



QRIC Harness Racing Penalty Guidelines

2023



QUEENSLAND RACING
INTEGRITY COMMISSION

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A1 Date Guidelines made

1 February 2023

A2 Effective date of Guidelines

1 February 2023

A3 Purpose of Guidelines

The QRIC Harness Racing Penalty Guidelines (the Penalty Guidelines) are to provide:

- transparency to all stakeholders on decision-making relating to breaches of the Australian Harness Racing Rules (AHRR); and
- licensed participants in the harness code of racing with the penalties they may incur for breaching the AHRR; and
- a deterrent for stakeholders to consider prior to undertaking any actions which may breach the AHRR.

The Penalty Guidelines have been drafted with careful consideration of relevant penalty precedents for the same or similar rule breaches in similar circumstances. The Penalty Guidelines have been designed to act as a general deterrent, by ensuring that the penalty imposed on an individual for a rule breach is sufficiently serious to discourage other licensed participants from breaching the rule. Further, the Penalty Guidelines take into account the need for specific deterrence, that is, the penalty imposed on an individual for a rule breach must be sufficiently serious to discourage the offender not to reoffend.

A4 Who is affected by the Guidelines

The Penalty Guidelines are to be used by the Queensland Racing Integrity Commission (the Commission) to determine the appropriate penalty for breaches of the AHRR covered by this document.

Schedule 1 prescribes the penalty starting points for certain offences committed against the AHRR.

These Penalty Guidelines do not limit the Commission from issuing a penalty against a registered animal or licensed participant:

- for an offence that is not referred to in these Penalty Guidelines;
- that is less than the penalty starting point referred to in these Penalty Guidelines; or
- that is in excess of the penalty starting point referred to in these Penalty Guidelines.

In addition, these Penalty Guidelines do not limit the Commission from exercising its powers or functions under:

- *The Racing Integrity Act 2016*;
- *The Racing Act 2002*;
- Another law of Queensland;
- The Standard for Licensing Scheme Harness;
- The Australian Harness Racing Rules.

Schedule 2 provides the description of abbreviations, acronyms and definitions used in these Guidelines.

B1 How decisions are made under the Guidelines

Subject to the Penalty and Human Rights considerations' below (see B1.1 and B1.2) the Commission will apply the penalty starting point contained in Schedule 1 of these Penalty Guidelines to the licensee who is found to have breached an AHRR rule covered by these guidelines. The penalty issued to the licenced participant may include a monetary fine, suspension, or disqualification.

It must be understood that the penalty starting points identified in this document are a guide only. The Commission's Stewards will review and assess each case on its own merits, taking into account the penalty considerations below and any human rights considerations.

B1.1 Penalty Considerations

Imposing a penalty in any given instance involves a balance between the severity of the offence, the need for deterrence (for both the individual concerned and industry participants generally) and any mitigating factors. All situations are assessed on their individual merits.

In addition to undertaking an assessment of any human rights impacts, the Commission's Stewards' considerations may include, but are not limited to, the following:

- **Circumstances of offence including any mitigating or contributing factors:** any facts or details about the offence. Contributing factors are other matters relating to an incident which may have a bearing on penalty. Mitigating factors are factors or details about the offender or offence that tend to reduce the severity of penalty.
- **Degree of culpability:** the degree of personal or moral blameworthiness of the person accused of the breach. The more culpable the conduct, the more severe the penalty should be, from both a general and specific deterrence point of view.
- **Early guilty plea:** an early guilty plea is a mitigating factor that may result in a lesser penalty being imposed.
- **Frequency of participation:** the frequency in which a licensed individual participates in racing;
- **Offence record:** a record of breaches of the same or similar rules by a licensed individual including the circumstances and penalty imposed for each offence. A good offence record with few offences is a mitigating factor and a poor offence record with regular breaches is an aggravating factor.
- **Race status:** race status is relevant to penalty so an offence that occurs at a high-status race such as a feature race that represents the top-level of competition in the sport will be an aggravating factor in determining penalty. Group races, metropolitan races and events with higher prize money are regarded high-status races.

In addition to issuing penalties, under AHRR 15(1)(a) Stewards are empowered to direct and control at any meeting or race the activities of officials, owners, qualifying/requalifying supervisors, trainers, driver, bookmakers, clerks, persons attending horses and anyone else appointed, employed or engaged in or about the meeting or race.

In accordance with AHRR 238, failure to comply with an order or direction given by the Stewards may also constitute an offence and may result in further penalties.

B1.2 Human Rights Considerations

The *Human Rights Act 2019* (HRA) places obligations on public entities to be compatible with human rights when acting or making a decision.

Under the HRA, 'compatible with human rights' means an act or decision does not limit a human right, or limits a human right only to the extent that is 'reasonable and demonstrably justifiable'.

Section 13 of the HRA provides guidance on when human rights may be limited and the factors to be considered when assessing if an act or decision is compatible with human rights. Human rights should only be limited after careful consideration, and in a way that can be justified in a free and democratic society based on human dignity, equality, freedom and the rule of law.

C1 Inconsistencies - Australian Harness Racing Rules and the Penalty Guidelines

In the event of any inconsistency between these Guidelines and the AHRR in relation to the minimum penalties to be issued, the AHRR will prevail to the extent of any inconsistency.

