6 June 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**PAUL WEIDENBACH**

**Date of hearing:** 31 May 2023

**Panel:** Judge Kathryn Kings (Acting Deputy Chairperson) and Judge Julie Nicholson.

**Appearances:** Mr Adrian Crowther appeared on behalf of the Stewards.

Mr Paul Weidenbach represented himself.

**Charge:** Australian Harness Racing Rule (“AHRR”) 231(1)(a) states:

1. A person shall not
2. threaten

anyone employed, engaged or participating in the harness racing industry or otherwise having a connection to it.

**Particulars of charge:** 1. You were, at all relevant times, a licensed trainer and driver and a person bound by the Australian Harness Racing Rules (AHRR);

2. That on 31 May 2022, following the running of race 9 at the Echuca Harness Racing Club race meeting have confronted licensed person Robert Walters in a heated manner outside the Stewards Room and threatened Mr Walters by repeatedly making the comment “I will bury him”.

**Plea:** Guilty

**DECISION**

Mr Paul Weidenbach, you are a licensed trainer and driver and a person bound by the Australian Harness Racing Rules (“AHRR”). You have been in the industry since the 1980’s. You have pleaded guilty to a breach of AHRR 231(1)(a).

The charge is that on 31 May 2022, following the running of Race 9 at the Echuca Harness Racing Club meeting, you confronted licensed person Mr Robert Walters in a heated manner outside the Stewards room and threatened Mr Walters by repeatedly making the comment “I will bury him”.

The evidence is that the Stewards were dealing with Mr Walters’ actions. You waited for Mr Walters outside the Stewards room while Mr Walters was being questioned about the race. The words were said in a threatening and heated manner, they were repeated on a number of occasions. As a result of your conduct, the meeting had to be curtailed. You stated that there had been a long running dispute between you and Mr Walters.

This type of conduct is unbecoming of a person employed, engaged, or participating in the harness racing industry. We were informed that you had occasional misconduct charges in 1994, 2012 and 2014 which were of some age and of marginal relevance.

In determining penalty, we take into account your plea of guilty and your good record in relation to this Rule. We further take into consideration recent penalties in similar cases which were referred to us. We also take into account your personal circumstances.

In all the circumstances, the penalty we impose is a three month suspension of your driving licence, with one month suspended for a period of 24 months pending no further breach of the relevant Rule in that time. The suspension is to commence immediately.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal