

### STEWARDS INQUIRY DECISION

- Date of Decision:** 25 July 2021
- Stewards Panel:** S Shinn (Chair), G Griffin, B Baudinette
- Name:** Jordan Chibnall
- Track/Race:** Elwick Racetrack
- Date:** 18 July 2021
- Rule no:** AHRR 238. A person shall not fail to comply with any order, direction or requirement of the Controlling Body or the Stewards relating to harness racing or to the harness racing industry.
- Charge(s):** The particulars of the charge were that while in attendance at Elwick Racetrack on Sunday 18 July 2021 Ms Chibnall, having returned to Tasmania subsequent to 8 July 2021, failed to wear a facemask at all times and therefore breached AHRR 238. The breach of the rule being that she failed to comply with the Stewards direction, issued on 18 May 2020, that persons must comply with all COVID-19 protocols when present at any racing activity. The relevant protocol being that issued by TASHEALTH on 16 July 2021 which included that from 11:59pm, Friday 16 July any person who had visited Victoria from 8 July 2021 must wear a facemask when in public.

**Inquiry Decision:** Ms Chibnall pleaded guilty to the charge. A fine of \$1000 was issued.

#### FACTS:

- On 18 May 2020 the Office of Racing Integrity issued a direction to all racing participants that they were required to comply with all COVID-19 protocols when present at any racing activity.
- On 16 July 2021 Acting Director of Health Dr Scott McKeown issued a requirement that, from 11:59pm 16 July 2021 any person who had been in Victoria since 8 July 2021 would be required to wear a mask when in public.
- Ms Chibnall confirmed that she had been in Victoria since 8 July 2021 prior to returning to Tasmania.
- Ms Chibnall confirmed that she had received text alerts from TASHEALTH that she concedes were concerning the requirement to wear a mask however she had deleted the texts without reading them.
- Ms Chibnall was in attendance at the race meeting at Elwick Racetrack on 18 July 2021.

#### INQUIRY:

The inquiry was opened at Mowbray Racetrack Stewards Room on Sunday 25 July 2021 regarding Ms Chibnall failing to comply with a TASHEALTH protocol in that he failed to wear a mask at all times when in public at Elwick Racetrack on 18 July 2021. Ms Chibnall was accompanied by Mr Ben Yole as a support person. When questioned, Ms Chibnall confirmed that she had been in Victoria for a time subsequent to 8 July 2021. She also confirmed that she had received texts from TASHEALTH subsequent to returning to Tasmania and that she had deleted the texts without reading them. She conceded that she now knows that these texts advised that anyone returning from Victoria subsequent to 8 July 2021 must wear a facemask whilst in public.

When questioned as to whether he had worn a facemask at all times while in public more specifically during her attendance at the Elwick Racetrack on 18 July 2021 Ms Chibnall admitted that she had not. Having considered the evidence tendered at the inquiry Stewards issued the charge under the provisions of AHRR 238 as detailed above. Ms Chibnall pleaded guilty to the charge.

Subsequent to her pleading guilty to the charge Stewards invited Ms Chibnall to make a submission on penalty were there to be one.

Ms Chibnall advised the Stewards that she has an income from her employment with Mr Ben Yole as well as income from race driving fees. She added that she had lost income from driver's fees on 18 July 2021 due to the Stewards removing her from her scheduled drives and having her leave the racetrack.

Stewards questioned Ms Chibnall on the effect on her should a fine be imposed. She again advised the Stewards that her income was derived in large part from her race driving and advised of her average earnings per week. Regarding if a suspension of her licences was imposed she said as her income was derived entirely from her employment at the stables of Mr Yole as well as race driving a suspension of her licences would have a significant impact on her ability to earn.

#### **DECISION:**

Having considered Ms Chibnall's guilty plea and her submission on penalty, Stewards deemed that a fine of \$1000 was the appropriate penalty.

In determining the penalty Stewards took into account her submission in regard to penalty, her guilty plea, her income and her ability to pay a fine as well as her loss of potential income on 18 July 2021.

Stewards also considered that Ms Chibnall had deleted texts from TASHEALTH without reading them and that this gave no excuse for her actions/inactions.

Stewards also considered the seriousness of the breach which placed at risk the health of those Ms Chibnall came into contact with whilst not wearing a facemask.

Stewards further considered that the racing industry was placed at risk of another shutdown as occurred in 2020.

Although the matter of specific deterrent is relevant, the matter of general deterrent was considered most important, in that a clear message needs to be sent to the racing industry that any breach of COVID-19 protocols would be treated with the utmost seriousness.

Stewards also note that the official direction issued by the Office of Racing Integrity on 18 May 2020 clearly states that any person who breaches the direction to comply with all COVID-19 protocols may be subject to a significant fine.

Ms Chibnall was advised of her right of appeal.