6 November 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**KEVIN WEIDENBACH**

**Date of hearing:** 29 October 2024

**Panel:** Judge John Bowman (Chairperson) and Ms Maree Payne.

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

Mr Kevin Weidenbach represented himself.

**Charge:** Australian Harness Racing Rule (“AHRR”) 165(1)(b) states:

(1) From the start through the first turn, and until reaching the next 30 straight, a driver shall:

(b) not move the drivers horse towards the inside running line unless the rear of the driver's sulky is at least one metre clear of the extended front legs of the horse racing in the next position closer to the inside running line.

**Particulars:** That *“when racing into the first turn Mr Weidenbach directed ROLLING REMONA down the track when not the required one-metre clearance ahead of PLAYNICE (Ryan Sanderson), resulting in Mr Sanderson having to check his drive with the gelding then racing roughly as a result”.*

In determining penalty, in accordance with the *HRV Minimum Penalty Guidelines,* Stewards considered Mr Weidenbach’s guilty plea, good record under this rule, driving frequency, the low-to-medium degree of interference and suspended Mr Weidenbach’s license to drive for a period of ten (10) days.

 **Plea:** Guilty

**DECISION**

Mr Kevin Weidenbach, you are appealing against a decision of the Stewards arising out of your drive of “Rolling Remona” in Race 4 at Shepparton on 10 September 2024. The Rule involved is Australian Harness Racing Rule (“AHRR”) 165(1)(b), which, in essence, prohibits at the start of the race the moving to the inside of the running line unless the horse in question is at least one metre clear of the extended first legs of the horse in the next position closer to the inside running lane.

You pleaded guilty to this charge and are still so pleading. The other horse involved was “Play Nice”, driven by Mr Ryan Sanderson.

When this occurred, Mr Sanderson’s horse may have raced roughly for a stride or two, but it did not break and the interference to it could be described as minor. Mr Sanderson seems to have been quite prepared to surrender the lead to you. His horse did not appear to surge at the time, as described by you.

The object of this Rule would appear to be to prevent interference in the early stages of a race when drivers are competing for positions. Thus, it is an important Rule and breaches of it can lead to major interference. Happily, this was not the case here.

You are a full-time driver, competing here and in South Australia. You have been a driver for approximately 14 years. You do have a prior conviction for a breach of this Rule, being on 31 January 2024.

This is an important Rule, designed to protect the safety of horses and drivers when there is pressure on at the beginning of a race, and when drivers are competing for positions.

You admit that you breached this Rule and we take into account that admission. We also take into account the fact that no major interference occurred. However, we cannot overlook the fact that this is your second offence for a breach of this Rule in a comparatively short time.

This bottom line is that we are of the view that the penalty imposed by the Stewards is fair and reasonable and in accordance with decisions in like cases, particularly when there has been a recent prior offence.

In summary, the appeal is dismissed and the penalty shall commence at midnight on 29 October 2024.

Mark Howard

Registrar, Victorian Racing Tribunal