20 July 2021

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**SHANE OSBORN**

**Date of hearing:** 18 February 2021

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

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

Mr Shane Osborn represented himself.

**Charge:** Australian Harness Racing Rule 149(2) states “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 after showing initial gate speed it was unacceptable to continue urging Systamatic forward with the whip and persist in maintaining the lead when significantly challenged in doing so recoding a lead time of 40.7 seconds where the average is 43.28 seconds and failing to give Systamatic any respite during this section which stewards considered was beyond the capabilities of the gelding and the main contributing factor in Systamatic commencing to give ground passing the 400m to ultimately finish into 8th position beaten 19.4m.

**Plea:** Guilty

**DECISION**

1. This matter relates to the drive of Mr Osborne in Race 2 at Mildura on 11 September 2020.
2. The Stewards charged him with a breach of Rule 149(2). In essence, this related to the very fast lead time at which Mr Osborne drove. Mr Osborne pleaded “not guilty”. The Stewards found the charge proven and imposed a penalty of suspension for six weeks. Mr Osborne appealed.
3. Subsequently and more recently, there have been discussions between the Stewards, and particularly Mr Ross, and Mr Osborne. The end result is that Mr Osborne changed his plea to “guilty”, and the Stewards agreed, subject to the approval of the Tribunal, to a reduced penalty of four weeks.
4. Of course, the final decision is always that of the Tribunal. However, if the parties have agreed on a penalty, as far as I am concerned there is every possibility that it will be imposed, unless there is good reason to the contrary. I am extremely confident that the Stewards would not seek an agreed penalty unless it was considered by them to be appropriate and there is no reason to believe that Mr Osborne does not fully understand the penalty and consider it an agreeable outcome.
5. The appeal is allowed. The penalty imposed on Mr Osborne is reduced to one of four weeks commencing immediately, unless some further agreement is reached. I again congratulate the parties on this very sensible outcome.

Mark Howard
Registrar, Victorian Racing Tribunal