7 July 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**RAY LONG**

**Date of hearing:** 29 June 2022

**Panel:** Judge John Bowman (Chairperson) and Judge Marilyn Harbison.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Rick Jones represented Mr Ray Long.

Mr Ray Long attended the hearing.

**Charges:** Australian Harness Racing Rule (“AHRR”) 218 states:

A person having responsibility for the welfare of a horse shall not fail to care for it properly.

**Particulars of charges: Charge 1**

1. You were, at all relevant times, a licensed Grade A trainer and Grade A driver and a person bound by the Australian Harness Racing Rules.
2. Between September 2020 and 3 August 2021, you were responsible for the welfare of a 2YO colt with parentage from “Blitzthemcalder” x “Newport Jones” and with freezebrand S3181100 (the Horse) at your training establishment in Kialla, Victoria.
3. You failed to care for the Horse properly while you were responsible for its welfare, in that you:
4. Kept the Horse in an outside yard without any housing or shelter between September 2020 and 3 August 2021, the surface of which was waterlogged mud mixed with horse manure and urine when inspected on 3 August 2021;
5. failed to provide adequate exercise to the Horse between September 2020 and 3 August 2021;
6. failed to provide the Horse with appropriate levels of social interaction or contact with other horses or people between September 2020 and 3 August 2021;
7. failed to provide the Horse with appropriate cleaning or grooming; and
8. allowed the Horse’s hooves to become overgrown.

**Charge 2**

1. You were, at all relevant times, a licensed Grade A trainer and Grade A driver and a person bound by the Australian Harness Racing Rules.
2. Between September 2020 and 3 August 2021, you were responsible for the welfare of a 2YO colt with parentage from “Blitzthemcalder” x “Maori Toya” and with freezebrand S3181101 (the Horse) at your training establishment in Kialla, Victoria.
3. You failed to care for the Horse properly while you were responsible for its welfare, in that you:
4. kept the Horse in an outside yard without any housing or shelter between September 2020 and 3 August 2021, the surface of which was waterlogged mud mixed with horse manure and urine when inspected on 3 August 2021;
5. failed to provide adequate exercise to the Horse between September 2020 and August 2021;
6. failed to provide the Horse with appropriate levels of social interaction or contact with other horses or people between September 2020 and 3 August 2021;
7. failed to provide the Horse with appropriate cleaning or grooming; and
8. allowed the Horse’s hooves to become overgrown.

**Charge 3**

1. You were, at all relevant times, a licensed Grade A trainer and Grade A driver and a person bound by the Australian Harness Racing Rules.
2. Between on or about 1 August 2019 and 3 August 2021, you were responsible for the welfare of a 6YO stallion with parentage from “Danny Bouchea” x “Family Jade” and with freezebrand S3140865 (the Horse) at your training establishment in Kialla, Victoria.
3. You failed to care for the Horse properly while you were responsible for its welfare, in that you:
4. kept the horse inside a locked barn between September 2020 and 3 August 2021;
5. failed to provide adequate exercise to the Horse between September 2020 and August 2021;
6. failed to provide the Horse with appropriate levels of social interaction or contact with other horses or people between September 2020 and August 2021;
7. kept the Horse in an unclean stall with horse manure on the ground and with safety hazards, namely, a misaligned box door and a protruding metal wire;
8. failed to provide the Horse with appropriate cleaning and grooming; and
9. allowed the Horse’s hooves to become overgrown.

**Charge 4**

1. You were, at all relevant times, a licensed Grade A trainer and Grade A driver and a person bound by the Australian Harness Racing Rules.
2. Between 9 November 2010 and 3 August 2021, you were responsible for the welfare of a 15YO gelding named “Scotts Den” (the Horse) at your training establishment in Kialla, Victoria.
3. You failed to care for the Horse properly while you were responsible for its welfare, in that you:
4. kept the horse inside a locked barn between on or about 20 July 2021and 3 August 2021;
5. failed to provide adequate exercise to the Horse between on or about 20 July 2021 and 3 August 2021;
6. failed to provide the Horse with appropriate levels of social interaction or contact with other horses or people between on or about 20 July 2021 and August 2021;
7. kept the Horse in an unclean stall with horse manure on the ground;
8. allowed the Horse’s hooves to become overgrown.

**Charge 5**

1. You were, at all relevant times, a licensed Grade A trainer and Grade A driver and a person bound by the Australian Harness Racing Rules.
2. Between 2 July 2013 and 3 August 2021, you were responsible for the welfare of a 11YO gelding named “Pedro” (the Horse) at your training establishment in Kialla, Victoria.
3. You failed to care for the Horse properly while you were responsible for its welfare, in that you:
4. kept the horse inside a locked barn between on or about 20 July 2021 and 3 August 2021;
5. failed to provide adequate exercise to the Horse between on or about 20 July 2021 and 3 August 2021;
6. failed to provide the Horse with appropriate levels of social interaction or contact with other horses or people between on or about 20 July 2021 and August 2021;
7. kept the Horse in an unclean stall with horse manure on the ground;
8. allowed the Horse’s hooves to become overgrown.

**Pleas:** Guilty to all charges

**DECISION**

Mr Ray long, you have pleaded guilty to five breaches of Australian Harness Racing Rule (“AHRR”) 218, which relates to a person having responsibility for the welfare of a horse failing to care for it properly.

The Stewards laid the charges after visiting your training establishment in Kialla, Victoria. This stable inspection was carried out on 3 August 2021. Without going into what they found in great detail, suffice to say that they found two colts in yards that were very muddy and horse urine and manure mixed in with the mud. These colts had dried mud on them and had long coats. There were four horses in a barn. Three had overgrown hooves and the setup generally was unsatisfactory, with some manure on the ground. There was a general lack of maintenance and some safety risks. Overall, the setup was unsatisfactory, as was the level of care for the horses, which were relocated.

After the Stewards had visited the premises, on 13 September 2021 your licence was cancelled and has remained so. That licence was a grade A trainer’s and driver’s licence. Steps have been taken to sublet the premises.

The background to the charges is that you were licensed for a period of approximately 42 years. You are a single man who works seasonal night shifts at a cannery. Essentially, you have been a hobby trainer. In 2009, you were fined $500 for a breach of AHRR 218. The Stewards visited you in 2014, 2017 and 2018 and made some comments and suggestions in relation to the condition of the stables and the welfare of the horses. We note that you have some mental health problems. Various aspects of your situation and background were pointed out by Mr Rick Jones, who represented you and was most helpful. We accept that the whole situation, including a lot of rain and COVID-19, may have gotten too much for you, but the fact remains that the horses were not in good condition and your stables were, frankly, a mess and your yards extremely muddy. Your stables are in the process of being sublet, but it is your intention to return to them at a future date.

The welfare of horses is of vital importance to the harness racing industry. General and specific deterrence both have an important role to play in your case. Participants must appreciate that the welfare of horses is, quite rightly, always a matter of public concern. We understand that considerable money will be spent on improving the stables and correcting the drainage faults in the yards. These particular horses that were involved in the charges have since been relocated, but the potential danger to their health was considerable and the potential damage to the image of harness racing was likewise.

We have taken into account the matters that Mr Jones raised on your behalf. We accept that the situation probably got beyond you and that you are taking remedial steps. We have also had regard to the penalties imposed in other cases involving a breach of this Rule.

The bottom line is that on Charge 1, you are disqualified until 13 April 2023. In other words, it is a penalty of 19 months disqualification backdated to commence on the date that your licence was cancelled, namely 13 September 2021.

The same penalty is imposed in relation to Charges 2 and 3, that penalty is to be served concurrently with the penalty imposed on Charge 1.

On Charges 4 and 5, you are disqualified for a period of 12 months, also to be backdated to commence on 13 September 2021 and to be served concurrently with the penalty imposed on Charge 1.

We repeat that the end result is that you are disqualified until 13 April 2023.

Mark Howard
Registrar, Victorian Racing Tribunal