



DECISION
RACING VICTORIA STEWARDS
and
ASHLEY MEDSON

Date of Hearing 4 December 2019

Panel Judge John Bowman

Appearances Charlotte Landy appeared on behalf of the Stewards.
Andrew Nicholl appeared on behalf of Ashley Medson.

Charges AR 231(1)(b)(iv)
1, 3, 5 & 7

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

Summary The Stewards allege that up to and including 28 March 2019, Ms Medson failed to provide the horses, *Chief De Riverina*, *It is Your Destiny*, *Mickey* and *Never Better* with proper and sufficient nutrition.

Charges AR 231(1)(b)(iii) [Alternative Charges to 1, 3, 5 & 7]
2, 4, 6 & 8

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.

Summary As Charges 2, 4, 6 and 8 were alternatives to Charges 1, 3, 5 and 7, these charges fall away.

Plea Charges 1, 3, 5 & 7 Guilty
Charges 2, 4, 6 & 8 Fall away

Penalty

Ms Medson is disqualified from owning thoroughbred horses and having such horses on any property of hers for a period of 12 months.

Ms Medson's licence as a stable employee is suspended for 12 months, in turn that period of suspension is fully suspended for a period of 18 months. If Ms Medson commits any relevant offences during this time, the period of 12 months suspension will be activated.

Grace Gugliandolo
Registrar
Racing Appeals and Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

- and -

ASHLEY MEDSON

RACING VICTORIA CENTRE, FLEMINGTON

WEDNESDAY, 4 NOVEMBER 2019

MS C. LANDY appeared on behalf of the RVL Stewards

MR A. NICHOLL appeared on behalf of Ms A. Medson

CHAIRMAN: Ms Ashley Medson, you have pleaded guilty to four charges of breaching AR 231(1)(b)(iv). The charges are identical, save for the horses named, and arise out of the one series of events. The horses are thoroughbreds, namely Chief De Riverina, It Is Your Destiny, Micky and Never Better. The four horses were part of an overall group of 14 horses, all but two of which were thoroughbreds that were on your property. All four of the ones that I have named were retired or unraced thoroughbreds and were not going to race.

Only Never Better was owned by you. Some eight of the horses on the property were owned by Ms Lindy Thewlis, who made the trip to the Board to support you and gave evidence on your behalf. You looked after her horses and a couple of others on a commercial basis. This represented about 30 per cent of your income. The size of the property, which has been sold, a matter to which I shall return, was as I understand it about 30 acres.

I accept the following matters: (1) you took very good care of all the horses on the property, including the four the subject of the charges until approximately November or December of 2018. Ms Thewlis has described the condition of her horses as "amazing".

(2) In approximately November 2018, Ms Thewlis underwent major knee surgery which effectively put her off the scene until well into 2019.

(3) Not long before the visit of the Stewards on 28 March 2019, you had rung Ms Thewlis and said that you would have to move her horses off your property. This process had already started and three horses had been moved prior to the arrival of the Stewards. I accept that this movement of the horses had nothing to do with the visit of the Stewards.

(4) At the time of these events you were in the midst of a very acrimonious break-up with your then partner, Dominic. Things had deteriorated from September 2018 and some particularly nasty text messages from him were put before me. By the time of these offences, matters had reached the stage where you avoided him as much as possible; this meant staying away from the property a lot more. The relationship ultimately broke down completely, leaving you with a two-year-old son. The property was placed on the market and has been sold. There have been significant financial problems, not necessarily of your making.

(5) It was emphasised that the downturn in your attendance at the property and in the amount of attention you gave to the horses occurred at the same time as the domestic upheaval. I accept that you gave very good attention to the welfare of the horses prior to this.

(6) The bulk of your income has come from your work as a stablehand and trackwork rider for Mr Linc Sullivan. You do not work with anyone else. Mr Sullivan runs a breaking and pre-training business which involves up to 300 horses a year. In addition, he has a modest number of horses in work.

You worked for him some 13 days a fortnight, each working day being from early morning until approximately midday or a little later. It probably converts into something in excess of a 40-hour working week. Mr Sullivan has provided a glowing reference for you, emphasising the kindness and attention which you give to horses. Indeed, he has seen nothing but love towards the horses from you.

(7) Other very powerful references have been put before me in addition to the evidence of Ms Thewlis. I will not go through each of those references, suffice to say that they speak of the love and care which you give to horses.

(8) You have no conviction for any previous offence. Your record in racing is very good indeed.

In summary, I accept that this was a group of one-off offences that occurred at a time when you were in the midst of a highly emotional, unpleasant relationship breakdown. However, the neglect of horses by way of the failure to provide proper and sufficient nutrition is a very serious matter. The image of racing is constantly under threat. It is not a situation where it seems to me that specific deterrence is a major factor; however, general deterrence is a major consideration.

My attention has been directed particularly to the decision in the matter of Henderson. There are many similarities and some differences.

Mr Henderson's case involved seven horses compared to your four, but he was

in the nature of a good Samaritan who voluntarily took on and accommodated more horses than he could manage. Yours was more basically in the nature of a commercial undertaking. Then again, there is no suggestion Mr Henderson was under any domestic pressure, much less being the type of situation you were in at the time.

Weighing all these matters up, including your guilty pleas, I have come to the following conclusion: I am of the opinion that you should be disqualified from owning thoroughbred horses and having such horses on any property of yours for a period of 12 months; your licence as a stable employee suspended for 12 months, but that period of suspension is in turn fully suspended for a period of 18 months. If you commit any relevant offences during that time, the period of 12 months' suspension will be activated.
