8 February 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**CHELSEA PROTHERO**

**Date of hearing:** 2 February 2024

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

**Appearances:** Mr Brad Powell appeared on behalf of the Stewards.

Mr Rick Jones represented Ms Chelsea Prothero.

Ms Chelsea Prothero appeared as a witness.

**Rule:** Australian Harness Racing Rule (“AHRR”) 183(d) states:

Pending the outcome of an inquiry, investigation, or objection, or where a person has been charged with an offence, the Stewards may direct one or more of the following:

(d) that a licence or any other type of authority or permission be suspended.

**Particulars:** On 1 February 2024, the Stewards of Harness Racing Victoria ("HRV") imposed an immediate suspension on the B grade trainers licence of Ms Chelsea Prothero, pending further HRV investigations, pursuant to AHRR 183(d).

**DECISION**

This application for a stay came on at very short notice. That is no criticism of anyone involved in it. The prevailing circumstances warranted there being some urgency. This matter, which has its complexities, came on at 2pm on a Friday afternoon and has a direct impact upon three horses scheduled to race at Menangle, New South Wales on 3 February 2024.

In this matter, Mr Brad Powell appeared on behalf of the Stewards and Mr Rick Jones appeared on behalf of Ms Chelsea Prothero, who is seeking the stay and who gave some brief evidence. Both Mr Powell and Mr Jones made detailed and helpful submissions.

I say at the outset that I am not minded to grant the stay application. The factual basis or context of this case is limited. The area of contest should now be quite clear. I see no reason why the anticipated charges cannot be laid promptly. The area of dispute seems apparent. It seems to me that the case proper should be ready for hearing in a matter of a few weeks at the outside.

Without making any concluded findings of fact, the potential charge or charges centre upon the obtaining of a B grade trainer’s licence by Ms Prothero a very short time ago. This followed a day after a Stewards interview with Steward, Mr John Packer, on 11 January 2024. It is alleged by the Stewards of Harness Racing Victoria (“HRV”) that Ms Prothero, whose residential and working address as a stablehand was in Mildura, Victoria, virtually immediately commenced training nine horses at stables in NSW. This was not just across the border from Mildura, but at an address some 11 hours drive away. Without going into the details, the training limitation on her B grade trainer’s licence was essentially three horses. The address to which she moved was that of her partner, who is a licensed participant in the industry in NSW.

Three of these horses are scheduled to run at Menangle on 3 February 2024. Whether or not this was a deceitful manoeuvre is an area of considerable dispute. Ms Prothero has indicated that at least in part, this was simply part of a three month working holiday, in which she was engaging whilst with her partner. It was put strongly on her behalf that she made an error as to what she could and could not do and that there was no attempt to wilfully deceive. Unless a stay is granted, the scratching of the horses at Menangle is a possible, if not probable, outcome.

That is a brief summation of the facts.

Without in any way prejudging the question of any deceitful intent or knowledge on the part of Ms Prothero, it seems to me that the granting of a stay in relation to the operation of the order of the Stewards should not be granted, or at least not at this time. The extent of the disputed facts is limited. I see no reason why a charge or charges cannot be laid promptly, assuming that to be the intent of the HRV Stewards.

The area of dispute seems confined to the knowledge on the part of Ms Prothero as to what she could and could not do and her intentions and actions viewed in the light of that knowledge. Given that she was, and/or should have been, aware of the limitations as to what she could and could not do, I repeat that the area of dispute seems limited. I also take into account that what occurred in relation to her exceeding by a considerable margin the number of horses which she could train is not a complicated factual matter or area of dispute.

In all the circumstances, I am not prepared to grant a stay in a situation where there has been a fairly obvious flouting of an important Rule or Rules by a person who has only very recently obtained her licence.

As stated, the application for a stay is dismissed, but I wish to keep the matter under some notice in the immediate future. I repeat that it should be able to advance rapidly to a hearing. I shall otherwise adjourn it for a directions hearing in approximately 14 days in order to check on progress.

I appreciate that there are no proceedings officially on foot, but nevertheless so adjourn it.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal