



RACING
SA

RACING SA LIMITED
STIPENDIARY STEWARDS' REPORT
Trainer Mr. Garret Lynch

MURRAY BRIDGE RACECOURSE 26 JANUARY 2023 &
RACING SA OFFICES - 21 FEBRUARY, 6 MARCH & 27 MARCH 2023

Stewards: M. Zarb (Chairman), P. Ryan & S. Callanan.

On Monday 27 March 2023 Stewards concluded an inquiry which initially commenced on the 26/01/2023 at the Murray Bridge racecourse, resumed on the 21/02/2023 at the RacingSA offices and was then further adjourned to the 06/03/2023, into the registered racehorse **Up the Stairs** and a report from RacingSA Compliance Officer, Mr. Andrew Hayles relating to **Up the Stairs** and a subsequent veterinary examination which led to the horse being scratched from Race 4, the Rainforest Retreat B&B Benchmark 58 Handicap over 2500 metres at Murray Bridge on 26/01/2023.

Stewards heard evidence from Licensed Trainer Mr. Garret Lynch, Mr. Andrew Hayles & Racing SA Chief Veterinary Surgeon Dr. Toby Koenig.

Evidence adduced at the hearing confirmed that after **Up the Stairs** was brought to the Murray Bridge racecourse by Mr. Lynch it underwent a veterinary examination which found the gelding to be lame in the near foreleg (3/5). Acting on that report **Up the Stairs** was declared a late scratching by order of Stewards from its engagement in the above mentioned race and thereafter Mr. Garret Lynch was questioned regarding the condition and welfare of the horse and what steps he had taken to manage the condition and welfare of **Up the Stairs**.

Mr. Garret Lynch advised that, **Up the Stairs**, since arriving at his stable in November 2022 and up to the commencement of the inquiry on 26/01/2023, had issues with swelling and lameness in its near foreleg and in his opinion he took necessary steps to manage the condition of the gelding. It was noted that, on a balance of the evidence, the lameness in the near foreleg was not evident at all times, but at various times during, and possibly for the majority of this period.

After considering the evidence Stewards laid the following charges against Mr. Garret Lynch under Australian Rules of Racing - AR104(6), AR105(1)(d), AR231(1)(b)(ii) & AR231(1)(b)(iii)

Charges and Particulars

Charge 1: In relation to his treatment record book; Mr. Garret Lynch was charged under AR104(6). The particulars being that;

*"On the morning of Thursday 26/01/2023, at around 7:00am when requested via phone by Mr. Andrew Hayles, Compliance Officer for RacingSA, who was at Mr. Garret Lynch's stables, failed to make available records of any medication or treatment administered to horses in his stable, including **Up the Stairs**."*

Charge 2: In relation to matters that may affect the performance of a horse; Mr. Garret Lynch was charged under AR105(1)(d). The particulars being that;

*"After accepting with **Up the Stairs** on Tuesday 24/01/2023 to race at Murray Bridge on 26/01/2023 in Race 4, the Rainforest Retreat B&B Benchmark 58 Handicap over 2500 metres he failed to report to the Stewards that the horse had a condition, that being that it was lame in the near foreleg; and in the opinion of the Stewards this condition may have had an affect on the horse's performance in the above mentioned race, if it had started."*

Charge 3: In relation to the care and welfare of **Up the Stairs**, in particular, any likely pain suffered by the horse; Mr. Garret Lynch was charged under AR231(1)(b)(ii). The particulars being that;

*“From at least 17/11/2022, when Mr. Garret Lynch first submitted a Stable Return, confirming that he was the trainer of **Up the Stairs** and as such, the person in charge of **Up the Stairs**, up to and including the 26/01/2023; with the knowledge that the gelding was lame in the near foreleg for the majority of this period and as such, in pain, he failed to take such reasonable steps that were necessary to alleviate the pain suffered by **Up the Stairs**.”*

Charge 4: In relation to the care and welfare of **Up the Stairs**, in particular the necessity for veterinary treatment for the horse; Mr. Garret Lynch was charged under AR231(1)(b)(iii). The particulars being that;

*“From at least 17/11/2022, when Mr. Garret Lynch first submitted a Stable Return, confirming that he was the trainer of **Up the Stairs** and as such, the person in charge of **Up the Stairs**, up to and including the 26/01/2023; with the knowledge that the gelding was lame in the near foreleg for the majority of this period and as such, in pain, he failed to provide veterinary treatment to the horse where such treatment was necessary for **Up the Stairs**.”*

Mr. Garret Lynch pleaded not guilty to the above four charges, however was subsequently found guilty of all the charges laid against him.

Penalties - In determining penalties to the charges Stewards considered;

- Mr. Garret Lynch’s personal & professional circumstances;
- His not guilty pleas entered for all charges;
- His clean records for charges 1, 3 & 4;
- The seriousness of the breaches, particularly having regard for the fact that charges 3 & 4 relate to welfare matters;
- Individual and general deterrence;

After considering all the mitigating and aggravating factors Stewards imposed the following penalties:

Charge	Penalty	Amount/Period
1	Fine	\$400 (reduced from \$500)
2	Fine	\$1,000 (no reduction)
3	Disqualification	9 months (reduced from 12 months)
4	Disqualification	9 months (reduced from 12 months)

Stewards, acting under the provisions of AR 283(4), ordered that the penalties for charges 3 & 4 be served concurrently and commence from midnight Monday 3 April 2023 and conclude at midnight Wednesday 3 January 2024.

Mr. Garret Lynch was advised of his right of appeal. Mr. Lynch has subsequently lodged an appeal to the Racing Appeals Tribunal and was granted a Stay of Proceedings.

Note on penalty of Disqualification:

Stewards note that a penalty of a disqualification is a severe penalty and under the terms of AR263, which details the prohibitions on persons and their conduct while disqualified, Mr. Garret Lynch would not be able to participate in any form of racing, including ownership of race horses, breeding and wagering activities, and may also not be present at, or on any racing/training/breeding facility in Australia or elsewhere.

M Zarb
Senior Stipendiary Steward
27 March 2023