



## **HRV Stewards Minimum Penalty Guidelines**

These guidelines outline to all industry stakeholders the possible penalties which may be imposed for breaches of the Australian Harness Racing Rules (AHRR) and the determinations to be relied upon by the HRV Stewards in determining an appropriate penalty should an offence be proven.

These guidelines further serve to demonstrate that breaches of the more serious race day offences may incur significant penalties imposed by Harness Racing Victoria (HRV) Stewards to deter such offending.



## **INDEX**

**1. MINOR RACE DAY OFFENCES (Page 3)**

**2. SERIOUS RACE DAY OFFENCE (Page 5)**

**Required Racing Standard**

**2(a). AHRR 149 (1) (Page 5)**

**Required Racing Standard**

**2(b). AHRR 149(2) (Page 7)**

**Whip Use**

**2(c). AHRR 156(2) & 156(3) (Page 9)**

**Interference Related**

**2(d). AHRR 163(1)(a) (Page 10)**

**Interference Related**

**2(e). AHRR 163(1)(b) (Page 12)**

**Relating to Required Clearance After Start**

**2(f). AHRR 165(1)(b) (Page 14)**

**Relating to Careless Driving**

**2(g). AHRR 168 (1) (b)(c)(d)(e)(f)&(g) (Page 15)**

# 1. Minor Race Day Offences

See the below table for the minimum penalty guidelines for minor race day offences and the factors which HRV Stewards will consider when assessing the appropriate penalty:

<b><u>HARNES RACING VICTORIA - MINIMUM PENALTY GUIDELINES</u></b>				
<b><u>OFFENCE</u></b>	<b><u>RULE</u></b>	<b><u>PENALTIES</u></b>		
		<b>1ST OFFENCE</b>	<b>2ND OFFENCE</b>	<b>3RD OFFENCE</b>
No RAC (Papers)*	96(3)	Caution	\$50	\$50
Late In Parade Ring*	135(1)	Caution	\$50	\$50
Failure To Fulfil Drive	158(1)	\$50	\$100	
Unapproved /Modified Vest	159A(7) 159A(8)	\$200		
Starting Position*	162(1)(e)(h)(i)(j)	Caution	\$100	\$200
Talking On Track*	162(1)(c)	Caution	\$100	\$100
Delaying Start	162(1)(d) or (m)	Caution	\$100	\$200 (False Start or Significant Delay)
Failure to Activate Gear	162(1)(r)	Caution	\$100	Suspension (Horses Chances Affected)
Easing Pace	162(1)(u)	Caution	\$100	Suspension (Interference Caused)
Shifting Ground (Impede/Hinder)	162(1)(www)(a) &(b)	Caution (No Consequences)	\$100 - \$200 (Impede or hinder)	Penalties may increase with frequent offending
Shifting Ground (Advantage)	162(1)(www)(c)	\$100 (Advantage gained and horse finishes ahead)	\$200 / Suspension (Advantage gained & horse wins)	Penalties may increase with frequent offending
Sectional Times*	162(1)(y)	\$100	\$200	\$300
Failure to Drive Out to Finish	162(1)(z)	Caution (No effect)	Fine (Dependent on placing)	Suspension (Influence on finishing position)
Contact Marker Pegs*	163(1)(c)	Caution	\$100	\$200
Half Carting*	163(3)	Caution	\$100	\$200
Sprint Lane	167(2)	Caution (No Consequences)	\$100 (Distance/No Corrective Action)	Suspension (Impediment/interference and/or placings affected)
Careless Driving	168(1)(a)	Caution (No Consequences)	\$100 Flat Tyre Caused/Inconvenience suffered	Suspension (High degree of carelessness involved)
Dropping Foot	170(1)	Caution	\$100	\$200

Body Outside of Sulky Confines ("Lean Back")*	170(2)	Caution	\$100	\$200
Late Driver*	210	Caution	\$50	\$50
Misconduct	231(2)	\$500 (portion may be susp.) + / Suspension or Greater Depending On Incident		
Dress Code*	238	Caution	\$50	\$50
Unapproved Gear Activation*	238	Caution	\$100	\$200
Contacting Barrier Stand*	238	Caution	\$100	\$200
Negligence	239A	Dependent on circumstances		
Horse Gear	273(1)(2)	Unapproved/Insecure \$100-\$200	Condition of gear & effect on horses performance may result in penalty increased	
Incorrect or No Number	273(6)(a)	\$100		
Incorrect Gear*	273(6)(b)	Caution	\$50	\$50 / Any further offence \$100

\* Denotes offence subject to 28 Day reset period

*\* For the purposes of a 28 day reset period, any time served through suspension for an applicable rule breach shall not be taken into account by HRV Stewards when determining any penalty for a further offence. I.e. Any time served through suspension will not form part of the 28 day reset period.*

Greater penalties may be imposed for offences in feature races. For the purposes of these guidelines a feature race is deemed to be a race with \$30,000 prizemoney or greater.

## **2. Serious Race Day Offences**

### **Required Racing Standard**

#### **2(a). AHRR 149 (1)**

**“A driver shall take all reasonable and permissible measures during the course of a race to ensure that the horse driven by that driver is given full opportunity to win or obtain the best possible placing in the field.”**

Penalty Starting Point: 8 Week Suspension of licence to drive in races.

Minimum Penalty Imposed: 4 Week Suspension of licence to drive in races.

#### **Factors Considered by HRV Stewards:**

##### Drivers Plea

Should a driver plead guilty the driver will be afforded a reduction from the penalty starting point.

##### Degree of Culpability

The degree of culpability on behalf of the driver will be assessed in line with the following factors:

- The drivers experience;
- The effect the drivers actions had on the final finishing position of the horse concerned;
- The circumstances of the rule breach.

A low degree of culpability may result in the driver being afforded a reduction from the penalty starting point. Conversely a high degree of culpability may result in a significant penalty being imposed in advance of the penalty starting point of 8 weeks.

##### Driving Frequency

HRV Stewards will be mindful of the frequency in which a driver competes in races. For a driver to receive a reduction from the penalty starting point the driver must have driven in a minimum of 200 races the season prior. HRV Stewards may apply some discretion to this provision should a driver have missed driving opportunities through injury or other reason not associated with breaching the AHRR.

### Offence Record

A driver must not have offended in the preceding 2 years or in the last 1000 race drives for a reduction from the penalty starting point to be afforded.

### Deterrence Factors

- Denunciation;
- General deterrence;
- Specific deterrence.

### Feature Races

Increased penalties may be imposed should the offence occur in a feature race. For the purposes of these guidelines a feature race is deemed to be a race of \$30,000 prizemoney or greater.

## Required Racing Standard

### **2(b). AHRR 149(2)**

**“A person shall not drive in a manner which in the opinion of the Stewards is unacceptable.”**

Penalty Starting Point: 6 Week Suspension of licence to drive in races

Minimum Penalty Imposed: 3 Week Suspension of licence to drive in races

#### **Factors Considered by HRV Stewards:**

##### Drivers Plea

Should a driver plead guilty the driver will be afforded a reduction from the penalty starting point.

##### Degree of Culpability

The degree of culpability on behalf of the driver will be assessed in line with the following factors:

- The drivers experience;
- The effect the drivers actions had on the final finishing position of the horse concerned;
- The circumstances of the rule breach.

A low degree of culpability may result in the driver being afforded a reduction from the penalty starting point. Conversely a high degree of culpability may result in a significant penalty being imposed in advance of the penalty starting point of 6 weeks.

##### Driving Frequency

HRV Stewards will be mindful of the frequency in which a driver competes in races. For a driver to receive a reduction from the penalty starting point the driver must have driven in a minimum of 200 races the season prior. HRV Stewards may apply some discretion to this provision should a driver have missed driving opportunities through injury or other reason not associated with breaching the AHRR.

### Offence Record

A driver must not have offended in the preceding 2 years/or in the last 1000 race drives for a reduction from the penalty starting point to be afforded.

### Deterrence Factors

- Denunciation;
- General deterrence;
- Specific deterrence.

### Feature Races

Increased penalties may be imposed should the offence occur in a feature race. For the purposes of these guidelines a feature race is deemed to be a race of \$30,000 prizemoney or greater.



## Whip Use

### 2(c). AHRR 156(2) & 156(3)

#### AHRR 156(2)

“A driver shall only apply the whip in a flicking motion whilst holding a rein in each hand with the tip of the whip pointed forward in an action which does not engage the shoulder.”

#### AHRR 156(3)

“A driver shall not use a whip in an unapproved manner.”

