

# Media Release

## Racing Appeals & Disciplinary Board

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17 April 2019

*The Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board heard a matter on 15 April 2019 in regards to various charges issued by HRV Stewards under the Australian Harness Racing Rules (AHRR) against licensed trainer/driver Mr David Vozlic and licensed stablehand/registered owner Ms Naomi Kerr.*

*The charges were issued in connection to the conduct of the relevant parties concerning the David Vozlic trained 'Dynamite Rose' which was engaged to compete at the Mildura harness racing meeting conducted on 24 October 2019. Mr Vozlic advised the HRV Stewards on this evening that 'Dynamite Rose' was to be scratched due to the mare being unable to be loaded onto the float to be transported to the racecourse when he had prior knowledge that 'Dynamite Rose' had died.*

### **Mr David Vozlic**

*Mr David Vozlic pleaded guilty to 6 charges issued by the HRV Stewards*

*Charge 1 – AHRR 209*

**209.** *A person employed, engaged or participating in the harness racing industry shall not knowingly or recklessly furnish false information to the Controlling Body, the Stewards or anyone else.*

*The particulars of Charge 1 were that Mr Vozlic furnished the HRV Stewards with false information by advising 'Dynamite Rose' was to be scratched from its engagement at the Mildura harness racing meeting on 24 October 2018 due to the mare being unable to be loaded onto the float when he had prior knowledge 'Dynamite Rose' had died.*

*Charge 2 – AHRR 96A(4)(a)*

**96A.** (4) *The owner, or trainer of the horse at the time of its death shall:-*

*(a) In the case of a horse which dies within 14 days of being entered for or participating in a trial or race notify the Controlling Body of the death within 24 hours of its occurrence.*

*The particulars of Charge 2 were that Mr Vozlic as the declared trainer of 'Dynamite Rose', which was engaged to compete at the Mildura harness racing meeting on 24 October 2018, failed to notify the death of 'Dynamite Rose' to HRV within 24 hours.*

*Charge 3 – AHRR 96A(8)*

**96A.** (8) *The owner or trainer of a horse whose death has been notified, or which should have been notified, under sub rule (4) shall not dispose of the carcass without the permission of the Stewards or the Controlling Body.*

*The particulars of Charge 3 were that Mr Vozlic caused disposal of the carcass of 'Dynamite Rose' by causing the mare to be buried at his registered property without the prior permission of HRV or the HRV Stewards.*

*Charge 4 – AHRR 187(2)*

**187.** (2) *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 Charge 4 were that Mr Vozlic, when interviewed by HRV Stewards on 30 October 2018, provided false evidence by stating that 'Dynamite Rose' had been scratched from its engagement at the Mildura harness racing meeting on 24 October 2018 when he held prior knowledge that 'Dynamite Rose' had died on that day.*

*Charge 5 – AHRR 187(2)*

**187.** (2) *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 Charge 5 were that Mr Vozlic, when interviewed by HRV Stewards on 30 October 2018, provided false evidence by stating that 'Dynamite Rose' had died*

*on 25 October 2018, the day following it was engaged to race at the Mildura harness racing meeting on 24 October 2018, when he held prior knowledge that 'Dynamite Rose' had died on 24 October 2018.*

*Charge 6 – AHRR 187(6)*

**187.** (6) *A person shall not frustrate or endeavour to frustrate an inquiry or investigation.*

*The particulars of Charge 6 were that Mr Vozlic frustrated the investigation of the HRV Stewards by furnishing false information concerning the scratching of 'Dynamite Rose', not immediately notifying its death and causing the unauthorised disposal of the carcass of 'Dynamite Rose' actions which inhibited the extent of the post-mortem autopsy conducted upon 'Dynamite Rose' and resulted in no useful tissue samples being obtained for prohibited substance analysis.*

**Ms Naomi Kerr**

*Ms Naomi Kerr pleaded guilty to 2 charges issued by the HRV Stewards.*

*Charge 1 – AHRR 187(2)*

**187.** (2) *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 Charge 1 were that Ms Kerr, when interviewed by HRV Stewards on 30 October 2018, provided false evidence by stating that 'Dynamite Rose' had been scratched from its engagement at the Mildura harness racing meeting on 24 October 2018 when she held prior knowledge that 'Dynamite Rose' had died on that day.*

*Charge 2 – AHRR 187(2)*

**187.** (2) *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 Charge 2 were that Ms Kerr, when interviewed by HRV Stewards on 30 October 2018, provided false evidence by stating that 'Dynamite Rose' had died on 25 October 2018, the day following it was engaged to race at the Mildura harness racing meeting on 24 October 2018, when she held prior knowledge that 'Dynamite Rose' had died on 24 October 2018.*

The Racing Appeals & Disciplinary Board (RADB) is established under section 50B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

*The HRV RAD Board noted that as a result of the conduct of the parties no useful tissue samples were able to be retrieved for prohibited substance analysis, and the post-mortem autopsy of 'Dynamite Rose' was limited and unable to determine the cause of death, when the mare was exhumed from its resting place at the registered training address of Mr Vozlic due to the state of decomposition. The delay in attempting to obtain these samples, and the conduct of the post-mortem autopsy, were brought about through the continued lies which the HRV RAD Board were satisfied were calculated and involved collusion between Mr Vozlic and Ms Kerr.*

*The HRV RAD Board also considered the previous matter of Glenn Douglas and Eric Anderson before the Victorian Civil and Administrative Tribunal (VCAT) where similar circumstances existed, however noted in that matter it was demonstrated via tissue sample analysis that such samples did not contain any prohibited substances, which was distinguishing from this incident. The HRV RAD Board also noted the comments of Judge Nixon where he remarked that the penalties imposed in that matter should not be seen as the 'ceiling' for penalties which may be imposed in circumstances where false evidence is provided to the Stewards or where persons frustrate or endeavour to frustrate investigations of the Stewards.*

*The HRV RAD Board further considered the offence record of both parties with Ms Kerr having a clear record and Mr Vozlic having incurred prior disqualifications and criminal charges which resulted in him being sentenced to periods of imprisonment. The HRV RAD Board further noted that Mr Vozlic had returned to the harness racing industry in May 2017 and had offended in a serious manner within a relatively short period of returning.*

*In determining penalty the HRV RAD Board remarked that the offending involved was of high seriousness and the principles of denunciation and general and specific deterrence should be observed along with the preservation of the integrity of the harness racing industry ensuring public confidence.*

*The HRV RAD Board noted the guilty pleas entered by Mr Vozlic and Ms Kerr, their personal circumstances at the time of the offending and that the harness racing industry was currently the sole source of income for both parties.*

*The HRV RAD Board ultimately imposed a 2 year disqualification upon Mr Vozlic and a 6 month disqualification upon Ms Kerr.*

*HRV RAD Board Panel: Judge Graeme Hicks (Chair), Robert Abrahams (Deputy Chair) and Rod Osborne.*

*All media enquiries relating to this media release can be directed to [cwinnell@hrv.org.au](mailto:cwinnell@hrv.org.au)*

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