



## HEARING RESULT

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**Distribution:** Chief Executive  
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Group Racing Development  
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Office of Racing  
C Polglase – Racing NSW  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 24 March 2011

**SUBJECT:** **HEARING RESULT – TRAINER: DARREN WEIR**

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**Panel** Mr Brian Forrest (Deputy Chair), Mr Geoff Ellis, Mr Darren McGee.

**Appearances** Mr Weir appeared on his own behalf.  
Mr Corie Waller appeared on behalf of the Stewards.

**Charge** Breach of AR 175 (q) – misconduct.

The particulars of the charge being that at Ballarat trackwork on Tuesday, 1 March 2011 Mr Weir used insulting or abusive language towards the trackwork supervisor Katrina Fitzgerald.

**Plea** Guilty.

**Decision** Mr Weir convicted and fined the amount of \$500 – fine due on or before midnight Thursday, 7 April 2011.

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# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

**MR B. FORREST, Deputy Chairman**  
**MR G. ELLIS**  
**MR D. McGEE**

## **EXTRACT OF PROCEEDINGS**

## **DECISION**

**TRAINER: DARREN WEIR**

**MELBOURNE**

**THURSDAY, 24 MARCH 2011**

MR C. WALLER appeared on behalf of the RVL Stewards

MR D. WEIR appeared on his own behalf

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DEPUTY CHAIRMAN: Arising out of an incident at trackwork at Ballarat on 1 March 2011, RVL Stewards charged licensed trainer Darren Weir with misconduct in breach of AR 175(q) following an investigation into a complaint made by trackwork supervisor, Mrs Katrina Fitzpatrick.

The Board accepts Mrs Fitzpatrick's evidence as to what occurred. The incident, as described in the transcript, I do not intend to repeat what was said, but it appears in the transcript at page 2, lines 21, 22 and 23.

In reminding Mr Weir of trackwork rules, Mrs Fitzpatrick was simply doing her job. Weir's response, in subjecting her to abusive language, was unacceptable behaviour and in the Board's view amounted to misconduct on his part towards an official.

In the circumstances, and having heard the evidence from Mr Weir, it is true that there may be some confusion in his mind as to the trackwork rules, but nonetheless that is not a justification for what he said to Mrs Fitzpatrick on this day.

Accordingly, the Board finds the offence proved and fines Mr Weir the sum of \$500, payable within 14 days of today's date.

Perhaps we should make further comment. In view of the evidence, the Board is concerned with the apparent lack of proper communication between the Ballarat Turf Club and the trainers, which in turn places the track manager in a

difficult position in endeavouring to comply with the OH&S requirements that are placed upon her. Ultimately, the responsibility in this regard rests with the Ballarat Turf Club and the Board would ask that Mr Waller take this matter up with the Ballarat Turf Club to ensure that this lack of communication, which appears evident from the evidence before us today, is clarified so that trainers in future are in no doubt as to their requirements and responsibilities.

**END OF EXTRACT**