



HRNSW PENALTY GUIDELINES

14.11.2016

CONTENTS

PENALTY GUIDELINES FOR FINES:.....	3
PENALTY GUIDELINES FOR HORSES BREAKING GAIT (PACERS):.....	4
PENALTY GUIDELINES FOR HORSES BREAKING GAIT (TROTTERS):.....	5
PENALTY GUIDELINES FOR THERAPEUTIC SUBSTANCES AND TCO2 POSITIVES:.....	6
PENALTY GUIDELINES FOR THERAPEUTIC SUBSTANCES AND TCO2 POSITIVES.....	8
PENALTY GUIDELINES FOR DRIVING OFFENCES (1):.....	9
PENALTY GUIDELINES FOR DRIVING OFFENCES (2).....	10
PENALTY GUIDELINES FOR WHIP OFFENCES:.....	12

PENALTY GUIDELINES FOR FINES:

Various Offences -

OFFENCE	RULE(S)	AMOUNT
Late driver notification (Metropolitan)	210	\$50 (\$100)
Failure to lodge gear form or late gear change	268A (2), (3), 269	\$50 (Per Horse)
Failure to have registration papers with horse	96(3)	\$50
Incorrect gear	273 (6) (b)	\$50
Insecure gear/not fixed properly/poor quality (Safety)	273 (2)	\$100 (\$200)
Incorrect saddlecloth number	273 (6) (a)	\$100
Horse presented late into marshalling yard	135 (1), (2)	\$50
Delay start	162 (1) (d), 135 (3), (5)	\$100 (Minimum)
Score-up in wrong barrier position	162 (1) (e)	\$200
Out of position at start (Metropolitan)	162 (1) (h), (i), (j)	\$50 (\$100)
Start from wrong barrier position	162 (1) (f), (g)	\$200
(Driver) Contacting marker pegs	163(1)(c)	\$50
(Driver) Half carting	163 (3)	\$100 (Minimum)
(Driver) Shifting ground in home straight impeding runner	162(1)(www)	\$200
(Driver) Dropped foot	170 (1)	\$100
(Driver) Dropped foot in vicinity of hind legs	170 (1)	\$200 (Minimum)
(Driver) Communicate on track	162(1)(c)	\$ 100 (Minimum) On merit
Approved helmet not worn at track work	224	\$250
Approved helmet not correctly fastened	159A (2), 224	\$250
Approved helmet not correctly fastened or worn during race or trials	159A (2)	\$400
Not wearing an approved body protector at track work	159A (7), 223	\$250
Not wearing an approved body protector at races or trials	159A (7), 223	\$400
Driver in possession of a modified body protector	159A (8)	\$400
Not lead horse with bit in mouth	220	\$25 (Per Horse)
Unclean gear	159A (5)	\$50 +
Failure to obey (or comply with) a direction of the Stewards, or an Official	238	\$ 100 (Minimum) On merit

Note: *Stewards may increase penalties where the licensed person has repeated offences.
Where mitigating factors exist Stewards may increase or moderate a penalty accordingly.*

PENALTY GUIDELINES FOR HORSES BREAKING GAIT (PACERS):

1. Start Offences - Mobile and Standing

Note - Starting Offences shall constitute the score-up until approximately 100m after the start of any race.

First to third start -

- | | |
|--|-------------------------|
| a) Races roughly in score-up or races roughly at start | Last chance in the draw |
| b) Out of position at the start | Last chance in the draw |
| c) Gallops out, breaks in the score-up or breaks after start | ODM |

Fourth start onwards -

- | | |
|---|-------------------------|
| d) Out of position | Last chance in the draw |
| e) Gallops out, breaks in the score-up or breaks after start | Last chance in the draw |
| f) Gallops out, breaks in the score up score-up or breaks after start and has previously offended within 3 starts | ODM |
| g) Gallops out, breaks in the score-up or after start and is already an ODM horse | RODM/CODM + 1 trial |

2. Race Offences

First to third start –

- | | |
|-----------------------------|---------------------------|
| a) Races roughly in running | Last chance to race truly |
| b) Gallops in running | 1 trial |

Fourth start onwards –

- | | |
|---|---------------------------|
| c) Gallops in running | Last chance to race truly |
| d) Gallops in running and has previously offended within 3 starts | 1 trial |
| e) Gallops in running and has previously offended within 3 starts and horse had been ordered to trial/requalify | 2 trials + 14 days |
| f) Gallops in running and has previously offended twice within 3 starts and horse has been ordered to trial/requalify twice | 4 trials + 28 days |

