



STEWARDS INQUIRY INTO THE CARE OF HORSES ARCTIC ROCKET, FOR DA BOYS, AND ISSUES IDENTIFIED DURING A STABLE INSPECTION AT STABLE OF LICENSED TRAINER WAYNE MARTYN

**Tamworth Stewards Room  
Via Videoconference**

**6 November 2024**

**Stewards: D R Hadley (Chair)  
M W Cleaver**

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## **Background**

On 29 April 2023, following the running of Race 4 at Binnaway, *Arctic Rocket*, who was in the care of Licensed trainer Wayne Martyn, was found to be 3/5 lame in the near hind leg. The gelding was transported back to the Coonabarabran stables and on 4 May 2023 was re-examined by a veterinarian who found the gelding to be 4/5 lame in the right hind leg.

On the 5 May 2023, the gelding was transported to a property in Coonabarabran for the purpose of spelling. On the 7 May and 8 May 2023, Wayne Martyn failed to attend the property to administer pain relief medication such as phenylbutazone to alleviate the pain it was suffering from the right hind leg injury.

On the 11 May 2023, a further veterinary examination found the gelding to be showing signs of moderate ataxia in both hind limbs and was subsequently euthanised. Investigators commenced an investigation and conducted interviews with witnesses, obtained veterinarian reports in respect to *Arctic Rocket* and identified a failure in respect to the recording of medications and treatments.

On 10 July 2023, following the running of Race 9 at Dubbo, *For Da Boys* was found to be 2/5 lame in the near foreleg. On the 11 July 2023, a further veterinary examination found the gelding to be 4/5 lame in the near foreleg. A radiograph conducted on 13 July 2023, revealed severe degenerative joint disease (arthritis) within the joint (left carpus). The gelding was retired from racing.

Investigators commenced an investigation and conducted interviews with witnesses, obtained veterinarian reports in respect to *For Da Boys* and identified a further failure in respect to the recording of medications and treatments. On 28 September 2023, Racing NSW Officials attended the Coonabarabran stables of Wayne Martyn for the purpose of a stable audit.

Racing NSW Stewards today conducted an inquiry into care afforded to *Arctic Rocket* and *For Da Boys* as well as the failures identified during the stable audit on 28 September 2023. A brief of evidence compiled by Racing NSW Investigators was tendered and oral evidence was taken from Mr Martyn, Racing NSW Official Veterinarian Dr Rose Bensley and current industry



participants.

Stewards determined that on 7 May and 8 May 2023, Mr Martyn failed to administer pain relief such as phenylbutazone to *Arctic Rocket* to alleviate the pain it was suffering from the right hind leg injury. Stewards identified further failures on behalf of Mr Martyn with respect to the recording or medication/treatments, failing to lodge stable return amendments, as required, and subsequently issued the charges below.

Stewards considered the evidence and determined that Mr Martyn did not have prior knowledge of the degenerative joint disease (arthritis) within the joint (left carpus) of *For Da Boys*. In these circumstances, a charge under the rules was not appropriate.

### **Charges issued against Mr Wayne Martyn**

#### **Charge 1: AR231**

The details of the charge being that on 7 May and 8 May 2023, he failed to take reasonable steps as were necessary to alleviate any pain being suffered by a horse by failing to administer pain relief to *Arctic Rocket* to alleviate the pain it was suffering from the right hind leg injury.

**Plea: Guilty**

**Finding: Guilty**

#### **Charge 2: AR296**

The details of the charge being that upon inspection of his stable premises on the 28 September 2023, it was found that five (4) horses in his care had incorrect particulars in their stable returns, namely;

**Arctic Rocket** – Listed as Active but Spelling

**Moon Dazzle** – Listed as Active but Spelling

**Northern Border** – Listed as Active but Retired

**Willinga Ricciardo** – Listed as Active but Spelling

**Plea: Guilty**

**Finding: Guilty**

#### **Charge 3: AR104**

The details of the charge being that between 29 April 2023 and 11 May 2023, he did fail to record medication and/or treatment administered to *Arctic Rocket*. In a period, subsequent to 13 July 2023, on six occasions he did fail to record medication and/or treatment administered to *For Da Boys*.

**Plea: Guilty**

**Finding: Guilty**

## **Penalty**

The following penalty considerations were taken into account –

- Guilty plea was entered at the earliest opportunity,
- Objective seriousness of the breaches,
- Precedent penalties,
- Mr Martyn's personal and professional circumstances,
- Principles of specific and general deterrence and what message is sent to the industry in respect to such conduct,
- The purpose of issuing penalties as a protective measure for the image, interests and welfare of the thoroughbred racing industry.

### **Charge 1: AR231(b) – 4 months suspension of licence reduced to 3 months having regard to his guilty plea.**

Having regard to his guilty plea and other relevant considerations, Stewards determined that Mr Martyn's licence be suspended for a period of 4 months reduced to 3 months, to commence on 13 November 2024 and to expire on 13 February 2025.

Under the powers afforded by AR283(7), Stewards ordered the commencement of the penalty be deferred for a period of seven (7) days, however, during this period Mr Martyn is not to start a horse in a race.

### **Charge 2: AR296 – \$800 fine reduced to \$600 having regard to his guilty plea**

### **Charge 3: AR104 – \$800 fine reduced to \$600 having regard to his guilty plea**

Having regard to his guilty plea and other relevant considerations, Stewards were of the opinion that a fine of \$800 reduced to \$600 was appropriate for this charge. However, Stewards acting under AR283(5) ordered that \$300 of this penalty would be suspended for a period of 2 years, on the basis that he is not found to be in breach of AR104 during this time period.

The total fine imposed was \$900

Mr Martyn was advised of his rights of appeal.

## **Relevant Rules:**

### **AR 231 Care and welfare of horses**

- (1) A person must not:*
- (b) if the person is in charge of a horse – fail at any time:*
- (ii) to take such reasonable steps as are necessary to alleviate any pain inflicted upon or being suffered by the horse;*

### **AR 296 Named horse change of location**

- (2) A trainer must:*
- (d) lodge an amendment to a Stable Return immediately if:*
  - any particulars on the Stable Return have changed;*

### **AR 104 Trainers must keep treatment records**

*(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.*

*(2) For the purpose of subrule (1), each record of administration must include the following information:*

- (a) the name of the horse;*
- (b) the date and time of administration of the treatment or medication;*
- (c) the name of the treatment or medication administered (brand name or active constituent);*
- (d) the route of administration including by injection, stomach tube, paste, topical application or inhalation;*
- (e) the amount of medication given (if applicable);*
- (f) the duration of treatment (if applicable);*
- (g) the name and signature of the person/s administering and/or authorising the administration of the treatment or medication.*
- (h) the reason for administering the treatment or medication.*

### **Division 4 – Penalties AR 283 Penalties**

*(7) A person or body authorised by these Australian Rules to suspend or disqualify any trainer may defer the commencement of the period of suspension or disqualification for no more than 7 clear days following the day the suspension or disqualification was imposed, and upon terms and conditions considered fit.*

**D R Hadley**  
**General Manager – Investigations**  
**Racing NSW**