24 June 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**STEPHEN JENVEY**

**Date of hearing:** 15 June 2022

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Ms Judy Bourke.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Stephen Jenvey represented himself.

**Charges:** Australian Harness Racing Rule (“AHRR”) 241 states:

A person shall not in connection with any part of the harness racing industry do anything which is fraudulent or corrupt.

AHRR 187(2) states:

(2) A person shall not refuse to answer questions or to produce a horse, document, substance or piece of equipment, or give false or misleading evidence or information at an inquiry or investigation.

**Particulars of charges: Charge 1: AHRR 241**

1. You were, at all relevant times, a Grade B trainer and Grade B driver licenced by Harness Racing Victoria (“HRV”) and a person bound by the Australian Harness Racing Rules.
2. You knew that, in order to renew your Grade B driver’s licence for the 2021-2022 harness racing season commencing 1 September 2021, you were required to undertake a medical examination and then submit to HRV a current “Compulsory Driver’s Medical Examination” form (Medical Examination Form) completed by the relevant medical practitioner.
3. On 25 July 2021, and without undertaking the required medical examination for the purpose of submitting a current Medical Examination Form, you submitted to HRV the Medical Examination Form that you previously submitted for the renewal of your Grade B driver’s licence for the 2020-2021 harness racing season.
4. Prior to submitting the previous year’s Medical Examination Form to HRV, you altered the declaration date on it from 21 July 2020 to 21 July 2021.
5. By altering the declaration date on the previous year’s Medical Examination Form and submitting it to HRV for the renewal of your Grade B driver’s licence for the 2021-2022 harness racing season, you engaged in conduct that was fraudulent.

**Charge 2: AHRR 187(2)**

1. You were, at all relevant times, a Grade B trainer and Grade B driver licenced by Harness Racing Victoria (“HRV”) and a person bound by the Australian Harness Racing Rules.
2. On 22 November 2021, you were interviewed by HRV Investigative Steward Mr Russell Anderson in relation to an investigation into the altered “Compulsory Driver’s Medical Examination” form submitted by you to HRV on 25 July 2021 for the renewal of your Grade B driver’s licence for the 2021-2022 harness racing season (the Interview).
3. During the Interview, and upon being asked by Mr Anderson as to whether you actually went to get a medical before renewing your licence, you gave the following evidence:

*“Yeah I did. I took that form in with me but I didn’t actually see the same doctor. So they were in a bit of a hurry with you know with covid on so they walked me in and walked me out virtually.”*

1. The evidence you provided (as noted in paragraph 3) was false or misleading, given that you did not undertake a medical examination before renewing your Grade B driver’s licence for the 2021-2022 harness racing season.

**Charge 3: AHRR 187(2)**

1. You were, at all relevant times, a Grade B trainer and Grade B driver licenced by Harness Racing Victoria (“HRV”) and a person bound by the Australian Harness Racing Rules.
2. On 22 November 2021, you were interviewed by HRV Investigative Steward Mr Russell Anderson in relation to an investigation into the altered “Compulsory Driver’s Medical Examination” form submitted by you to HRV on 25 July 2021 for the renewal of your Grade B driver’s licence for the 2021-2022 harness racing season (the Interview).
3. During the Interview, and upon being asked by Mr Anderson as to whether the form was sent to HRV with any fraudulent intent, you gave the following evidence:

*“No, no, no. I probably had them on the computer and I’ve just, I’ve put the wrong one. You know I’ve attached the wrong one that’s all I’ve done. I’ve ... I think that’s what I’ve done anyway. Well had, you know, I’ve got, I’ve got multiple ones on there, on the computer so I’ve probably just attached the wrong one.”*

1. The evidence you provided (as noted in paragraph 3) was false or misleading, given that you intentionally sent the altered Compulsory Driver’s Medical Examination form to HRV for the renewal of your Grade B driver’s licence for the 2021-2022 harness racing season.

**Pleas:** Guilty to all Charges

**DECISION**

Mr Stephen Jenvey has been licensed in the harness racing industry since 1972. Harness Racing Victoria (“HRV”) concedes that his record of participation is excellent. He does not have any previous matters of dishonesty or fraud. He signalled to HRV an early intention to plead guilty to all three charges before the Tribunal today.

His motivation to alter the medical clearance form and submit it to HRV for consideration was that he did not want to visit the doctor, as he cares for his elderly mother and did not want to be exposed to the potential of being close to persons who may be suffering from the effects of coronavirus. Mr Jenvey is retired, but works part time as a farrier and assists as a track man at Swan Hill.

In its submissions, HRV has referred to recent cases heard by this Tribunal, the most relevant being the case of Mr George and Ms Taylah Schembri heard in December 2019. That case related to forged documents lodged with HRV over a number of years. As part of its decision, the Tribunal asserted that a breach of Australian Harness Racing Rule (“AHRR”) 241 (Charge 1 in this matter) had the potential to inflict disastrous consequences on the harness racing industry. The HRV, as regulator must ensure that drivers were medically fit to drive.

In our view, a period of disqualification is warranted. In our opinion, it reflects the seriousness of Charge 1. It sends a strong message to both Mr Jenvey and the harness racing community that such breaches are serious and will be dealt with appropriately.

In the event, we impose a period of six months disqualification in relation to Charge 1. On each of Charges 2 and 3, we impose a $500 fine, being a total fine of $1,000.

Kathleen Scully  
Assistant Registrar, Victorian Racing Tribunal