#### Minimum Penalty Guidelines

##### 156(2)

1<sup>st</sup> Offence: Minimum \$200 fine

2<sup>nd</sup> Offence: Minimum \$400 fine

3<sup>rd</sup> Offence: Minimum 2 Week Suspension of licence to drive in races

##### 156(3)

1<sup>st</sup> Offence: Minimum \$100 fine

2<sup>nd</sup> Offence: Minimum \$200 fine

3<sup>rd</sup> Offence: Minimum 7 Day Suspension of licence to drive in races

***For the purposes of a 28 day reset period, any time served through suspension for an applicable rule breach shall not be taken into account by HRV Stewards when determining any penalty for a further offence. I.e. Any time served through suspension will not form part of the 28 day reset period. Breaches of rules 156(2) & 156(3) shall be dealt with separately. ‘***

#### Feature Races

Increased penalties may be imposed should the offence occur in a feature race. For the purposes of these guidelines a feature race is deemed to be a race of \$30,000 prizemoney or greater.

## Interference Related

### 2(d). AHRR 163(1)(a)

“(1) A driver shall not -

(a) cause or contribute to any

(iii) interference

First Turn Penalty Starting Point: 4 Week Suspension of licence to drive in races. **(For the purposes of this policy a first turn offence is an offence which occurs from the point the race starts until the field reach the next straight.)**

Non-First Turn Penalty Starting Point: 2 Week Suspension of licence to drive in races.

First Turn Minimum Penalty Imposed: 2 Week Suspension of licence to drive in races.

Non-First Turn Minimum Penalty Imposed: 7 Day Suspension of licence to drive in races.

### Factors Considered by HRV Stewards:

#### Drivers Plea

Should a driver plead guilty the driver will be afforded a reduction from the penalty starting point.

#### Degree of Interference

The degree of interference involved in an incident will be graded in line with the following factors:

##### Low

- Horse loses racing position
- Horse checked and races roughly

##### Medium

- Horse checked and gallops

- Light contact involved

#### High

- Heavy contact involved
- Horse falls
- Driver/s dislodged
- Multiple runners involved

A low degree of interference may result in the driver being afforded a reduction from the penalty starting point. Conversely a high degree of interference may result in a significant penalty being imposed in advance of the penalty starting point.

#### Degree of Carelessness

A low degree of carelessness may result in the driver being afforded a reduction from the penalty starting point. Conversely a high degree of carelessness may result in a significant penalty being imposed in advance of the penalty starting point.

#### Drivers Experience

A drivers experience will be considered when assessing any penalty.

#### Driving Frequency

HRV Stewards will be mindful of the frequency in which a driver competes in races. For a driver to receive a reduction from the offence starting point the driver must have driven in a minimum of 200 races the season prior. HRV Stewards may apply some discretion to this provision should a driver have missed driving opportunities through injury or other reason not associated with breaching the AHRR.

#### Offence Record

A driver must not have offended in the preceding 250 race drives for a reduction from the offence starting point to be afforded on the basis of a good driving record.

#### Feature Races

Increased penalties may be imposed should the offence occur in a feature race. For the purposes of these guidelines a feature race is deemed to be a race of \$30,000 prizemoney or greater. An offence that occurs in a feature race may result in a monetary penalty being imposed, inclusive of any driving suspension.

## Interference Related

### **2(e). AHRR 163(1)(b)**

“(1) A driver shall not –

(b) subject to rule 164 make another horse cover more ground than necessary.

**VL164A – A driver may ease his horse out passing the candy pole situated in the back straight on the final occasion provided that such move does not cause or contribute to interference.”**

Penalty Starting Point: 2 Week Suspension of licence to drive in races

Minimum Penalty Imposed: 7 Day Suspension of licence to drive in races

### **Factors Considered by HRV Stewards:**

#### Drivers Plea

Should a driver plead guilty the driver will be afforded a reduction

#### Degree of Interference

The degree of interference will be assessed in line with the following factors:

- The distance the horse interfered with is forced wider than necessary
- The degree of carelessness involved

A low degree of interference may result in the driver being afforded a reduction from the penalty starting point. Conversely a high degree of interference may result in a significant penalty being imposed in advance of the penalty starting point.

#### Drivers Experience

A drivers experience will be considered when assessing any penalty.

### Driving Frequency

HRV Stewards will be mindful of the frequency in which a driver competes in races. For a driver to receive a reduction from the offence starting point the driver must have driven in a minimum of 200 races the season prior. HRV Stewards may apply some discretion to this provision should a driver have missed driving opportunities through injury or other reason not associated with breaching the AHRR.

### Offence Record

A driver must not have offended in the preceding 12 months for a reduction from the penalty starting point to be afforded.

### Feature Races

Increased penalties may be imposed should the offence occur in a feature race. For the purposes of these guidelines a feature race is deemed to be a race of \$30,000 prizemoney or greater. An offence that occurs in a feature race may result in a monetary penalty being imposed, inclusive of any driving suspension.

## Relating to Required Clearance After Start

### 2(f). AHRR 165(1)(b)

“From the start through the first turn, and until reaching the next straight, a driver shall not move the driver’s 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”.

First Turn Penalty Starting Point: 4 Week Suspension of licence to drive in races. **(For the purposes of this policy a first turn offence is an offence which occurs from the point the race starts until the field reach the next straight.)**

First Turn Minimum Penalty Imposed: 2 Week Suspension of licence to drive in races.

#### **Factors Considered by HRV Stewards:**

##### Drivers Plea

Should a driver plead guilty the driver will be afforded a reduction from the penalty starting point.

##### Degree of Carelessness

A low degree of carelessness may result in the driver being afforded a reduction from the penalty starting point. Conversely a high degree of carelessness may result in a significant penalty being imposed in advance of the penalty starting point.

##### Drivers Experience

A drivers experience will be considered when assessing any penalty.

##### Driving Frequency

HRV Stewards will be mindful of the frequency in which a driver competes in races. For a driver to receive a reduction from the offence starting point the driver must have driven in a minimum of 200 races the season prior. HRV Stewards may apply some discretion to this provision should a driver have missed driving opportunities through injury or other reason not associated with breaching the AHRR.

##### Offence Record

A driver must not have offended in the preceding 250 race drives for a reduction from the offence starting point to be afforded on the basis of a good driving record.

##### Feature Races

Increased penalties may be imposed should the offence occur in a feature race. For the purposes of these guidelines a feature race is deemed to be a race of \$30,000 prizemoney

or greater. An offence that occurs in a feature race may result in a monetary penalty being imposed, inclusive of any driving suspension.

## **Relating To Careless Driving**

### **2(g). AHRR 168 (1) (b)(c)(d)(e)(f)&(g)**

**“(1) A person shall not before, during or after a race drive in a manner which is in the opinion of the Stewards:-**

- (b) reckless**
- (c) incompetent**
- (d) intimidatory**
- (e) improper**
- (f) foul or**
- (g) likely to endanger person or horse”.**

#### **Reckless Driving 168(1)(b)**

Penalty Starting Point: 12 Week Suspension of licence to drive in races

Minimum Penalty Imposed: 6 Week Suspension of licence to drive in races

#### **Incompetent Driving 168(1)(c)**

Penalty Starting Point: 6 Week Suspension of licence to drive in races and may include requirement to complete trial drives prior to driving in races again.

Minimum Penalty Imposed: 4 Week Suspension of licence to drive in races and may include requirement to complete trial drives.

#### **Intimidatory Driving 168(1)(d)**

Penalty Starting Point: 12 Week Suspension of licence to drive in races.

Minimum Penalty Imposed: 6 Week Suspension of licence to drive in races.

### **Improper Driving 168(1)(e)**

Penalty Starting Point (non-dropping foot): 12 Week Suspension of licence to drive in races.

Minimum Penalty Imposed (non-dropping foot): 6 Week Suspension of licence to drive in races.

Minimum Penalty Imposed (Dropping foot in vicinity and/or contacting horses hind legs):  
\$500 Fine

### **Foul Driving 168(1)(f)**

Penalty Starting Point: 9 Month Suspension of licence to drive in races and substantial fine.  
(Circumstances dependant)

Minimum Penalty Imposed: 6 Month Suspension of licence to drive in races and substantial fine. (Circumstances dependant)

### **Driving in a manner likely to endanger person or horse 168(1)(g)**

Penalty Starting Point: 9 Month Suspension of licence to drive in races and substantial fine.  
(Circumstances dependant)

Minimum Penalty Imposed: 6 Month Suspension of licence to drive in races and substantial fine. (Circumstances dependant)

### **Factors Considered by HRV Stewards:**

#### Drivers Plea

Should a driver plead guilty the driver will be afforded a reduction

#### Drivers Experience

A drivers experience will be considered when assessing any penalty.

#### Driving Frequency



HRV Stewards will be mindful of the frequency in which a driver competes in races. For a driver to receive a reduction from the offence starting point in this respect the driver must have driven in a minimum 200 races the season prior.

#### Deterrence Factors

- Denunciation;
- General deterrence;
- Specific deterrence.

#### Offence Record

A driver must not have offended in the preceding 2 years for a reduction from the offence starting point to be afforded.

#### Feature Races

Increased penalties may be imposed should the offence occur in a feature race. For the purposes of these guidelines a feature race is deemed to be a race of \$30,000 prizemoney or greater. An offence that occurs in a feature race may result in a monetary penalty being imposed, inclusive of any driving suspension.