3. Notwithstanding the above guidelines, where Stewards deem the performance of any horse to be unsatisfactory (gallops for a considerable distance, does not complete the event, gallops on more than one occasion), uncompetitive, inconsistent or consider that a horse has repeatedly re-offended more severe action may be taken.
4. For the purposes of this Policy, once a horse has completed the course in three (3) starts the horse will be considered to have a clear record, providing that a horse excluded from the draw (ODM) cannot be deemed to have a clear record whilst designated ODM.
5. Unless otherwise permitted by HRNSW, horses may be presented to requalify after one clear day has elapsed from the day on which it last raced.
6. In regards to clauses 2(d), (e) and (f) (above) the Stewards may apply discretion in the application of the Policy depending on the particular circumstances.
7. In the context of the Policy, “gallop” refers to a horse breaking gait other than as a consequence of interference.

PENALTY GUIDELINES FOR HORSES BREAKING GAIT (TROTTERS):

1. Start Offences - Mobile and Standing

Note - Starting Offences shall constitute the score-up until approximately 100m after the start of any race.

First to third start -

- | | |
|---|-------------------------|
| a) Out of position or fractious in the score-up | Last chance in the draw |
| b) Gallops out, breaks in the score-up or after start | Last chance in the draw |

Third start onwards -

- | | |
|---|-------------------------|
| c) Out of position or fractious in the score-up | Last chance in the draw |
| d) Gallops out, breaks in the score-up or after start | Last chance in the draw |
| e) Out of position or fractious in the score-up or breaks in the score up or after the start and the horse has offended as per 1 (a), (b), (c) or (d) within two previous starts. | ODM or ODS |
| f) Gallops out, breaks in the score-up or breaks after the start and horse is already an ODM horse | RODM/RODS |

2. Race Offences

First and second start -

- | | |
|---------------------------------------|---------------------------|
| a) Gallops in running NOT EXCESSIVELY | Last chance to race truly |
| b) Gallops in running EXCESSIVELY | 1 trial |

Note – The term “EXCESSIVE” above shall mean where a horse gallops for a distance of 100 metres or more, or in an instance where a horse gallops twice in running.

Third start onwards -

- | | |
|--|---------------------------|
| c) Gallops in running | Last chance to race truly |
| d) Gallops in running and had previously offended within two starts of offence in (c) above. | 1 trial |
| e) Gallops in running, horse had offended within two starts of offence in (d) above | 2 trials + 10 days |
| f) Gallops in running and had offended within two starts of the offence in (e) above and the horse has been ordered to trial twice | 2 trials + 10 days |

3. Notwithstanding the above guidelines, where the Stewards deem a performance of any horse to be unsatisfactory, uncompetitive, inconsistent or consider that a horse has repeatedly re-offended more severe action may be taken.
4. For the purposes of this Policy, once a horse has completed the course in two (2) starts the horse will be considered to have a clear record.
5. Unless otherwise permitted by HRNSW, horses may be presented to requalify after one clear day has elapsed from the day on which it last raced.
6. In regards to clauses 2 (d), (e) and (f) (above) the Stewards may apply discretion in the application of the Policy depending on the particular circumstances.
7. In the context of the Policy, “gallop” refers to a horse breaking gait other than as a consequence of interference.

PENALTY GUIDELINES FOR THERAPEUTIC SUBSTANCES AND TCO2 POSITIVES:

CLASS 1

This category of drugs has the highest potential to affect performance and have no generally accepted medical use in the racing horse.

It includes, but is not limited to, central nervous systems stimulants and depressants, narcotic analgesics, synthetic EPO derivatives, including polyethylene glycolated – epoetin beta (PEG-EPO), ITPP, AICAR, snake venom, snail venom, other animal venom and all substances specifically referred to in AHRR 190A (2) Out of Competition Testing and any other substance not registered for use in equines and/or Humans.

The list below is some of those substances, but is not limited to:

- Anileridine
- Anabolic steroids (including HPC)
- Cobalt
- Etorphine
- Dipipanone
- Endorphins
- Human erythropoietin, darbepoetin alpha
- Human insulin, bovine insulin and porcine/canine insulin
- Diacetylmorphine (heroin), cocaine, cannabinoids and lysergic acid diethylamine (LSD)
- Amphetamines including amphetamine, methylamphetamine
- Methylenedioxyamphetamine and methylenedioxyamphetamine

First offence

- No less than five (5) years disqualification

Second offence

- No less than (10) years disqualification

CLASS 2

Drugs in this category have a high potential to affect performance but less of a potential than Class1.

They include but are not limited to psychotropic drugs, certain nervous system stimulants and depressants and neuromuscular blocking agents.

Local anaesthetics are included in this class because of their high potential for abuse as nerve blocking agents.

It also includes but is not limited to:

- TCO2
- SARMs
- SERMs (eg Tamoxifen)

First offence

- No less than two (2) years disqualification

HRNSW PENALTY GUIDELINES

Second offence

- No less than five (5) years disqualification

Third offence

- No less than ten (10) years disqualification

CLASS 3

This category includes those medications registered in Australia for veterinary use which have an accepted therapeutic use in the racing horse.

Australian registered human preparations with an accepted therapeutic use in the racing horse may also be included in this Class.

Includes all therapeutic substances.

First offence

- Twelve (12) months disqualification

Second offence

- Two (2) years disqualification

Third offence

- Five (5) years disqualification

Fourth offence

- Ten (10) years disqualification

Stewards may consider a reduction on compelling evidence that the person:

- Did not administer or caused to administer the prohibited substance
- Did not know or have reason to believe it was administered
- Taken all reasonable steps to ensure administered was not possible
- If a person makes an omission or pleads “guilty” to any offence

PENALTY GUIDELINES FOR THERAPEUTIC SUBSTANCES AND TCO2 POSITIVES

Rule 193(1) – Stomach tubing

The practice of stomach tubing of a registered horse within 48 hours of the commencement of a race (or event) for which that horse has been nominated and without the permission of Stewards as provided for in sub-rule (4).

First offence

- Two (2) years disqualification

Second offence

- Five (5) years disqualification

Rule 193(2) – Use of atomiser, face mask or other devices

First offence

- Two (2) years disqualification

Second offence

- Five (5) years disqualification

Rule 193(3) – Administration of medication prior to race

First offence

- Twelve (12) months disqualification

Second offence

- Two (2) years disqualification

Rule 196B – Administering an injection within one clear day of race and without the permission of Stewards

First offence

- Twelve (12) months disqualification

Second offence

- Two (2) years disqualification

Stewards may consider a reduction on compelling evidence that the circumstances resulting in the administration of the injection are such that had the permission of the Stewards been sought such permission would have been likely

PENALTY GUIDELINES FOR DRIVING OFFENCES (1):

Rule 163 (1) (a) & 168 (1)

21 days	Horse checked, tightened or jostled
28 days	Horse checked, tightened or jostled on first turn
28 days	Horse checked and broke
35 days	Horse checked and broke on first turn
35 days	Horse checked causing fall or driver dislodged

Rule 163 (1) (b)

28 Days	Horse obliged to cover more ground than necessary
---------	---

NOTE:

- *A premium of up to 21 days may be applied for cases where a driver is found to have displayed a high degree of carelessness;*
- *Charges under more serious sections of the rule may attract higher penalties;*
- *Breaches occurring in Group races might attract a higher penalty;*
- *It must be noted that whilst discounts will be applied no penalty will be reduced below 7 days*
- *Furthermore for “win at all costs” attitude or egregious breaches in feature races under the above rules monetary penalties may also be included. Feature races may also result in higher base penalty being considered*

Guilty Plea

7 days reduction

Penalty Reduction Good Driving Record

14 days reduction	600 drives or 2 years since last suspension under these rules
10 days reduction	300 drives or 12 months since last suspension under these rules
7 days reduction	150 drives and no more than 2 suspensions in the last 12 months under these rules

Premium for Poor Driving Record

14 days premium	6 or more suspensions in last 400 drives or 12 months
-----------------	---

PENALTY GUIDELINES FOR DRIVING OFFENCES (2)

Rule 149 (1) & (2)

Unreasonable drive	12 week suspension
Unacceptable drive	10 week suspension

Guilty Plea

2 weeks reduction

Penalty Reduction Good Driving Record

4 weeks reduction	1500 drives or not suspended under this rule for 4 years or first offence
2 weeks reduction	750 drives or not suspended under this rule for 2 years
1 week reduction	300 drives or not suspended under this rule for 1 year

NOTE: Some charges under this rule may attract higher penalties dependent upon the circumstances of the each individual drive.

Deferment of Suspensions

Stewards may defer the commencement of any suspension for a period of nine (9) days from the day the penalty is imposed.

Note: Only in exceptional circumstances will a Driver be permitted to relinquish drives where final Drivers have been declared.

Cumulative Penalties

Drivers are should be aware of the consequences of **Rule 257**.

Rule 257 states; *“Unless the Controlling Body or the Stewards direct otherwise, a penalty by way of suspension or disqualification shall be served cumulatively to any other penalty of suspension or disqualification being served or ordered to be served.”*

PENALTY GUIDELINES FOR SUNDRY OFFENCES:

Rule 162(1)(y)

In accord with HRNSW Sectional Times Policy.

Sectional Time Breaches

0.1 seconds to 2.0 seconds outside time requirement	\$100
2.1 seconds to 3.0 seconds outside time requirement	\$200
3.1 seconds to 4.0 seconds outside time requirement	\$300
4.1 seconds and over	\$400

Note: *Where a Driver breaches Rule 162(1)(x) within 60 days of a previous offence Stewards may consider an increased penalty.*

Rule 44(1)

In accord with HRNSW Change of Tactics Policy.

All applications for change of tactics should be notified to Stewards NO LATER than 45 minutes prior to the advertised starting time of the race for which the horse is engaged.

Failure to Make application/Notify a Change of Tactics, or within the time prescribed

For Non-TAB races	At the discretion of Stewards
For races with total prizemoney less than \$ 10,000	\$ 200
For races with total prizemoney of \$ 10,000 and greater	\$ 400
For races at Tabcorp Park Menangle – Metropolitan meetings	\$ 500
For races with total prizemoney of \$75,000 and greater	\$ 1,000

Guilty Plea

Reduction in penalty of not greater than 25%.

Note: *Stewards may increase penalties where the licensed person has repeated offences.
Where mitigating factors exist Stewards may increase or moderate a penalty accordingly.*

PENALTY GUIDELINES FOR WHIP OFFENCES:

To help drivers understand how Stewards in NSW will regulate whip rules in effect from 1 May, 2016, HRNSW has produced a full breakdown of the new interpretation.

HRNSW has developed penalty guidelines to impose penalties for those that breach the rules and encourage drivers to curtail their whip action to reduce the risk of infringing again.

The follow penalty structure will be in use in NSW and is a reflection of the national policy.

1st Offence	Fine - \$ 200
2nd Offence – If a Driver reoffends within 60 drives or a period of 60 days, whichever occurs first, of the 1 st Offence.	Fine - \$ 400
3rd Offence – If a Driver reoffends within 60 drives or a period of 60 days, whichever occurs first, of the 2 nd Offence.	Fine \$ 400 and 7 days suspension
4th Offence – If a Driver reoffends within 60 drives or a period of 60 days, whichever occurs first, of the 3 rd Offence.	Fine \$ 1000 and/or 14 days suspension (at Stewards discretion)
5th Offence – If a Driver reoffends within 60 drives or a period of 60 days, whichever occurs first, of the 4 th Offence.	21 days suspension

An Offence as mentioned in the above table shall include all offences occurring in breach of Rules 156(2) and (3) in total.

HRNSW encourages ALL Drivers to understand the interpretation of “unapproved manner” as described in Rule 156(4):

- (4) For the purposes of sub-rule (3) a driver shall be deemed to have used the whip in an unapproved manner in the following circumstances which are not exclusive:-
- (a) If the tip of the whip is drawn back further than the driver’s shoulder.
 - (b) If the whip hand is drawn back further than or above the driver’s shoulder.
 - (c) If the whip action involves more than a wrist and elbow action.
 - (d) If the reins are lengthened so as to result in loose reining regardless of whether the whip is being used at the same time.
 - (e) If the whip is used other than in a flicking motion.
 - (f) If the whip is applied continuously and/or without allowing the horse time to respond.
 - (g) If the whip is applied when the horse:
 - (i) is not visibly responding;
 - (ii) is not in contention;
 - (ii) cannot maintain or improve its position;
 - (iv) is clearly winning;
 - (v) has passed the winning post at the finish of a race.
- (5) A driver shall not use the whip in a manner which causes injury to a horse.
- (6) A whip shall not be used so as to obstruct, strike or endanger another driver or horse.
- (7) A driver shall not allow a whip to project outside the sulky.
- (8) A whip shall not be used in a prodding or jabbing motion.
- (9) A driver shall not be in possession of a whip that has not been approved by the Controlling Body.
- (10) A person who fails to comply with any provision of this Rule is guilty of an offence.

HRNSW PENALTY GUIDELINES

In instances where a Driver is found to have breached the “Whip Rules” on more than eight (8) occasions in any twelve month period HRNSW may require the Driver to show cause as to why they remain licensed by the Controlling Body.

In the event a Driver is required to show cause the Controlling Body may direct that the Driver not be permitted to drive pending the said Driver responding to such Notice.