15 August 2024

**DECISION**

**RACING VICTORIA**

**and**

**ANTHONY CRANSTON**

**Date of hearing:** 7 August 2024

**Date of decision:** 7 August 2024

**Panel:** Judge John Bowman (Chairperson) and Mr Robert Abrahams.

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

Mr Anthony Cranston represented himself.

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

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;

**The particulars of the charge**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria and a person bound by the Rules of Racing.
2. You were, at all relevant times, the person in charge of an unnamed 2-year-old filly (Vino Rosso x Macca The Great) (the **Horse**).
3. On 29 April 2024, you attended the Pakenham Racecourse with the Horse to undertake track work, where the Horse sustained an injury at approximately 8:30 am.
4. The Horse was subsequently examined at the Pakenham Racecourse by veterinarian, Dr Erin McDougall, who:
5. Assessed the Horse as having a suspected humeral fracture to its right shoulder;
6. Offered sedation and pain relief;
7. Considered the Horse to have a “very poor prognosis”; and
8. Recommended euthanising the Horse as the most humane option.
9. You declined veterinary treatment as offered by Dr McDougall, and proceeded to transport the Horse back to your licensed premises, where you subsequently euthanised the Horse at approximately 7:00 pm.
10. On 29 April 2024, between approximately 9:00 am and 7:00 pm, you failed to provide veterinary treatment to the Horse where such treatment was necessary.

**Charge 2 of 2: AR 231(1)(b)(ii) (in the alternative)**

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

(ii) to take such reasonable steps as are necessary to alleviate any pain inflicted upon or being suffered by the horse;

**The particulars of the charge**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria and a person bound by the Rules of Racing.
2. You were, at all relevant times, the person in charge of an unnamed 2-year-old filly (Vino Rosso x Macca The Great) (the **Horse**).
3. On 29 April 2024, you attended the Pakenham Racecourse with the Horse to undertake track work, where the Horse sustained an injury at approximately 8:30 am and was subsequently examined by veterinarian, Dr Erin McDougall, who:
4. Assessed the Horse as having a suspected humeral fracture to its right shoulder;
5. Offered sedation and pain relief;
6. Considered the Horse to have a “very poor prognosis”; and
7. Recommended euthanising the Horse as the most humane option.
8. You declined veterinary treatment as offered by Dr McDougall and transported the Horse back to your licensed premises.
9. On 29 April 2024, between approximately 9:00 am and 11:00 am, you failed to take such reasonable steps as were necessary to alleviate pain being suffered by the Horse.

**Plea:** Guilty to Charge 1.

Charge 2 was withdrawn.

**DECISION**

Mr Anthony Cranston, you are pleading guilty to one breach of AR 231(1)(b)(iii), which could be summarised as a failure to provide necessary veterinary treatment for a horse.

This is a somewhat unusual case. You are a licensed trainer. On 29 April 2024, you were riding an un-named two year old filly at trackwork at Pakenham racecourse. The filly was owned and trained by you. At approximately 8.30am the horse sustained an obvious leg injury. There was a cracking sound and the horse was obviously lame and injured. A subsequent examination at the course by Dr Erin McDougall, veterinary surgeon, resulted in her diagnosing a suspected humeral fracture to the right shoulder. She recommended euthanising the horse as being the most humane option.

You did not accept the treatment which she was suggesting. You did make an enquiry as to who would pay for the euthanising of the horse, but were told that it would be an expense that you would have to meet. We accept that you made a similar enquiry and obtained a similar response later in the same day.

You took the horse home in your float to your home approximately 35 minutes away. Once there, you gave the filly some Dexamethasone and Phenylbutazone and left her in a large outside yard. You made various phone calls and attempted calls, including one to Mr Simon Carey, the Regional Manager, which included the second enquiry as to who would pay for the euthanasia.

At approximately 6.30pm, Ms Janette O’Reilly, from the Veterinary Department at Racing Victoria, called you. You told her that the filly was still alive. She told you that the filly had to be put down immediately. You shot the filly at approximately 7.10pm.

Thus, it was approaching eleven hours since the injury at Pakenham Racecourse and over ten hours since Dr McDougall had advised that euthanasia was the recommended treatment. This was a very undesirable situation.

Turning to your background, this is somewhat unusual. Whilst you are a licensed trainer, it would appear that you have only two or more young horses in work and an older mare, the dam of the younger ones. As we understand it, all are fully owned by you. You have a property of some fifty acres. There are some thirty yards on it, but only the four horses owned by you are currently located there. You have a keen interest in horses, but have trained relatively few. As far as we could make out, your income is from the rental of properties owned by you. You seem to have done what could be described as bits and pieces of work in the racing industry and have expressed a great love of horses. No prior offending is alleged against you.

The racing industry has to be aware continuously of issues of animal welfare, the importance of it for the individual horses, and the image created by displays of a lack of attending to such welfare. You are very remorseful in relation to what occurred on 29 April 2024. It was behaviour potentially damaging to the image which the industry, the Stewards and the Veterinary Surgeon try to project. This horse should have been euthanised as advised by Dr McDougall at 9.00am on 29 April 2024. Instead, and whilst you did such things as enquiring as to who would bear the expense, the horse continued to suffer until 7.10pm.

We agree with Mr El-Asmar, on behalf of the Stewards, that a period of disqualification is warranted. Our attention has been drawn to the penalty imposed in the case of Mr Bryce Stanaway. He received a period of disqualification of six months. We consider your offending, whilst serious, to be not the equivalent of his. Nevertheless, it was serious offending involving cruelty for many hours.

In all the circumstances, we are of the view that disqualification for a period of four months is appropriate and that is the penalty which we impose.

Mark Howard

Registrar, Victorian Racing Tribunal