

## MRS KYLIE GARATY- INQUIRY CONDUCTED

10 OCTOBER 2024

Harness Racing New South Wales (HRNSW) Stewards conducted an Inquiry yesterday into a report received from the Australian Racing Forensic Laboratory (ARFL) that Scopolamine and Atropine were detected in the urine sample taken from YESNOMAYBESO following its win in race 8, the GARRARDS HORSE AND HOUND PACE (2030 metres) conducted at Newcastle on Monday 29 January 2024.

The reserve portion and control solution were confirmed by Racing Analytical Services Limited (RASL) in Victoria.

Licensed Trainer Mrs Kylie Garaty appeared at the Inquiry, with a legal representative Mr Morris, and presented evidence in relation to the horse YESNOMAYBESO and her registered training establishment.

A number of documents were entered into evidence at the Inquiry including the Certificates of Analysis in relation to the post-race urine sample, together with results of analytical tests conducted upon feed and plant samples obtained from Mrs Garaty's registered training establishment by HRNSW Investigator, Mr Jason Robbs.

HRNSW Regulatory Veterinarian, Dr Martin Wainscott, was also present and provided evidence to the Inquiry that the presence of scopolamine and atropine detected in the urine sample together meant that it was a plausible conclusion that contaminated feed and/or plants were the most likely sources of those prohibited substances.

Mrs Garaty pleaded guilty to a charge issued against her pursuant to Australian Harness Racing Rules AHRR 190 (1), (2) & (4) as follows:

**AHRR 190.** (1) *A horse shall be presented for a race free of prohibited substances.*

(2) *If a horse is presented for a race otherwise than in accordance with sub-rule (1) the trainer of the horse is guilty of an offence.*

(3) *If a person is left in charge of a horse and the horse is presented for a race otherwise than in accordance with sub-rule (1), the trainer of the horse and the person left in charge is each guilty of an offence.*

(4) *An offence under sub-rule (2) or sub-rule (3) is committed regardless of the circumstances in which the prohibited substance came to be present in or on the horse.*

In respect of that charge, pursuant to AHRR 256(6) Stewards determined that a conviction would be recorded, however, Stewards did not impose a penalty on Mrs Garaty as they were satisfied to the requisite standard that the detection of scopolamine and atropine had resulted from contaminated feed and/or plants having been ingested by the horse YESNOMAYBESO.

In consideration of an appropriate penalty, HRNSW Stewards were mindful of the following:

- The circumstances of this matter including evidence of Dr Wainscott in relation to contamination;
- Mrs Garaty's licence history, offence record, training and driving records during a 15 year involvement in the harness racing industry;
- Mrs Garaty's personal subjective facts;
- Mrs Garaty's first prohibited substance matter;
- Mrs Garaty's guilty plea.

Having considered submissions in relation to the horse and AHRR 195, HRNSW Stewards disqualified YESNOMAYBESO from the abovementioned race.

Mrs Garaty was advised of her right to appeal the decision of HRNSW Stewards to disqualify her horse.

Mrs Garaty was also cautioned that she must take all reasonable measures in future to manage her training establishment and horses to ensure that her horses are presented in accord with the Rules.

For further information on this matter contact:  
HRNSW Integrity Department  
(02) 9722 6655