportunity for the owners of Alvin The Bold and Shadow Girl to provide evidence or make submissions as to whether the Stewards exercise their powers under AR254(3) and disqualify the horses from the following races.

- Alvin The Bold – Race 1 Class 1 Handicap conducted at Hawkesbury 23 September 2021 – Placed 2nd.
- Shadow Girl – Race 7 Bathurst Cup conducted at Bathurst on 26 September 2021 – Placed 3rd.

Relevant Rules

AR 254 Injections prohibited at certain times

(1) *A person must not, without the permission of the Stewards:*

- (a) inject;*
- (b) cause to be injected;*
- (c) attempt to inject; or*
- (d) be a party to the injection or attempted injection of, a horse engaged to run in any race:*

- (i) at any time on the day of the scheduled race and prior to the start of that race; and/or*
- (ii) at any time during the 1 clear day prior to 12.00am on the day of the scheduled race.*

(2) *If a person breaches subrule (1), or the Stewards reasonably suspect that such a breach has been committed, they may order the scratching of the horse from the relevant race.*

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- (3) *If a person breaches subrule (1), but the horse competes in the race, the horse may be disqualified from the race.*
- (4) *For the purposes of this rule:*
- (a) *“inject” includes, but is not limited to, the insertion of a hypodermic needle into a horse;*
- (b) *it is not necessary to establish whether any substance was injected, or the nature of any substance injected.*

AR 2 “Clear Day” *means a 24 hour period from 12.01am to 12 midnight.*

AR 252 Possession of medication/substance/preparation in breach of legislation

(1) *A person must not have in his or her possession or on his or her premises any medication, substance or preparation which has not been registered, labelled, prescribed, dispensed or obtained in accordance with applicable Commonwealth and State legislation.*

LR 82. (1) *Every person holding a trainers licence or permit to train or a racing employee contractor licence from the Board must on or before 1st November each year apply to the Board to register every person employed by him or her or assisting him or her in connection with the training or care of racehorses (in this rule referred to as an “employee”). Any such registration, except as hereinafter provided, remains in force until the 31st day of October in the following year.*

(2) *Application for the registration of employees engaged subsequent to 31st October each year, in respect of whom no transfer is registered as hereinafter provided, must be made at the time of such engagement.*

(3) *No employee unless duly registered may be employed by a trainer. This requirement also applies to stablehands transferring from another trainer.*

LR 51. (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.*

(a) *It is a condition of any Licence that the licensee must notify Racing NSW within 14 days if the licensee is:*

- i) *charged with a criminal offence.*

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

M F Van Gestel
Chairman of Stewards
General Manager - Integrity