29 November 2022

**DECISION**

**RACING VICTORIA**

**and**

**SHARON CROXFORD**

**and**

**JASON MILLS**

**Date of hearing:** 21 November 2022

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

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

Mr Andrew Nicholl represented Ms Sharon Croxford and Mr Jason Mills.

Ms Sharon Croxford and Mr Jason Mills attended the hearing.

**Charge:** Australian Rule of Racing (“AR”) 231(1)(b)(iii) states:

(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 a horse where such treatment is necessary for the horse.

**Particulars of charges:** **Sharon Croxford**

1. You are, and were at all relevant times, a licensed trainer registered by Racing Victoria.
2. You were, at all relevant times, in charge of the horse, Precis (the Horse).
3. On 26 October 2021, the Horse was examined by a Racing Victoria veterinarian at your licensed premises located in Kilmore, Victoria, where the Horse was found to have an ulcerative wound on its right hind leg which required immediate veterinary treatment.
4. Between 1 June 2022 and 26 October 2021, you failed to provide veterinary treatment to the Horse when such treatment became necessary.

 **Jason Mills**

1. You are, and were at all relevant times, an owner registered with Racing Victoria.
2. You were, at all relevant times, in charge of the horse, Precis (the Horse).
3. On 26 October 2021, the Horse was examined by a Racing Victoria veterinarian at your registered premises located in Kilmore, Victoria, where the Horse was found to have an ulcerative wound on its right hind leg which required immediate veterinary treatment.
4. Between 1 June 2021 and 26 October 2021, you failed to provide veterinary treatment to the Horse when such treatment became necessary.

**Pleas:** Sharon Croxford: Guilty

Jason Mills: Guilty

**DECISION**

Ms Sharon Croxford and Mr Jason Mills have both pleaded guilty to a breach of Australian Rule of Racing (“AR”) 231(1)(b)(iii). Each charge arises out of the same factual situation. Accordingly, the cases can be dealt with together insofar as factual background is concerned.

That factual background is as follows. At the relevant time between approximately 1 June and 26 October 2021, Mr Mills was the registered owner of the retired racehorse, “Precis”. Precis was 21 years old then. It had last raced in approximately 2007 and was clearly something of a family pet, particularly of Ms Croxford. Ms Croxford and Mr Mills had a large number of mares and yearlings on their property in Kilmore, Victoria. That number was in the vicinity of 46. Both have a long, and unblemished record in the racing industry.

Things had been going apparently very smoothly when they operated at a property near Murchison, Victoria. This was, in essence, in conjunction with the owner of that property. The whole enterprise was disrupted by the arrival of Covid, which, apart from anything else, impacted on the financial situation of the owner of the property. They, and their many horses, were forced to relocate to their present Kilmore property.

Apart from the breeding stock and small number of racehorses, Precis, the family pet, moved with them. At some time in the vicinity of early June 2021, Precis suffered an injury by way of a hind leg wound, which may possibly have arisen from an altercation with a fence. Ms Croxford, with the assistance of Mr Mills, treated the wound, the condition of which waxed and waned. Various treatments were tried and finally, on 25 October 2021, Ms Croxford contacted a veterinary surgeon. Arrangements were made for that surgeon to examine the horse on 27 October.

However, on 26 October, the Stewards arrived for an inspection. The unsatisfactory nature of the wound was noted. In excess of 40 horses on the property were examined by the Stewards and, ultimately, none was the subject of any action by them. Apparently, the only problem was the old family pet, Precis.

Finally, it was determined that Precis be euthanised and this was done, in the proper fashion, on 16 November 2021.

All cases involving animal welfare are of a great importance and significance. Transgression in this regard is deserving of a penalty which reflects the gravity of the offending and which reflect the strong views which the industry, and the Stewards, have in relation to horse welfare issues. Apart from the welfare of the individual horses, the image of the whole industry is damaged by the few cases that do arise.

The present case is very unusual. Effectively, Ms Croxford and Mr Mills took too long to obtain veterinary assistance in the treatment of the old pet horse. They are very experienced horse people and thought that they could manage proper treatment and rehabilitation themselves. Sadly, this did not occur.

Both people charged have spotless records. Each is used to dealing with, and properly looking after, the welfare of a large number of horses. They continue so to do. We accept that they are under considerable financial pressure following their forced relocation because of Covid. They are relocating some stock and thus reducing the number of horses on their property. They are genuinely remorseful, and, as stated, have pleaded guilty.

On behalf of the Stewards, Mr Marwan El-Asmar has suggested a penalty of six months suspension, in turn fully suspended for a period of 24 months. Mr Andrew Nicholl, on behalf of Ms Croxford and Mr Mills, does not quarrel with this proposed penalty. Of course, the Tribunal is not bound by this, but it is something that can be taken into account.

We view the proposed penalty as being fair and appropriate in this unusual case, which differs greatly from some other horse welfare cases, thankfully of only a very small number, but which have come before us.

Accordingly, Ms Croxford and Mr Mills are each suspended for a period of six months and that suspension is in turn suspended for a period of 24 months. The six months suspension will be activated if any relevant further offence occurs during that time. We are hopeful, and indeed confident, that no such reoffending will occur.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal