

## Decision of the Equestrian Australia Appeal Hearing

Dated: Monday 27 May 2013

**Appeal:** Horse Abuse

**Person Responsible:** Ms Nirelle Somerville

**Event:** Barastoc Horse of the Year, 17 February 2013

### COMPOSITION OF APPEAL BOARD:

Mr Paul Cargill

Mr Keith Osborne

Mr Robin Bell

### SUMMARY OF THE FACTS

#### 1. Summary information provided by Person Responsible (PR)

The Appeal Board duly took into consideration all evidence, submissions and documents presented prior to and during the hearing, as also made available by and to Ms Somerville.

**2. Appeal Hearing:** held on Monday 27 May 2013 at the Equestrian Australia National office, Homebush

Present: Mr Paul Cargill, Appeal Board Chair  
Mr Keith Osborne, Appeal Board  
Dr Robin Bell, Appeal Board  
Ms Felicity Dubois, Secretary

For the PR: Ms Maya Rozner, Barrister representing Ms Somerville  
Mr Scott Somerville, Husband of Ms Somerville  
Dr Andrew Hunt, expert witness  
Ms Kate Brideoake, assisting Ms Rozner

For Equestrian Victoria:  
Mr Greg Pratt, CEO Equestrian Victoria

#### 3. Appeal Board (AB) decision

The Chairman delivered the AB's findings at the end of the Appeal Hearing on 27/5/2013, namely:-

*'This is a unanimous decision of the appeal board in the matter of Equestrian Victoria against Nirelle Somerville. We will give written reasons later. It is a decision of the board that the appeal is unsuccessful based on the admissions of Nirelle Somerville herself and on our preferred evidence.'*

*'In respect of the charges of abuse of horse and brining the sport into disrepute we make the following sentences. We suspend Nirelle Somerville from participating in EA Activities and competition for a period of twelve months from the date of the offence. We require that Ms Somerville make a donation of \$1000 to horse rescue or to a similar Equestrian charity as approved by the CEO of Equestrian Australia. We order that the appeal bond of \$1500 be forfeited. We have also determined that the sentence of twelve months suspension may be reduced to six months of the date of the offence if Nirelle Somerville to the satisfaction of the EA CEO undertakes an approved anger management course or equivalent.'*

*'We do not believe it is at the abuse of the horse issue at the most extreme end for potential abuse but also it cannot be treated lightly and our membership and the public would not expect it to be treated lightly by us. The question of bringing the sport into disrepute we are concerned that the actions of Nirelle Somerville at or around the stable area in the hearing of members both adult and junior and the nature of the threats made and confirmed by evidence is such to bring the sport into disrepute and the penalties that it said would apply in respect to both offences'*

#### **4. Reasons for Decision**

The AB is not satisfied on the evidence that there has been an act of cruelty.

The AB is satisfied that all other charges, either by admission of the Appellant, or on the evidence available to it, have been made out. On balance, there has been a series of incidents over a period of time, which indicates a course of conduct which is unacceptable of the Equine Community and the public at large.

Horse abuse, in any form or degree is unacceptable. Conjoined with the use of unseemly words, or expletives, in a public place cannot be tolerated.

Membership of EA is a privilege, and to be permitted to compete at a national event operating under the auspices of EA, requires Members, and competitors to ensure that horse welfare is paramount at all times and that good conduct be observed, and maintained.

Any level of horse abuse cannot be condoned. Bad, or unseemly behaviour coupled with horse abuse, undoubtedly brings the sport into disrepute.

**Made by the panel on Monday 27 May 2013**



**The Chairman, Mr Paul Cargill**