29 October 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**ANDREW VOZLIC**

**Date of hearing:** 21 October 2020

**Panel:** Judge John Bowman (Chairperson) and Judge Graeme Hicks (Deputy Chairperson).

**Appearances:** Mr Stephen Coombes appeared on behalf of the Stewards.

Mr Andrew Vozlic represented himself.

**Charge:** Australian Harness Racing Rule (“AHRR”) 165(1)(b) states:

1. From the start through the first turn, and until reaching the next straight, a driver shall –
2. not move the driver’s horse towards the inside running line unless the rear of the driver’s sulky is at least one metre clear of the extended front legs of the horse racing in the next position closer to the inside running line.

**Particulars of charge:** Racing around the first turn Mr Vozlic permitted his drive (Systamatic) to shift in when insufficiently clear of Braeview Fella resulting in that horse being tightened for racing room, having to be checked and breaking gait. Little Believer, Puopolo and Artisticbutnaughty were all checked as a result. Mr Vozlic had his licence to drive in races suspended for a period of 2 weeks to commence midnight 28 June 2020. In assessing penalty stewards took into consideration the HRV Minimum Penalty Guidelines, the degree of carelessness on Mr Vozlic’s behalf which was in the low range and how frequently he drives.

**Plea:** Not Guilty

**DECISION**

Mr Andrew Vozlic, you have pleaded not guilty to breaching Australian Harness Racing Rule (“AHRR”) 165(1)(b), which states as follows; from the start through the first turn, and until reaching the next straight, a driver shall not move the driver’s horse towards the inside running line unless the rear of the driver’s sulky is at least one metre clear of the extended front legs of the horse racing in the next position closer to the inside running line.

The particulars of the charge are that, in race 2 at the harness race meeting held at Mildura on Friday, 19 June 2020, whilst coming around the first turn, you permitted your horse “Systamatic” to shift in when insufficiently clear of Mr Watson’s horse, “Braeview Fella”, which was tightened for room and had to be checked.

We have read the transcript of evidence of the Stewards enquiry held on Friday, 9 June 2020 and have heard submissions from the Stewards and yourself. We have watched multiple replays of the race.

Before us, and in the Stewards enquiry, you stated that you and Mr Watson, driving his horse Braeview Fella, were both going for the same spot at the same time and that you had no time to react.

You had drawn barrier 2. On your inside in barrier 1 was Mr Locke’s horse “Gotta Go Josie”. Once the barriers were released, you tried to get to the lead but were unsuccessful. Mr Locke on Gotta Go Josie was able to maintain his position on the pegs as the leader. You then tried to restrain your horse in order to take up a position on the pegs immediately behind Mr Locke’s horse Gotta Go Josie.

Whilst all this was happening, Mr Watson drove his horse, Braeview Fella, from barrier 5 with good gait speed and angled his horse towards the pegs to take up a position also behind the leader.

In our opinion, Mr Watson was successful in taking up a position near the pegs and inside the line of your horse. The rear of your sulky was not one metre clear of the extended front legs of Mr Watson’s horse.

In restraining your horse to take up a position on the pegs behind the leader, you tried to fit into a gap between the leader and Mr Watson’s horse, Braeview Fella, when there was insufficient room, causing that horse to break.

In evidence at the Stewards enquiry on Friday, 9 June 2020, Mr Watson stated that you were both aiming to get on the marker pegs behind the leader. Mr Watson stated that in his opinion, the fact that his horse was hanging out on the track was the main contributing factor to the incident.

Having seen replays of the race on a number of occasions, we do not accept Mr Watson’s opinion as to how the incident occurred is correct. In our opinion, Mr Watson was able to get his horse inside the line of your horse and on the pegs in coming around the first turn and that his horse was not hanging out.

In our opinion, there was insufficient room for you to move your horse and sulky into the gap between the leader and Mr Watson’s horse.

We are comfortably satisfied that you are guilty of breaching AHRR 165(1)(b).

We have now heard submissions from both the Stewards and yourself on the question of penalty.

In our opinion, you have an excellent record both as a trainer and driver. You are one of Mildura’s leading trainers and drivers.

We assess the incident to be in the low range. We also accept that you took action immediately after the incident occurred to move your horse away.

In all the circumstances, we find that the appropriate penalty is a two-week suspension to commence from midnight, 29 October 2020.

Mark Howard
Registrar, Victorian Racing Tribunal