12 August 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR ROD WEIGHTMAN**

**Date of hearing:** 23 July 2020

**Panel:** Judge John Bowman (Chairperson) and Mr Josh Bornstein.

**Appearances:** Mr Brent Fisher appeared on behalf of the Stewards.

Mr Rod Weightman represented himself.

**Charges & Particulars of charge:**

**Charge No. 1**

The Stewards charge you with a breach of Rule 187(1) which reads as follows:

*A person who is directed to do so by the Stewards shall attend an inquiry or investigation convened or conducted by them*

**The particulars of the charge being:**

1. On 27 May 2008, HRV Stewards sent you a letter via registered post directing you to attend a Stewards Inquiry to be held at Harness Racing Victoria on 30 June 2008.
2. On 2 June 2008, you received the letter via registered post directing you to attend an inquiry.
3. You failed to attend an inquiry convened by the Stewards on 30 June 2008 when directed to do so.

**Charge No. 2**

The Stewards charge you with a breach of Rule 187(1) which reads as follows:

*A person who is directed to do so by the Stewards shall attend an inquiry or investigation convened or conducted by them*

**The particulars of the charge being:**

1. On 18 July 2008, HRV Stewards sent you a letter via registered post directing you to attend a Stewards Inquiry to be held at Harness Racing Victoria on 4 August 2008.
2. On 21 July 2008, you received the letter via registered post directing you to attend an inquiry.
3. You failed to attend an inquiry convened by the Stewards on 4 August 2008 when directed to do so.

**Charge No. 3**

The Stewards charge you with a breach of Rule 187(1) which reads as follows:

*A person who is directed to do so by the Stewards shall attend an inquiry or investigation convened or conducted by them*

**The particulars of the charge being:**

1. On 15 October 2008, HRV Stewards sent you a letter via registered post directing you to attend a Stewards Inquiry to be held at Harness Racing Victoria on 27 October 2008.
2. On 16 October 2008, you received the letter via registered post directing you to attend an inquiry.
3. You failed to attend an inquiry convened by the Stewards on 27 October 2008 when directed to do so.

**Charge No. 4**

The Stewards charge you with a breach of Rule 194 which reads as follows:

*A person who holds or controls drugs unlawfully or which are unlabelled or without a supporting prescription is, if those drugs are capable of being administered to a horse, guilty of an offence.*

**The particulars of the charge being:**

1. In or around June 2007,you obtained the Schedule 4 drug Aranesp (darbepoetin alfa), in the form of ready to use syringes, without a supporting prescription.
2. In June 2007, you sent the Aranesp (darbepoetin alfa) by Express Post package to licensed person Clinton Hall in Serpentine, Western Australia.
3. You did hold and control the Schedule 4 drug Aranesp (darbepoetin alfa), a substance capable of being administered to a horse, unlawfully and without a supporting prescription.

**Charge No. 5**

The Stewards charge you with a breach of 245 which reads as follows:

*A person shall not direct persuade, encourage or assist anyone to breach these rules, or otherwise engage in an improper practice.*

**The particulars of the charge being:**

1. In or around June 2007,you obtained the Schedule 4 drug Aranesp (darbepoetin alfa), in the form of ready to use syringes, without a supporting prescription.
2. In June 2007, you sent the Aranesp (darbepoetin alfa) by Express Post package to licensed person Clinton Hall in Serpentine, Western Australia.
3. It is a breach of the Australian Harness Racing Rules to hold or control drugs unlawfully or without a supporting prescription, if those drugs are capable of being administered to a horse.
4. In supplying Aranesp (darbepoetin alfa) to licensed person Clinton Hall, you have assisted him in breaching the Australian Harness Racing Rules.

**Charge No. 6**

The Stewards charge you with a breach of Rule 259(1)(a) which reads as follows:

*A disqualified person or a person whose name appears in the current list of disqualifications published or adopted by a recognized harness racing authority or a person warned off cannot do any of the following –*

1. associate with persons connected with the harness racing industry for purposes relating to that industry.

**The particulars of the charge being:**

1. In June 2007, you were a disqualified person with Harness Racing Victoria.
2. In or around June 2007, you obtained the Schedule 4 drug Aranesp (darbepoetin alfa), in the form of ready to use syringes.
3. In June 2007, you sent the Aranesp (darbepoetin alfa) by Express Post package to licensed person Clinton Hall in Serpentine, Western Australia.
4. Whilst a disqualified person you have therefore associated with persons in connection with the harness racing industry.

**Pleas:** Guilty to all charges

**DECISION**

We say at the outset that this is a most unusual case. The manner in which it was conducted is a credit to all involved.

Mr Rod Weightman has pleaded ‘guilty’ to a total of 6 charges, all of them in excess of 10 years old. They could be summarised as follows:

1. Failing to attend a Stewards inquiry on 30 June 2008, this being a breach of Rule 259(1).
2. Failing to attend a Stewards’ inquiry on 4 August 2008, this being a similar breach.
3. Failing to attend a Stewards’ inquiry on 27 October 2008, again this being a similar breach.
4. Unlawfully holding and controlling a Schedule 4 drug, namely Aranesp, in June 2007, this being a breach of Rule 194.
5. Assisting a licensed person in breaching the Australia Harness Racing Rules in June 2007, this being a breach of Rule 194.
6. Whilst a disqualified person, associating with persons in connection with the harness racing industry, this occurring in June 2007 and being a beach of Rule 259(1).

The factual background to this is as follows and is not in strict chronological sequence.

Mr Weightman was a licensed harness racing trainer and driver, having had considerable success.

In the middle of the 2000’s, he ‘ran off the rails’ and had drug problems. He fell into very bad company indeed. He was also trafficking in prohibited substances.

In approximately June 2007, he sent to a licensed harness racing identity in Western Australia a package containing Aranesp, a prohibited substance. That harness racing identity was Mr Clinton Hall, a trainer and driver. The substance is associated with what was known as ‘Blue Magic’. It was sent to Mr Hall by registered post and in a freeze package.

We might add that Mr Weightman had been disqualified for a period of five years and three months for administering ‘Blue Magic’ on some seven occasions in the first few months of 2004.

As is evident from charges 1 to 3, Mr Weightman simply failed to attend or in any relevant way co-operate with the Stewards during their investigation in 2008.

In any event, the extent to which Mr Weightman had ‘run off the rails’ accelerated rapidly. Police charges in relation to drug trafficking followed. Ultimately Mr Weightman was sentenced to a lengthy term of imprisonment and was in jail for approximately ten years.

We accept that, since his release, he has behaved impeccably. We accept that he is indeed a changed man. He wished to bring to a head the unfinished business with the Stewards. He approached them, co-operated fully, and has pleaded ‘guilty’ to all charges. Further, he has also been of assistance to the industry. He has made himself available to speak to younger members of it about the perils of drugs, what he has been through and the like. He has sought employment and indeed appears likely to obtain it in what could be described as industry related occupations to do with the sale of horse feeds and the like.

Indeed, powerful references from his prospective employers were put before us. These referees were Olympic Feeds and Trot Pace. Work with either would involve Mr Weightman visiting what could be described as licensed premises. As the name suggests, Olympic Feeds is engaged in the sale and provision of horse feeds and the like, whilst Trot Pace makes harnesses and equipment of that nature. Disqualification would be an effective bar to proposed employment with either. A report from Mr Ian McKinnon, psychologist, was also put before us.

The situation facing the parties was as follows. These were serious offences, and one of them, charge 4 pursuant to Rule 194 particularly serious. General deterrence is of great importance. On the other hand, after being released from prison, Mr Weightman has come forward of his own accord. He has co-operated fully. He has provided lengthy answers to questions. He is clearly remorseful and has made every effort, successfully, to get his life back on track. What would have been a wasted existence has become meaningful and purposeful.

Thus, the Stewards had something of a deliberate balancing act to perform. In our opinion, they showed exemplary common sense and practicality in the penalties which they recommended to us and which we have adopted. Their recommended penalties, which we impose, are as follows.

On each of charges 1 to 3 inclusive, disqualification for 6 months concurrently.

On charge 4, the very serious charge, disqualification for 6 years.

On charge 5, disqualification for 6 months.

On charge 6, disqualification for 6 months.

This makes a total disqualification period of seven years and six months. However, the entire penalty period is backdated to 27 October 2008.

Thus, Mr Weightman is now an unlicensed person, but not a disqualified one. He has no licence to train or drive. However, he can visit the premises of registered trainers or owners. He can attend harness racing meetings. He can attend at venues where he can lecture young drivers and mix with members of the harness racing industry generally.

It is rare for such a “good news” story to arise. We again compliment Mr Weightman for turning his life around. We wish him well and urge him to keep at it. We again compliment the Stewards for striking the right balance of general deterrence, wisdom and compassion. This case, originally so tragic and reprehensible, appears to have arrived at a happy and exemplary conclusion.

Mark Howard
Registrar, Victorian Racing Tribunal