14 April 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**WILLIAM DRURY**

**Date of hearing:** 14 April 2023

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Michael Ross appeared on behalf of the Stewards.

Mr Lance Justice represented Mr William Drury.

**Charge:** Australian Harness Racing Rule (“AHRR”) 149(2) states:

(2) A person shall not drive in a manner which in the opinion of the Stewards is unacceptable.

**Particulars of charge:** The particulars of the charge being that approaching the 1400m when racing outside the leader, Mr Drury allowed Terror The Christian NZ  to improve forward & withstood the challenged from Royal Speech (Jayson Finnis) when had progressed forward three (3) wide quickly and  placing undue pressure upon the gelding to maintain the position outside the leader until surrendering the position approaching the 1000m to Royal Speech  which contributed in the second quarter being recorded in 29.1 seconds which was unacceptable in the opinion of stewards resulting in Terror The Christian NZ being placed under pressure passing the 800m prior to giving ground passing the 500m to finish in 10th and last position beaten 37m. In determining penalty Stewards were mindful of the relevant considerations as outlined within the ‘*HRV Stewards Minimum Penalty Guidelines*’, the degree of culpability which was assessed in the mid-range and his prior record under this rule in having 37 drives since his last offence under this rule & his third (3) offence within the past 2 years. Stewards accordingly imposed a five (5) week suspension of his license to drive in races which was ordered to commence at midnight on 23 December 2022.

**Plea:** Guilty

**DECISION**

Mr William Drury, you are appealing on penalty only in relation to a decision of the Stewards in relation to your drive of “Terror The Christian” in Race 9 at Horsham on 23 December 2022.

The penalty originally imposed on you was a suspension of your licence to drive for a period of five weeks.

Mr Michael Ross represented the Stewards. Mr Lance Justice represented you.

As a result of discussions, a consent resolution was put to the Tribunal. It was a reduction of the penalty from a suspension of five weeks to a suspension for three weeks.

Whilst the decision in matters such as this is always one for the Tribunal, obviously I am greatly influenced by a proposal resolution, particularly when it involves an experienced Steward and someone of the background and reputation of Mr Justice.

I have no hesitation in allowing the appeal. The penalty is reduced from a suspension of five weeks to one of three weeks. I congratulate the parties on arriving at this outcome.

As I understand it, the starting date for the period of suspension is at midnight on 14 April 2023.

Mark Howard
Registrar, Victorian Racing Tribunal