15 December 2023

**DECISION**

**RACING VICTORIA**

**and**

**LIAM CHAPMAN**

**Date of hearing:** 29 November2023

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

**Appearances:** Mr Jack Anderson appeared on behalf of the Stewards.

Mr Liam Chapman represented himself.

**Charges:** Australian Rule of Racing (“AR”) 231(1)(b)(iv) states:

(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.

AR 231(1)(b)(ii) states:

(1) A person must not:

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

(ii) to take such reasonable steps to alleviate any pain inflicted upon or being suffered by the horse.

**Particulars: Charge 1: AR 231(1)(b)(iv)**

1. You are, and were at all relevant times:
2. a Pre-Trainer licensed by Racing Victoria; and
3. an Owner registered with Racing Victoria.
4. You were, at all relevant times, in charge of Keep The Faith x Rowan’s Lady (the Horse) and had responsibility for its care.
5. On 22 May 2023, the Horse was examined by a Racing Victoria veterinarian at the property you leased in Baddaginnie, with the Horse assessed as having “sheath oedema” and a body condition score of 1.5 out of 5.
6. Between 1 January 2023 and 17 May 2023, you failed to provide proper and sufficient nutrition to the Horse.

**Charge 2:** **AR 231(1)(b)(iv)**

1. You are, and were at all relevant times:
2. a Pre-Trainer licensed by Racing Victoria; and
3. an Owner registered with Racing Victoria.
4. You were, at all relevant times, in charge of Redente x Jettina 2017 (the Horse) and had responsibility for its care.
5. On 22 May 2023, the Horse was examined by a Racing Victoria veterinarian at the property you leased in Baddaginnie, with the Horse assessed as having a body condition score of 1.5 out of 5 (the Body Condition Score).
6. Between 1 January 2023 and 17 May 2023, you failed to provide proper and sufficient nutrition to the Horse.

**Charge 3: AR 231(1)(b)(ii)**

1. You are, and were at all relevant times:
2. a Pre-Trainer licensed by Racing Victoria; and
3. an Owner registered with Racing Victoria.
4. You were, at all relevant times, in charge of Rusty Armour (the Horse) and had responsibility for its care.
5. In late April or early May 2023, the Horse was in poor condition and incapacitated on the ground for two or more days before its death.
6. You failed to take reasonable steps to alleviate pain being suffered by the Horse.

**Pleas:** Guilty

**DECISION**

Mr Liam Chapman, you are pleading guilty to three charges involving what could collectively be described as animal welfare.

Charges 1 and 2 involve breaches of Australian Rule of Racing (“AR”) 231(1)(b)(iv) – a failure to provide sufficient nutrition. The horses involved were both unnamed, but one was by “Keep The Faith” and the other by “Redente”. When inspected by the Stewards and a veterinary surgeon on 17 May 2023, each had a body score of 1.5/5.

Charge 3 is pursuant to AR 231(1)(b)(ii) – the failure to take reasonable steps to alleviate pain and suffering. This involved a horse called “Rusty Armour”, which was in very poor condition and in approximately May 2023 became effectively cast upon the ground and died. We accept that this upset you greatly.

These are serious charges. As this Tribunal has said repeatedly in earlier cases, the maintenance of proper animal welfare is of vital importance. Apart from its great importance in respect of the well-being of individual horses, the whole issue of animal welfare is one upon which considerable community attention is focused, and that is understandingly so. These are matters which loom large in our thinking when dealing with such charges.

In the present case, the parties have effectively agreed upon the suggested penalties to be imposed. Of course, we are in no way bound by the suggested penalties. However, when there is agreement between the parties, particularly when the proposed agreed penalties are advance by a representative of the Stewards of the experience of Mr Anderson, and when it is apparent that he has paid great attention to the details of the case and to penalties in like cases, the agreement is a factor to which we attach considerable weight. Nevertheless, we repeat that the ultimate decision is ours.

Mr Chapman, you have been in the racing industry for in excess of 35 years and have a spotless record. You are currently licensed as a pre-trainer and an owner. The problem in relation to the three horses the subject of the charges arose at a time when you had financial and other personal problems. We accept that you became quite distraught concerning the condition of the relevant horses, but did not take the appropriate steps to try and remedy the situation.

You have now set up new stables, for seven horses, and, with the assistance of a friend who is an experienced trainer, you are working in close proximity to the Benalla racecourse. As stated, you have new stables, in addition to a float and a new nearby residence, again with the assistance of a well-established trainer.

You deeply regret what occurred in relation to these offences. We accept that it was due in no small part to stressful personal circumstances then operating, and was completely out of character in the context of your more than 35 years blameless involvement in the industry.

On behalf of the Stewards, Mr Anderson suggested the following penalties, with which we agree. They seem to us to be sensible and appropriate in this particular case.

On Charge 1, the failure to provide sufficient nutrition to the Keep The Faith horse, six months suspension.

On Charge 2, involving the Redente horse, six months suspension.

On Charge 3, the failure to take reasonable steps to alleviate the dying Rusty Armour’s pain and suffering, 12 months suspension.

All the periods of suspension are to be cumulative, making a total of two years suspension.

However, that period of two years suspension is in turn suspended for two years. Should you commit a relevant offence in that two year period, the two years suspension will be activated. We are hopeful, indeed confident, that you will not so offend.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal