

STEWARDS INQUIRY DECISION

Date of Decision: 18 June 2020

Stewards Panel: L Lord (Chair), H Edgecombe, T North

Name: Douglas Brazendale

Date: 27 February 2020, 15 May 2020 & 18 June 2020

Rule no: AR231(1)(b)(iv) & AR231(1)(b)(iii)

Charge(s): Charge 1: AR 231(1)(b)(iv). The particulars of charge 1:

1. You are, and were at all relevant times, a trainer licenced with the Office of Racing Integrity.
2. Up to and including the 27 February 2020, you were the person in charge of the thoroughbred horse GREY GOWN and had responsibility for its' care.
3. On 29 January 2020; 4 February 2020 and 25 February 2020 Racing Integrity Stewards attended your registered stable address of 706 Native Corners Road, Campania and examined the horse GREY GOWN.
4. On 4 February 2020 and 27 February 2020 a registered veterinarian examined the horse GREY GOWN and it was found to be a body score of 2 out of 9 on both occasions.
5. GREY GOWN's body score on 4 February 2020 and 27 February 2020 resulted from your failure to provide proper and sufficient nutrition in the period you were responsible for its care.
6. Your conduct, as set out above, was in contravention of AR 231(1)(b)(iv).

Charge 2: AR 231(1)(b)(iv). The particulars of charge 2:

1. You are, and were at all relevant times, a trainer licenced with the Office of Racing Integrity.
2. Up to and including the 27 February 2020, you were the person in charge of the thoroughbred horse DASH OF PRIDE and had responsibility for its' care.
3. On 29 January 2020; 4 February 2020 and 25 February 2020 Racing Integrity Stewards attended your registered stable address of 706 Native Corners Road, Campania and examined the horse DASH OF PRIDE.
4. On 4 February 2020 and 27 February 2020 a registered veterinarian examined the horse DASH OF PRIDE and it was found to be a body score of 3 out of 9 on both occasions.
5. DASH OF PRIDE's body score on 4 February 2020 and 27 February 2020 resulted from your failure to provide proper and sufficient nutrition in the period you were responsible for its care.
6. Your conduct, as set out above, was in contravention of AR 231(1)(b)(iv).

Charge 3: AR 231(1)(b)(iv). The particulars of charge 3:

1. You are, and were at all relevant times, a trainer licenced with the Office of Racing Integrity.
2. Up to and including the 27 February 2020, you were the person in charge of the thoroughbred horse MY MISSY ROSE and had responsibility for its' care.
3. On 29 January 2020; 4 February 2020 and 25 February 2020 Racing Integrity Stewards attended your registered stable address of 706 Native Corners Road, Campania and examined the horse MY MISSY ROSE.
4. On 4th February 2020 and 27 February 2020 a registered Veterinarian examined the horse MY MISSY ROSE and it was found to be a body score of 2 out of 9 on both occasions.

5. MY MISSY ROSE's body score on 4 February 2020 and 27 February 2020 resulted from your failure to provide proper and sufficient nutrition in the period you were responsible for its care.
6. Your conduct, as set out above, was in contravention of AR 231(1)(b)(iv).

Charge 4: AR 231(1)(b)(iv). The particulars of Charge 4:

1. You are, and were at all relevant times, a trainer licenced with the Office of Racing Integrity.
2. Up to and including the 27 February 2020, you were the person in charge of the thoroughbred horse KIRRIBILLI KID and had responsibility for its' care.
3. On 29 January 2020; 4 February 2020 and 25 February 2020 Racing Integrity Stewards attended your registered stable address of 706 Native Corners Road, Campania and examined the horse KIRRIBILLI KID.
4. On 4 February 2020 and 27 February 2020 a registered Veterinarian examined the horse KIRRIBILLI KID and it was found to be a body score of 3 out of 9 on both occasions.
5. KIRRIBILLI KID's body score on 4 February 2020 and 27 February 2020 resulted from your failure to provide proper and sufficient nutrition in the period you were responsible for its care.
6. Your conduct, as set out above, was in contravention of AR 231(1)(b)(iv).

Charge 5: AR 231(1)(b)(iv). The particulars of charge 5:

1. You are, and were at all relevant times, a trainer licenced with the Office of Racing Integrity.
2. Up to and including the 27 February 2020, you were the person in charge of the thoroughbred horse MIKAYLAS RAIDER and had responsibility for its' care.
3. On 29 January 2020; 4 February 2020 and 25 February 2020 Racing Integrity Stewards attended your registered stable address of 706 Native Corners Road, Campania and examined the horse MIKAYLAS RAIDER.
4. On 4 February 2020 and 27 February 2020 a registered veterinarian examined the horse MIKAYLAS RAIDER and it was found to be a body score of 3 out of 9 on both occasions.
5. MIKAYLAS RAIDER's body score on 4 February 2020 and 27 February 2020 resulted from your failure to provide proper and sufficient nutrition in the period you were responsible for its care.
6. Your conduct, as set out above, was in contravention of AR 231(1)(b)(iv).

Charge 6: AR 231(1)(b)(iii). The particulars of charge 6:

1. You are, and were at all relevant times, a trainer licenced with the Office of Racing Integrity.
2. Up to and including the 3 March 2020, you were the person in charge of the thoroughbred horse GREY GOWN and had responsibility for its' care.
3. On 29 January 2020; 4 February 2020 and 25 February 2020 Racing Integrity Stewards attended your registered stable address of 706 Native Corners Road, Campania and examined the horse GREY GOWN.
4. On 4 February 2020 and 27 February 2020 a registered veterinarian examined the horse GREY GOWN and it was found to be a body score of 2 out of 9 on both occasions. At the veterinarian's examination on 4 February 2020 they advised you to have GREY GOWN's teeth attended to by a qualified equine veterinary dentist.
5. On 3 March 2020 and 15 May 2020 you stated to Stewards that you have not had GREY GOWN's teeth attended to by a qualified equine veterinary dentist.
6. GREY GOWN's dental condition on 3 March 2020 resulted from your failure to provide veterinary treatment to the horse where such treatment was necessary for the horse in the period you were responsible for its care; that treatment being dental care by a qualified equine veterinary dentist.

7. Your conduct, as set out above, was in contravention of AR 231(1)(b)(iii).

Charge 7: AR 231(1)(b)(iii). The particulars of charge 7:

1. You are, and were at all relevant times, a trainer licenced with the Office of Racing Integrity.
2. Up to and including the 3 March 2020, you were the person in charge of the thoroughbred horse DASH OF PRIDE and had responsibility for its' care.
3. On 29 January 2020; 4 February 2020 and 25 February 2020 Racing Integrity Stewards attended your registered stable address of 706 Native Corners Road, Campania and examined the horse DASH OF PRIDE.
4. On 4 February 2020 and 27 February 2020 a registered veterinarian examined the horse DASH OF PRIDE and it was found to be a body score of 3 out of 9 on both occasions. At the veterinarian's examination on 4 February 2020 they advised you to have DASH OF PRIDE's teeth attended to by a qualified equine veterinary dentist.
5. On 3 March 2020 and 15 May 2020 you stated to Stewards that you have not had DASH OF PRIDE's teeth attended to by a qualified equine veterinary dentist.
6. DASH OF PRIDE's dental condition on 3 March 2020 resulted from your failure to provide veterinary treatment to the horse where such treatment was necessary for the horse in the period you were responsible for its care, that treatment being dental care by a qualified equine veterinary dentist.
7. Your conduct, as set out above, was in contravention of AR 231(1)(b)(iii).

Charge 8: AR 231(1)(b)(iii). The particulars of charge 8:

1. You are, and were at all relevant times, a trainer licenced with the Office of Racing Integrity.
2. Up to and including the 3 March 2020, you were the person in charge of the thoroughbred horse MY MISSY ROSE and had responsibility for its' care.
3. On 29 January 2020; 4 February 2020 and 25 February 2020 Racing Integrity Stewards attended your registered stable address of 706 Native Corners Road, Campania and examined the horse MY MISSY ROSE.
4. On 4 February 2020 and 27 February 2020 a registered veterinarian examined the horse MY MISSY ROSE and it was found to be a body score of 2 out of 9 on both occasions. At the veterinarian's examination on 4 February 2020 they advised you to have MY MISSY ROSE's teeth attended to by a qualified equine veterinary dentist.
5. On 3 March 2020 and 15 May 2020 you stated to Stewards that you have not had MY MISSY ROSE's teeth attended to by a qualified equine veterinary dentist.
6. MY MISSY ROSE's dental condition on 3 March 2020 resulted from your failure to provide veterinary treatment to the horse where such treatment was necessary for the horse in the period you were responsible for its care, that treatment being dental care by a qualified equine veterinary dentist.
7. Your conduct, as set out above, was in contravention of AR 231(1)(b)(iii).

