28 March 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**ANDREW VOZLIC**

**Date of hearing:** 29 February 2024

**Panel:** Judge John Bowman (Chairperson) and Ms Danielle Hikri.

**Appearances:** Mr Adrian Crowther appeared on behalf of the Stewards.

Mr Andrew Vozlic represented himself.

**Charge:** Australian Harness Racing Rule (“AHRR”) AHRR 231(2) states:

(2) A person shall not misconduct himself in any way.

**Particulars: Charge 1**:

1. You were, at all relevant times, a licensed trainer and driver with Harness Racing Victoria and a person bound by the Australian Harness Racing Rules.

2. You participated in Race 10 at the Mildura harness racing meeting on 11 August 2023 (the Race). Licensed driver Jordan Chibnall also participated in the Race.

3. Following the Race, you said words to the following effect to Ms Chibnall while pulling up on the track: “If you keep doing that to me, I’ll put you on the ground”

4. By engaging in the conduct identified in particular 3, you have misconducted yourself.

**Charge 2:**

1. You were, at all relevant times, a licensed trainer and driver with Harness Racing Victoria and a person bound by the Australian Harness Racing Rules.

2. You participated in Race 10 at the Mildura harness racing meeting on 11 August 2023 (the Race). Licensed driver Jordan Chibnall also participated in the Race.

3. Following the Race, and as you were going through the parade ring, you said words to the following effect to Steward Peter Lamb, whilst in the vicinity of Ms Chibnall: “You’re going to need a body bag.”

4. By engaging in the conduct identified in particular 3, you have misconducted yourself.

 **Pleas:** Not Guilty

**DECISION**

Mr Andrew Vozlic, you have pleaded Not Guilty to two charges arising out of your conduct following the running of Race 10 at Mildura on 11 August 2023.

In that race, you had driven Tact Fergie, which finished eighth. The other person relevant to these Charges, Ms Jordan Chibnell, drove Go Joe, which finished fourth.

The Charges arose out of the manner in which you addressed Ms Chibnell or referred to her after the running of the race. Apparently, you were upset with the manner in which she drove in the concluding stages of the race and, in essence, as to whether she had attempted to impinge on or take your running.

Charge 1 contains the allegation that, while pulling up, you said to Ms Chibnell “If you keep doing that, I’ll put you in the ground”. That constitutes Charge 1.

Charge 2 is that, following the race and going through the parade ring, you said to Steward Mr Peter Lamb and whilst in the vicinity of Ms Chibnell, words to the following effect – “You’re going to need a body bag”.

Your explanation is essentially to the effect that you were warning her of the dangers associated with the way she drove.

We might add that as stated by Mr Crowther on behalf of the Stewards, the Stewards saw nothing wrong in the manner in which Ms Chibnell drove.

We also accept that, after your remarks, Ms Chibnell was very upset and tearful. She was booked for another drive in Race 12, but was too upset to take that drive. She returned to Melbourne. We accept that this was indicative of the distress which she suffered at what was said to her and in her vicinity.

We are comfortably satisfied that these two charges have been made out. We accept that you used the wording addressed to Ms Chibnell in Charge 1 and the wording directed to Mr Lamb, and confirmed by him, in relation to Charge 2. We accept that the wording of Charge 2 was said in the presence of, or within earshot of, Ms Chibnell.

In summary, we are comfortably satisfied that both charges have been proven and the appeals as to conviction are dismissed.

We shall hear the parties on the question of penalty.

**PENALTY**

In these matters, the Stewards imposed a global fine covering both charges of $2,000, with $500 suspended for a period of two years. The breakdown of the penalty between the two charges is not clear.

In any event, we are of the opinion that the penalty imposed was a fair and reasonable one. The offending was very unpleasant and immediately distressing to Ms Chibnell. On one occasion you did briefly indicate some remorse, but otherwise have shown little and contested the charges again today. Of course, that is your entitlement.

However, we repeat that, bearing in mind the nature of the remarks and the distress that they caused, the penalty imposed by the Stewards is fair and reasonable. The appeal against penalty is dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal