26 May 2023

**DECISION**

**RACING VICTORIA**

**and**

**ROBBIE LAING**

**Date of hearing:** 22 May 2023

**Panel:** Judge John Bowman (Chairperson) and Dr Andrew Gould.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Ross Inglis appeared on behalf of Mr Robbie Laing.

**Charges and particulars: Charge 1 of 2: AR 231(1)(b)(iii)**

AR 231(b)(iii) reads as follows:

AR 231 Care and welfare of horses (Private Show)

(1) A person must not:

(b) if the person is in charge of a horse – fail at any time:

(iii) to provide veterinary treatment to the horse where such treatment is necessary for the horse;

**Particulars of charge:**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.

2. You were, at all relevant times, the person in charge of a registered thoroughbred mare known as ‘Private Show’ (the Horse).

3. On 11 March 2022, the Horse was examined by a Racing Victoria Veterinarian at your property at 860 Ballarto Road, Cranbourne South, where the Horse was found to have severe chronic laminitis and was subsequently euthanised.

4. Between 1 January 2022 and 11 March 2022, you failed to provide veterinary treatment to the Horse, in particular pain management, where such treatment was necessary.

**Charge 2 of 2: AR 231(1)(b)(iii) (Rock My Fuji)**

AR 231(1)(b)(iii) reads as follows:

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:

(iii) to provide veterinary treatment to the horse where such treatment is necessary for the horse;

**Particulars of charge:**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.

2. You were, at all relevant times, the person in charge of a registered thoroughbred mare known as ‘Rock My Fuji’ (the Horse).

3. On 11 March 2022, the Horse was assessed by a Racing Victoria Veterinarian at your property at 860 Ballarto Road, Cranbourne South, where the Horse was found to have a body score condition of 0 out of 5 and was subsequently euthanised.

4. Between 1 November 2021 and 11 March 2022, you failed to provide veterinary treatment to the Horse, in particular intensive pain and nutritional management, where such treatment was necessary.

**Pleas:** Guilty to both charges

**DECISION**

Mr Robbie Laing, you have pleaded guilty to two breaches of AR 231(1)(b)(iii) – that is, a failure to provide veterinary treatment as necessary. The charges involve the mares Private Show and Rock My Fuji.

A visit by the Stewards and a veterinary surgeon to the property on which the mares were kept resulted in both being euthanised. This occurred on 11 March 2022. Both mares were in very poor condition. Private Show was suffering from chronic laminitis and Rock My Fuji had a very poor body condition.

In this matter, there was a number of mitigating factors, including the fact that you had been very ill with the COVID-19 influenza and unable to attend at the paddock where the horses were kept. When you did so attend, you attempted to save the mares, but the putting down by the veterinary surgeon seems to have become inevitable. Your long and unblemished history as a trainer is also noted.

On your behalf, Mr Ross Inglis appeared. He put before us some powerful references. Also put before us was a detailed report from Dr Glenn Robertson-Smith, specialist in equine surgery. He expressed the opinion that Private Show had suffered what he described as “grain overload” – that is, the sudden consumption by a horse of an excessive amount of grain in a short time, this occurring when you recovered from the COVID-19 flu and visited the paddock. He also referred to Rock My Fuji as having had previous throat surgery which can interfere with swallowing. Dr Robertson-Smith described you as an excellent horseman, whose horses were “often the best looking, healthiest horses of any stable we treated”.

In this case, the parties have agreed upon a proposed penalty. Of course, the final decision is one for us, but when parties are represented by people with the experience of Mr El-Asmar and Mr Inglis and they jointly recommend a penalty, obviously that is a factor which we take into account.

Further, the proposed penalty is consistent with that handed down by this Tribunal in the case of Racing Victoria Stewards v Croxford and Mills (21 November 2022).

In short, we agree with and impose the penalty advanced by the parties. In so doing, we bear in mind the circumstances and your excellent record.

We view the agreed penalty as being fair and appropriate in all the circumstances of this case.

You are suspended for a period of six months and that penalty is in turn suspended for a period of 24 months. The period of suspension for six months will be activated if a relevant offence occurs during that period of 24 months. We are confident that it will not.

Mark Howard

Registrar, Victorian Racing Tribunal