28 July 2025

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**LEROY O’BRIEN**

**Date of Hearing:** 18 July 2025

**Date of Decision:** 18 July 2025

**Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Dr Andrew Gould

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

Mr Leroy O’Brien represented himself.

**Charges:** Australian Harness Racing Rule (“AHRR”) 231(1)(d) states:

A person shall not:-

(d) abuse

anyone employed, engaged or participating in the harness racing industry or otherwise having a connection with it.

AHRR 231(1)(e) states:

A person shall not:-

(e) assault

anyone employed, engaged or participating in the harness racing industry or otherwise having a connection with it.

AHRR 231(2) states:

A person shall not misconduct himself in any way.

**Particulars of charges: Charge 1: AHRR 231(1)(d)**

 1. On 15 September 2024, you attended the Ararat harness racing meeting.

2. Prior to the running of Race 9, you approached licensed stablehand and Ararat Harness Racing Club committee member and track maintenance staff member Trevor Peacock, who was in the machinery area near the entrance to the racetrack.

3. You directed the following comments to Mr Peacock (or comments to the following effect):

a. *“You’re a piece of shit”*; and

b. *“You’re nothing but a lying prick”*.

4. By directing the comments outlined in particular 3 (or comments to that effect) to Mr Peacock, you abused a person participating in the harness racing industry.

**Charge 2: AHRR 231(1)(e)**

1. On 15 September 2024, you attended the Ararat harness racing meeting.

2. Prior to the running of Race 9, you approached licensed stablehand and Ararat Harness Racing Club committee member and track maintenance staff member Trevor Peacock, who was in the machinery area near the entrance to the racetrack.

3. You attempted to strike Mr Peacock’s head with your fist, causing Mr Peacock to grab you by your jumper to defend himself.

4. By attempting to strike Mr Peacock’s head with your fist, you assaulted Mr Peacock, a person participating in the harness racing industry.

**Charge 3: AHRR 231(2)**

1. On 15 September 2024, you attended the Ararat harness racing meeting.

2. Following your verbal and physical altercation with Mr Peacock in the machinery area near the entrance to the racetrack, you walked towards HRV Senior Stewards Kylie Harrison and Adrian Crowther.

3. After being requested to attend the Stewards’ Room by both Ms Harrison and Mr Crowther, you continued to walk past them before turning around, raising your middle finger up at them and saying *“You can stick it up your arse”*.

4. By engaging in the conduct outlined in paragraph 3 above, you misconducted yourself.

**Pleas:** Guilty

**DECISION**

1. Mr O'Brien is a licensed stablehand under the Australian Harness Racing Rules. He is charged with three offences. Each of the offences is alleged to have occurred at the Ararat Harness Racing Club on 15 September 2024. He has pleaded guilty to each charge.
2. The first offence is a charge of abusing a racing club committee member, Mr Trevor Peacock by approaching him and saying, “you're a piece of shit” and “you're nothing but a lying prick”.
3. The second charge is of assaulting Mr Peacock by attempting to punch him in the head.
4. The third charge is of misconduct. It is said that he engaged in an act of misconduct by speaking to Stewards, Ms Kylie Harrison and Mr Adrian Crowther, in an inappropriate way by raising his middle finger to them and saying to them “you can stick it up your arse”.
5. At the time he committed these offences, Mr O'Brien was not a licenced racing participant. He had been previously licensed as a stablehand and a driver and trainer over a period of approximately 18 years. He has a strong family history of involvement in harness racing, with his grandfather, father and uncles being closely involved with the sport over many years and being well known at the Ararat course. He had cancelled his licence voluntarily in 2024, a few months before these offences. He had done so in the context of the eruption of a significant family dispute involving several people who were also members of the Ararat Harness Racing Club. One of those people was Mr Peacock. As a result of those hostilities, Mr O’Brien lost the horses he was training. Distraught, he decided to quit harness racing completely.
6. Mr O’Brien was also going through a bitter divorce and had no access to his two young children. He was receiving medical treatment and taking antidepressant medication to assist him to cope with all these stressors.
7. It appears that Mr O'Brien had been drinking alcohol for most of the day before this offending occurred and was taking prescription medication which may well have also affected his mental state.
8. Each incident took place in full view of members of the public who were frequenting the racecourse.
9. Mr O'Brien was interviewed on 19 September 2024, some four days after these incidents. He acknowledged that he had been drinking heavily and was under the influence of alcohol at the time. He indicated that he understood that he was guilty of these offences. He said that a lot of what happened was a bit of a blur.
10. Mr O’Brien had attended the racecourse as a memorial race in honour of his grandfather was in progress.
11. The question arises as to whether this Tribunal has jurisdiction over Mr O'Brien, given that at the time of these incidents, he was not a racing participant. Mr O'Brien was not legally represented, and we have not had the advantage of full submissions in relation to this issue. It is clear that Mr O'Brien's behaviour occurred on a racing premises and during the running of races at those premises. Because of this, we have determined that this Tribunal does have jurisdiction over the matter.
12. Mr O'Brien has significant offence history, dating back to 2010. Most of these offences relate to on track incidents, although he was suspended for 12 months with 3 months of that penalty suspended for 12 months in 2020 for a presentation offence.
13. He was involved in a previous incident at Ballarat, shortly before the incidents which we are dealing with in which he used inappropriate language towards another participant arising out of an on-track incident. On that occasion his language could be heard all around the racecourse. He has told us that this incident also stemmed from tension arising out of the family issues which we have earlier outlined.
14. Physical aggression and verbal abuse towards other racing participants are not acceptable and must be punished. It is important for us to send a clear message to others who wish to engage in this behaviour that it will not be tolerated.
15. In sentencing Mr O'Brien, we take into account that he has pleaded guilty at the first available opportunity. We also heard the following matters on his behalf.
16. Since these events, he has been successful in putting his life back in shape since his divorce finalised. He is in a new relationship and now has regular access to his children. He has bought a new house. He is a farrier by trade and is anxious to return to harness racing. He expressed great regret to us in relation to his behaviour on this occasion.
17. We accept that general deterrence is very important in our sentencing task today. To attempt to assault another participant is a violent act and is to be deplored. The charges are made more serious by the fact that Mr O’Brien appears to have deliberately sought out Mr Peacock to remonstrate with him. His actions were clearly detrimental to the image of racing and it is important to send a message to all racing participants that such behaviour will be dealt with sternly.
18. These charges have now been hanging over Mr O’Brien’s head for some time. We also note that on several occasions since he has been charged, the Stewards have refused to let him attend the racecourse on particular race days. We are unaware by what authority this action was taken. We take this debarment into account in Mr O’Brien’s favour in setting the penalty for these offences.
19. Taking all these matters into account the penalties which we impose are as follows:

Charge 1: $300 fine.

Charge 2: 4 month disqualification to commence immediately.

Charge 3: $300 fine.

1. Thus, the total overall effective penalty is a $600 fine and a 4 month disqualification to commence immediately.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal