

# Racing Appeals & Disciplinary Board

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21 November 2019

## **HRV RAD Board Hearing – Brody Robertson-Leech**

On 18 November 2019, the Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board considered two charges issued against former licensed stablehand Brody Robertson-Leech under Australian Harness Racing Rules (AHRR) 231(1)(e) and 187(2).

Mr Robertson-Leech was represented at the hearing by his father, former licensed trainer Gary Leech.

Charge 1 – AHRR 231(1) reads as follows:

*A person shall not:-*

*(e) assault*

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

The particulars of this charge were that on 29 January 2019 when HRV Stewards attended the registered training establishment of Mr Leech for the purposes of conducting an investigation in relation to the report of cobalt being detected in a sample obtained from 'Bonza Guy', Mr Robertson-Leech assaulted a HRV Steward whilst conducting a stable inspection at the property.

Charge 2 - AHRR 187(2) reads as follows:

*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*

The particulars of this charge were that during the stable inspection at Mr Leech's stables on 29 January 2019, Mr Robertson-Leech responded to HRV Stewards that he was not a licensed person in the harness racing industry, when in fact he was a licensed stablehand.

Mr Robertson-Leech pleaded not guilty to both charges.

After hearing all of the evidence, the HRV RAD Board dismissed Charge 2 but found Mr Robertson-Leech guilty of Charge 1 before submissions on penalty were put forward by HRV Stewards and Mr Leech.

### **Penalty**

In determining penalty, the HRV RAD Board considered the previous good record of Mr Robertson-Leech and his personal circumstances; the submissions of Mr Leech; general and specific deterrence; that the level of offending in this matter was in the high range and Stewards must be protected from being assaulted; and that the Steward involved in this matter felt pain as a result of being assaulted.

Taking all of these matters into account, the HRV RAD Board imposed the following penalty:

Charge 1 – 2-year disqualification

*HRV RAD Board Panel: Judge Graeme Hicks (Chair), Robert Abrahams (Deputy Chair), Dr Hugh Millar.*