

Media Release

Racing Appeals & Disciplinary Board

Result of the appeals held before the HRV Racing Appeals and Disciplinary Board on 29 June 2015.

Nathan Weightman

Against a \$500 fine imposed by the stewards under Rule 168(1) at the Mildura meeting on 3 June 2015.

Appeal dismissed.

HRV RAD Board Panel: Brian Collis QC (Chairman), Brian Pearce

Appellant Representative: Daryl Weightman
HRV Representative: Shane Larkins

John Caldow

Against a 10 day suspension imposed by the stewards under Rule 163(1)(a) at the Charlton meeting on 10 June 2015.

Appeal dismissed. Penalty varied to 5 days.

HRV RAD Board Panel: Brian Collis QC (Chairman), Brian Pearce

Appellant Representative: Mark Shelly
HRV Representative: Amy Glide

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

BRIAN COLLIS QC, Chairman

MR BRIAN PEARCE

EXTRACT OF PROCEEDINGS

NATHAN WEIGHTMAN

DECISION

MONDAY 29 JUNE 2015

MR S LARKINS appeared on behalf of the HRV Stewards

MR DARYL WEIGHTMAN appeared on behalf of Mr NATHAN WEIGHTMAN

The Board has considered the evidence at the stewards inquiry held on 3 June as per the transcript, the video footage of the race in question and the submissions and evidence of each of the parties this day and we've also been referred to a decision of the Tasmanian Racing Appeal Board in the matter of Mr A Rawlins which was handed down on 16 May 2008. We make these findings on the balance of probabilities that after rounding the home turn on the final occasion Mr Nathan Weightman drove his horse towards the finish line in a vigorous fashion and it is clear that in driving to the line in a race which he eventually won his foot came out of the footrest for a brief period of time. What the stewards allege here is that that was an improper action within in the meaning of Rule 168(1) in that it was something that he allowed to occur and to that extent it was intentional into that limited extent and that they point to the fact that he allowed this to occur because of the manner in which the foot came out in which it was firstly angled to the right and then he swung it back in and swung it back up to the footrest. On the other hand it is put to us on behalf of Mr Weightman that his actions were unintentional and that it was contributed to by the fact that prior to the race even though he had used the sulky for this trainer on other occasions he was not allowed to adjust it completely to his satisfaction although he did say that after the adjustments were attended to by himself they

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appeared to be okay as far as he was concerned at that point of time. The Board is satisfied on the balance of probabilities that given the manner in which the foot came out of the footrest and angled to the right that that was an action tantamount to allowing that to occur and therefore we find on the balance of probabilities that the opinion of the stewards that this was an improper action was a reasonably held opinion in the circumstances so we dismiss the appeal with respect to the finding of Mr Weightman guilty of this offence. Penalty - The Board has considered the circumstances of this particular offence and the nature of the rule under which Mr Nathan Weightman has been charged, mainly for improper conduct. We note that he has an excellent record with respect to this particular matter. He has been driving from some three years and the stewards said he is a young driver with great promise, however there has to be some consistency with respect of penalties imposed for breach of Rule 168(1) and I emphasise that's the rule we're dealing with, improper conduct and that Mr Lang Snr who had been driving for some 60 odd years appealed a fine which was dismissed recently to this particular rule, in all the circumstances we feel that we cannot say that the penalty imposed by the stewards was unreasonable so we dismiss the appeal.

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

BRIAN COLLIS QC, Chairman

MR BRIAN PEARCE

EXTRACT OF PROCEEDINGS

JOHN CALDOW

DECISION

MONDAY 29 JUNE 2015

MS A GLIDE appeared on behalf of the HRV Stewards

MR MARK SHELLY appeared on behalf of Mr CALDOW

The Board has considered the evidence given at the stewards inquiry as per the transcript on 10 June this year and in particular Mr Larkins' evidence, Mr Bellman's evidence and Mr Caldow's evidence. We've considered the video footage of the race and we've considered the evidence and submissions of each of the parties this day. Driving into the home turn on the final occasion Mr Bellman's horse Turbo Elly was situated immediately behind Mr Caldow's horse which was racing towards the lead. As they drove around the home turn we're satisfied that Mr Caldow's horse shifted up the track and that this was mainly due to the horse's racing manners. One of the prime issues that has to be considered is to what extent he did shift up the track and the Board is satisfied on the balance of probabilities that he shifted to the extent that there was sufficient room offered to Mr Bellman to attempt to drive to the inside of Mr Caldow's drive. We find that he initially was apprehensive but that when he then attempted to drive to the inside of Mr Caldow's drive there was still sufficient room for him to attempt to do that. Having driven initially to the point he was to the inside of Mr Caldow's drive we are satisfied on the balance of probabilities that Mr Caldow then shifted down the track and that this caused Mr Bellman to check his horse in the manner in which he did. The Board are satisfied on the balance of probabilities that in shifting downwards when he did that Mr Caldow was in breach of Rule 163(1)(a)

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so we dismiss the appeal with respect to the finding that he was guilty of the breach of this particular rule. Penalty – given his excellent record over 30 years of driving, particularly with regard to this rule, although there was an offence some five days before this and one in 2014 the previous one was in 2007 and the one prior to that was in 1996. We note the concessions of the harness racing stewards in handing down their penalty, namely that the degree of interference was low, the degree of carelessness was low and that the waywardness of the horse driven by Mr Caldow contributed to this incident. In those circumstances the Board is disposed to allow the appeal with respect of penalty and we'll include today as the first day of the suspension so the suspension will commence at midnight last night for a period of 5 days.