Charge 9: AR 231(1)(b)(iii). The particulars of Charge 9:

1. You are, and were at all relevant times, a trainer licenced with the Office of Racing Integrity.
2. Up to and including the 3 March 2020, you were the person in charge of the thoroughbred horse KIRRIBILLI KID and had responsibility for its' care.
3. On 29 January 2020; 4 February 2020 and 25 February 2020 Racing Integrity Stewards attended your registered stable address of 706 Native Corners Road, Campania and examined the horse KIRRIBILLI KID.
4. On 4 February 2020 and 27 February 2020 a registered veterinarian examined the horse KIRRIBILLI KID and it was found to be a body score of 3 out of 9 on both occasions. At the veterinarian's examination on 4 February 2020 they advised you to have KIRRIBILLI KID's teeth attended to by a qualified equine veterinary dentist.
5. On 3 March 2020 and 15 May 2020 you stated to Stewards that you have not had KIRRIBILLI KID's teeth attended to by a qualified equine veterinary dentist.

6. KIRRIBILLI KID's dental condition on 3 March 2020 resulted from your failure to provide veterinary treatment to the horse where such treatment was necessary for the horse in the period you were responsible for its care, that treatment being dental care by a qualified equine veterinary dentist.
7. Your conduct, as set out above, was in contravention of AR 231(1)(b)(iii).

Charge 10: AR 231(1)(b)(iii). The particulars of charge 10:

1. You are, and were at all relevant times, a trainer licenced with the Office of Racing Integrity.
2. Up to and including the 3 March 2020, you were the person in charge of the thoroughbred horse MIKAYLAS RAIDER and had responsibility for its' care.
3. On 29 January 2020; 4 February 2020 and 25 February 2020 Racing Integrity Stewards attended your registered stable address of 706 Native Corners Road, Campania and examined the horse MIKAYLAS RAIDER.
4. On 4 February 2020 and 27 February 2020 a registered veterinarian examined the horse MIKAYLAS RAIDER and it was found to be a body score of 3 out of 9 on both occasions. At the veterinarian's examination on 4 February 2020 they advised you to have MIKAYLAS RAIDER's teeth attended to by a qualified equine veterinary dentist.
5. On 3 March 2020 and 15 May 2020 you stated to Stewards that you have not had MIKAYLAS RAIDER's teeth attended to by a qualified equine veterinary dentist.
6. MIKAYLAS RAIDER's dental condition on 3 March 2020 resulted from your failure to provide veterinary treatment to the horse where such treatment was necessary for the horse in the period you were responsible for its care, that treatment being dental care by a qualified equine veterinary dentist.
7. Your conduct, as set out above, was in contravention of AR 231(1)(b)(iii).

Inquiry Decision: In relation to charges 1 to 5; Mr. Brazendale's licence was suspended for a period of 6 months for each charge and to be served concurrently; and Stewards will make recommendation to the Director of Racing that licence conditions be imposed restricting the number of horses he may have in his care.

In relation to charges 6 to 10; Mr. Brazendale's licence was suspended for a period of 1 month for each charge, to be served concurrently with all other charges.

FACTS:

Upon multiple Steward's stable inspections and subsequent investigation, 5 horses in the care of Mr. Douglas Brazendale were found to be in unacceptable body condition.

Upon a stable inspection on 8 October 2019; 5 horses in Mr. Douglas Brazendale's care were found to be in unacceptable body condition. Subsequent visits on 29 January 2020; 4 February 2020 and 25 February 2020 still found the horses in question to be in unacceptable body condition despite direction from Stewards (corrective action letters on 21 October 2019 & 30 January 2020).

Independent veterinarian visits and advice on 4 February 2020 and 27 February 2020 confirmed the horses in question were in unacceptable body condition requiring corrective action to be taken by Mr. Brazendale.

INQUIRY:

Stewards heard evidence from multiple local feed merchants in relation to Mr. Brazendale's horse feed purchases.

Stewards considered written veterinary advice from an independent veterinarian as to the body condition and overall health of the 5 horses in question.

