

## HEARING RESULT

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**Distribution:** Chief Executive  
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**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 20 March 2014

**SUBJECT:** **HEARING RESULT – TRAINER: TONY VASIL**

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**Panel** Judge Russell Lewis (Chair), Mr Geoff Ellis, Mrs Sara Hinchey.

**Appearances** Mr Patrick Wheelahan appeared on behalf of Mr Vasil.  
Mr James Ogilvy appeared on behalf of the Stewards.

**Charge** Breach of AR 175(q)

*The Committee of any Club or the Stewards may penalise any person who in their opinion is guilty of any misconduct, improper conduct or unseemly behaviour.*

The charge relating to an incident between Mr Vasil and registered stable employee Daniel Peile in the vicinity of the horse swimming pool at Caulfield racecourse on Friday, 31 January 2014.

**Plea** Guilty.

**Decision** The Board finds the charge proved.

Mr Vasil fined the sum of \$500 but with no conviction recorded.

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR G. ELLIS  
MS S. HINCHEY**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**TRAINER: TONY VASIL**

**MELBOURNE**

**THURSDAY, 20 MARCH 2014**

MR J. OGILVY appeared on behalf of the RVL Stewards

MR P. WHEELAHAN appeared on behalf of Mr A. Vasil

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CHAIRMAN: In this case, Mr Vasil, through his counsel, Mr Patrick Wheelahan, has pleaded guilty to a charge of misconduct and/or improper conduct in breach of Australian Rule of Racing 175(q).

At the outset, the Board is minded to say that this is an exceptional case. The facts of the matter are set out in an agreed statement of facts which has been tendered and forms part of the record.

Mr Vasil has established a considerable number of mitigating factors: first, an early plea of guilty; second, moral contrition, which is supported by the fact that he has made an apology to the injured party and to the Stewards and has also offered to pay compensation to the victim, Mr Peile, and indeed has already paid two medical bills which Mr Peile incurred.

Mr Bailey, the Chairman of Stewards, has given evidence before the Board concerning Mr Vasil's past history, his reputation in the racing industry, and he also made the point that both Mr Vasil and his solicitor, Mr McHenry, have been extremely cooperative with the Stewards whilst this matter was being investigated.

It appears that at the moment, Mr Vasil is living in Queensland and has considerable mental health issues. The Board has had access to confidential material which indicates the severe nature of his mental state. In the meantime, a number of Mr Vasil's horses have been transferred to other trainers and it is uncertain as to when he will resume training, if indeed he does resume training.

As for the episode which initiated the assault on 31 January 2014, the Board is satisfied that at the time the victim, Mr Peile, came around the corner riding his bicycle and spooked the horse being led by Mr Vasil, Mr Vasil's mental state was at that stage fragile and remained fragile when the actual assault occurred some 15 minutes later. The Board is satisfied that Mr Vasil realised that he was assaulting Mr Peile and also knew that what he was doing in assaulting Mr Peile was wrong. Nevertheless, the Board is prepared to infer from the material before it that at that time, Mr Vasil was not in a position to control himself adequately due to mental impairment.

In all the circumstances of this case, the Board feels that a penalty should not be of a kind which would likely exacerbate Mr Vasil's present precarious mental state. The Board takes into account, however, the fact that Mr Peile did suffer an injury, although it seems that there is no ongoing problem so far as that is concerned.

As I said at the outset, this is an exceptional, if not unusual case, and there are in a sense two victims. The Board therefore comes to the conclusion that it finds the charge proved and Mr Vasil is fined the sum of \$500 without conviction, which sum is to be paid on or before 31 March 2014.

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