17 August 2023

**DECISION**

**RACING VICTORIA**

**and**

**GAVAN PRATT**

**Date of hearing:** 8 August 2023

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Dr Andrew Gould.

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

Mr Gavan Pratt represented himself.

**Charges and particulars:**

**Charge 1 of 2:**

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

*AR 231(1) A person must not*

*…*

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

*…*

*(iv) to provide proper and sufficient nutrition for the horse.*

**Particulars**

1. You were, at all relevant times, an Owner registered with Racing Victoria.
2. You were, at all relevant times, in charge of the following horses:
* *Aegina;*
* *Corinella;*
* *Seaclaidi;*
* *Miss Veronica;*
* *Intierra;*
* *Sellout;*
* *Creates;*
* *Repertere;*
* *Martelleto;*
* *Belsoeur;*
* *Ziggy;*
* *Sexy Diamond; and*
* *Relanski*
1. On 4 March 2022 and 27 April 2022, the horses were examined by a Racing Victoria veterinarian at 639 Winter Road, Girgarre and 2418 Henderson Road, Girgarre, where the horses were assessed as having body condition scores of either 1 out of 5 or 1.5 out of 5 (the **Body Condition Score**).
2. Between 1 December 2021 and 27 April 2022, you failed to provide proper and sufficient nutrition to the horses resulting in a breach of AR 231(1)(b)(iv).

**Charge 2 of 2**:

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

*AR 231(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**

1. You were, at all relevant times, an Owner registered with Racing Victoria.
2. You were, at all relevant times, in charge of the following horses:
* *Belsoeur*;
* *Ziggy*;
* *Sexy Diamond*; and
* *Demolition Divia*
1. On 4 March 2022, the horses were examined by a Racing Victoria veterinarian at 639 Winter Road, Girgarre and 2418 Henderson Road, Girgarre, where the horses were found to have the following concerns:
* *Belsoeur -* mouth mass and accumulation of grass seeds,

which required immediate veterinary attention.

* *Ziggy* - a large granulated wound to the right hind leg,

 which required immediate veterinary treatment.

* *Sexy Diamond* - lame and had an abscess to the left front hoof,

 which required immediate veterinary attention.

* *Demolition Diva* - extensive open wound to the right hind leg which

 required immediate veterinary attention.

1. Between 1 September 2021 and 4 March 2022, you failed to provide veterinary treatment to the horses where such treatment was necessary resulting in a breach of AR 231(1)(b)(iii).

**Plea:** Guilty to both charges.

**DECISION**

1. Mr Gavan Pratt is a registered breeder of thoroughbred horses and is bound by the Rules of Racing, including Australian Racing Rule (“AR”) 231(1)(b).
2. AR 231(1)(b)(iv) proscribes the failure to provide proper and sufficient nutrition to a horse. AR 231(1)(b)(iii) proscribes the failure to provide veterinary treatment to a horse when necessary.
3. Mr Pratt has been charged by Racing Victoria Stewards with two offences. The first is under AR 231(1)(b)(iv) and the second under AR 231(1)(b)(iii). He has pleaded guilty to both charges. This decision deals with the penalties which should be imposed for those breaches.
4. The charges followed visits to properties occupied by Mr Pratt and where horses owned and bred by him were kept. These visits occurred in March and April 2022 and included veterinarians engaged by Racing Victoria, as well as welfare investigative staff.
5. Charge 1 relates to 13 horses. Those horses were not provided with proper care and sufficient nutrition. Racing Victoria Stewards have presented evidence of overstocked paddocks, horses with low body scores, lack of access to suitable grazing pasture, insufficient hay for all the horses present, poor coat condition, dull demeanour, parasite infestation and insufficient buckets containing supplementary food. There was also one under nourished horse, with her condition exacerbated by two sucklings.
6. Charge 2 relates to 4 horses. Those horses were not provided with veterinary treatment when needed for the following conditions:
* mass accumulation of grass seed in the mouth
* large granulated wound to a leg
* lameness with an abscess to the left front hoof
* exposure of an open leg wound
1. The offending period in relation to Charge 1 was from 1 December 2021 to 27 April 2022. For Charge 2 it was from 1 September 2021 to 4 March 2022, as specified in the particulars of each charge.
2. In setting a penalty we take into account the following:
* animal welfare
* general deterrence
* specific deterrence
* maintaining the good name of the industry
* the guilty pleas
* the good record of Mr Pratt and previous penalties in like recent matters.
1. Taking all of the above matters into account, especially animal welfare considerations, we impose the following penalties:

On Charge 1, we impose a penalty of 9 months disqualification, having regard to the seriousness of the matter and the equine welfare considerations involved over several months.

On Charge 2, we impose the same penalty as under Charge 1, but make it wholly concurrent with the penalty under Charge 1.

1. The period of disqualification shall commence immediately.

Mark Howard

Registrar, Victorian Racing Tribunal