23 February 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**OLIVIA WEIDENBACH**

**Date of hearing:** 30 January 2023

**Panel:** Judge John Bowman (Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Daniel Borg appeared on behalf of the Stewards.

Mr Daryl Douglas represented Ms Olivia Weidenbach.

**Charge:** Australian Harness Racing Rule (“AHRR”) 163(1)(a)(iii) states:

(1) A driver shall not –

(a) cause or contribute to any

(iii) interference.

**Particulars of charge:** Driver Olivia Weidenbach (Goodlooking Rooster NZ) was found guilty of a charge under Rule 163(1)(a)(iii) for causing interference. Shortly after the start Ms Weidenbach allowed her drive to shift inwards when insufficiently clear of Nicolescruiser (Corey Bell) resulting in that runner being tightened and checked. Nicolescruiser raced roughly as a result and became unbalanced before galloping shorty after. Nicolescruiser then trailed the field for the remainder of the race. Ms Weidenbach’s licence to drive in races was suspended for a period of 2 weeks. In assessing penalty, stewards took into consideration the HRV minimum penalty guidelines, Ms Weidenbach’s good driving record in relation to this rule and the interference suffered which was considered low to mid-range. A start date is yet to be advised.

**Plea:** Guilty

**DECISION**

Ms Olivia Weidenbach, you are appealing against a decision of the Stewards in relation to your drive of “Goodlooking Rooster” in Race 4 at Kilmore on 19 October 2022.

Essentially, the Stewards found that, shortly after the start, you crossed sharply from your position on the outside of the front row. When so doing, you were not sufficiently clear of “Nicolescruiser”, driven by Mr Corey Bell, causing that horse to become unbalanced, subsequently galloping. You pleaded not guilty to a breach of Australian Harness Racing Rule (“AHRR”) 163(1)(a)(iii). The Stewards found you guilty of the offence and suspended your licence for a period of two weeks. It is against that penalty that you are appealing.

On this appeal, you were represented by Mr Daryl Douglas, a very experienced person in relation to harness racing. Mr Douglas and Mr Daniel Borg, on behalf of the Stewards, agreed upon a proposed outcome of your appeal, with which you also agree. The outcome is that the appeal be upheld and that the period of suspension be reduced to 10 days.

Of course, the ultimate decision in relation to any appeal is one for the Tribunal. However, when experienced parties and their representatives agree upon a proposed outcome, the Tribunal obviously will attach significant weight to this. In the present case, we have no hesitation in saying that the appeal is upheld and that the penalty agreed to by the parties, namely reduction of the penalty to one of 10 days, is imposed.

We again congratulate the parties on the very sensible approach that was adopted.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal