

DECISION

TASRACING INTEGRITY UNIT

and

Tony Vivian Smith

- Date of Decision:** 17 April 2025
- Panel:** Ms Heidi Lester (Chair), Mr Michael Castillo, Mr Tony Harding and Ms Lisa Boyd
- Respondent:** Mr Tony Vivian-Smith
- Rules:** **Charge One: AR 231(1)(b)(i)B**
- 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:
(i) to exercise reasonable care, control or supervision of the horse so as to prevent
B. the horse’s body condition from declining to, in the opinion of the Stewards based on veterinary advice, an unacceptable level
- Charge Two: AR 231(1)(b)(iii)**
- 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 obtain veterinary advice and provide treatment in accordance with that advice where such treatment is necessary for the welfare of a horse
- Charge Three: AR 233(a)**
- AR233*
A person must not:
(a) breach a policy, regulation or code of practice published by Racing Australia or a PRA
- Plea:** Guilty to all charges

Background

On 16 December 2024, Stewards and Regulatory Veterinarian Dr. Bruce Jackson conducted an inspection at the stables of licensed trainer Mr. Tony Vivian-Smith. This action followed the receipt of information alleging that a horse in poor condition was being housed at the premises.

During the inspection, Dr. Jackson examined the retired race mare *Krupt Candy*. The mare was assessed to be in extremely poor condition, receiving a body condition score of 1 out of 5. Biological samples taken from *Krupt Candy* at the time indicated kidney disease. Subsequently, around 19 December 2024, *Krupt Candy* was euthanased due to her deteriorated condition.

At today's inquiry, evidence was taken from Chief Animal Welfare Officer & Regulatory Veterinarian Dr Martin Lenz and further evidence was taken from trainer Mr. Tony Vivian-Smith.

Dr. Lenz, upon examining photographic evidence of the mare *Krupt Candy*, assessed her Body Condition Score to be between 0 and 1 out of 5, indicating an extremely poor condition. He expressed the opinion that kidney disease was unlikely to be the principal cause of the mare's emaciation.

Mr. Vivian-Smith stated that he had been an owner and registered stable hand for around 20 years. He obtained his trainers license in September 2024.

Krupt Candy entered his stable around 16 September 2024 and was in good physical condition at that time. According to his account, the mare was provided with a generous diet, consuming a 20-litre bucket of feed — comprising horse pellets, chaff, and supplements — along with a biscuit of hay, twice daily.

Mr. Vivian-Smith provided evidence that *Krupt Candy* was a chronic wind-sucker and he had a general conversation with a veterinarian regarding the management of horses with this condition.

He observed that the mare had lost some condition around the end of October 2024. However, he believed that *Krupt Candy*, being generally a good doer, would regain condition due to her feeding regime.

He did not obtain veterinary advice or treatment for the mare.

It was not until the visit by the Stewards on 16 December 2024 that Mr. Vivian-Smith acknowledged the mare's extremely poor condition. Following this, *Krupt Candy* was euthanised around 19 December 2024.

Penalty Considerations

While the Panel is mindful of Mr. Vivian-Smith's guilty pleas, his remorse, and his long-standing involvement in the industry, breaches of animal welfare, particularly those resulting in the euthanasia of an animal, are unacceptable and will not be tolerated. It is this Panel's view that penalties must be imposed that not only reflect the seriousness of the conduct but also serve as a deterrent to others and upholds the integrity and reputation of the industry.

In respect of Charge 1: a disqualification for a period of 6 months is imposed.

In respect of Charge 2: a disqualification for a period of 12 months is imposed.

In respect of Charge 3: a disqualification for a period of 6 months is imposed.

Penalties are to be served concurrently.

Mr. Vivian-Smith was advised of his rights of appeal.

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