Stewards heard evidence from Office of Racing Integrity Regulatory Veterinarian Dr Adam Richardson in relation adequate horse welfare and nutrition.

Stewards heard Mr. Brazendale's submission in relation to providing adequate nutrition to the horses in question; and also to all of his horses, (18 in total).

Stewards heard evidence from Mr. Brazendale as to his financial ability to provide adequate nutrition to the 5 horses in question, and importantly all of his horses generally.

Mr. Brazendale submitted that the horses free roaming on the property; not belonging to Mr. Brazendale; were eating the feed he was providing to the horses in question. When asked why he failed to rectify this problem Mr. Brazendale could provide no explanation.

Mr. Brazendale advised Stewards that the broodmare DASH OF PRIDE was humanely euthanised after the initial inquiry was heard.

Stewards heard Mr. Brazendale's submission in relation to the independent veterinary advice regarding suitable nutrition and care; Mr. Brazendale believed that the veterinary advice provided in relation to nutrition was incorrect and the feed recommended was not suitable or cost effective for his horses.

Stewards heard Mr. Brazendale's submission in relation to the providing dental care for all horses. Mr. Brazendale stated that he attempted to engage a local horse trainer, (not a qualified equine dental practitioner) to provide dental services to his horses. When Stewards questioned Mr. Brazendale as to why he did not seek the services of a qualified equine dentist Mr. Brazendale could not provide an explanation.

DECISION:

Stewards took into consideration all of the evidence given throughout the inquiry, including but not limited to:

- Evidence given by Mr. Brazendale as to his feeding and animal husbandry practices
- Evidence given by feed merchants as to Mr. Brazendale's horse feed purchases
- Veterinary reports detailing the condition of Mr. Brazendale's horses
- Pathology report from DPIPWE animal health & subsequent interpretation of the report from the Office of Racing Integrity Regulatory Veterinarian Dr. Adam Richardson

Stewards formed the opinion that Mr. Brazendale's horse feed purchases were sporadic and amounts unable to be confirmed.

Based on the evidence put before them, Stewards formed the opinion that Mr. Brazendale failed to provide proper and sufficient nutrition to the 5 listed horses in his care.

Furthermore, Stewards formed the opinion that Mr. Brazendale failed to provide veterinary care in the form of dental care to the 5 listed horses in his care.

Mr. Brazendale was issued with 10 charges as detailed above. Mr. Brazendale pleaded not guilty to all charges.

After further consideration of Mr. Brazendale's not guilty plea and his submissions to that plea, Stewards found Mr. Brazendale guilty of all charges.

After taking submissions from Mr. Brazendale in relation to penalty, Stewards considered

- Mr. Brazendale's not guilty plea on all charges
- His conduct throughout the inquiry
- His prior offence record
- His extensive length of involvement in the racing industry

- That he has not derived an income from racing in more than 12 months, and relies solely on limited income sources.
- His lack of acknowledgement that he could have done more to alleviate the lack of nutrition for these horses.
- Stewards also feel it appropriate to note that despite the already large number of horses on his property, which already would pose a significant cost to him, Mr. Brazendale still made the decision to serve multiple broodmares with MIKAYLA'S RAIDER in order to breed more horses.
- Mr. Brazendale's failure to make significant changes for his feeding and husbandry routines, despite being directed multiple times by Office of Racing Integrity Stewards; also despite being advised by a veterinarian that his current feeding practices were insufficient.
- The importance of ensuring adequate nutrition and care of all Thoroughbreds, including breeding stock, for the entirety of their life.
- Stewards are very conscious of the need to uphold the image and integrity of the racing industry.
- Public perception of animal welfare in racing is also paramount, and there is no tolerance for breaches of the rules protecting animal welfare.
- Stewards have considered that a penalty needs to reflect the seriousness of such offences, to act as a deterrent both specifically to Mr. Brazendale, and as a general deterrent to others within the industry.
- Stewards have also taken into account relevant precedents in relation to breaches of these type of rules.

In relation to charges 1 to 5; Mr. Brazendale's licence was suspended for a period of 6 months for each charge and to be served concurrently; and Stewards will make recommendation to the Director of Racing that licence conditions be imposed restricting the number of horses he may have in his care.

In relation to charges 6 to 10; Mr. Brazendale's licence was suspended for a period of 1 month for each charge and to be served concurrently with all other charges.

Mr. Brazendale was advised of his rights of Appeal.