D1 Approval



Shane Gillard

Commissioner
Queensland Racing Integrity Commission

E1 Revision History

Version	Date	Description
0.01	1 February 2023	2023 Penalty Guidelines made

Schedule 1 – Minimum Penalties

Part 1 – Race Day Offences

1.1. Racing Standards

1.1.1. AHRR 147 (1) - *A driver shall race a horse on its merits.*

Penalty Starting Point	12 months disqualification
<p>This is considered the most severe of charges under the racing standard category, whereby, the driver of a horse has driven the horse in a manner to prevent the horse from racing on its merits. Charges proved under this rule may be referred to the Queensland Police Service Racing Crime Squad (QRCS) for consideration of possible criminal charges relating to race fixing.</p> <p>Participants need to be aware that, in accordance with AHRR Rule 147(2), consideration of failing to race a horse on its merits, includes, either or both action and non-action by the driver.</p>	

1.1.2 AHRR 148 (1) - *A person shall not direct, coerce, persuade, or assist a driver to race a horse other than on its merits.*

Penalty Starting Point	12 months disqualification
<p>Any person who directs, coerces, persuades, or assists a driver to race a horse other than on its merits is viewed as being equally serious to a charge against a driver charged under 147(1) and this is reflected in the same minimum penalty.</p>	

1.1.3 AHRR 149 (1) - *A driver shall take all reasonable and permissible measures during the course of a race to ensure the horse driven by that driver is given full opportunity to win or obtain the best possible placing in the field.*

Penalty Starting Point	6 weeks suspension
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1.1.4 AHRR 149 (2) - *A person shall not drive in a manner which in the opinion of the Stewards is unacceptable.*

Penalty Starting Point	4 weeks suspension
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1.1.5 AHRR 149 (4) - *The connections of a horse shall not give a direction or instruction to the driver of that horse if that direction or instruction is unreasonable or is likely to prevent the driver from giving the horse full opportunity to win or obtain the best possible placing in the field.*

Penalty Starting Point	Trainer - same penalty as the driver for a AHRR 149(1) breach. Owner or Stable representative: \$1000
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Participants need to be aware of AHRR 150 which reads:

- (1) *Charges may be laid under rules 147 and 149 arising out of the same circumstances.*
- (2) *If an offence is established under each rule penalties may be imposed in respect of each offence.*

Commission Stewards will inquire into drives that, potentially, due to the tactics adopted, may have undermined the chances of the driver's horse winning or finishing in the best possible position and therefore charge/s may be issued.

1.2 Driving Standards

1.2.1 AHRR 163 (1) *A driver shall not –*

(a) *cause or contribute to any:*

- (i) *crossing*
- (ii) *jostling*
- (iii) *interference*

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

Penalty Starting Point	Rule 163(1)(a) First turn 21 days Any point after the first turn - 14 days suspension (b) 14 days suspension (at all points until reaching the ease out pole in the final lap).
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1.2.2 AHRR 163 (1) (c), (d) & (2) - *marker post offences.*

Penalty Starting Point	\$100
Penalties for breaches of AHRR 163(1)(c), (d) and (2) begin with lower scale fines, however continued breaches may result in increased monetary penalties and possible suspensions.	

1.2.3 AHRR 163 (3) - *A driver shall trail with the head of the driver's horse behind the seat of the sulky being trailed.*

Penalty Starting Point	\$100
Penalties for breaches of AHRR 163(3) (commonly referred to as half carting) begin with lower scale fines, however continued breaches may result in increased monetary penalties and possible suspensions.	

1.2.4 AHRR 165 (1) - *From the start through the first turn, and until reaching the next straight, a driver shall –*

- (a) maintain with the inside wheel of the sulky a course which is at least 30cm wider on the track than the course being made good by the outside wheel of the sulky of the horse that is racing in the next position closer to the inside running line;*
- (b) not move the driver's horse towards the inside 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*

Penalty Starting Point	21 Days Suspension
Racing into the first turn and attempting to gain an early position has one of the highest proportions of incidents regarding interference in harness racing. Horses are at top speed when establishing racing positions and safe clearance over other runners is of paramount importance, for the safety of drivers and their horses. A 21-day suspension is the penalty starting point for an offence from the start, on the first turn, and until entering the next straight under AHRR Rule 165 (1).	

1.2.5 AHRR 168 (1) – A person shall not before, during or after a race drive in a manner which is in the opinion of the Stewards: -

Table of Penalties	
Sub Rule	Penalty Starting Point
(a) careless	\$100
(b) reckless	28 days suspension
(c) incompetent	28 days suspension
(d) intimidatory	6 weeks suspension
(e) improper	3 months suspension
(f) foul	9 months suspension
(g) likely to endanger person or horse	9 months suspension

AHRR 168 covers a multitude of offences that differ in levels of seriousness and participants need to be fully aware of the differences within this rule and hence the potential for significant penalty variances.

1.2.6 AHRR 162 (1) (y) - *A driver shall not – fail to adhere to minimum time standards for a section of a race*

Table of Penalties	
Period over minimum requirement	Set Penalty
0.1 to 1.0 seconds over minimum requirement	\$100*
1.1 to 2.0 seconds over minimum requirement	\$150*
2.1 to 3.0 seconds over minimum requirement	\$200*

* Where a driver commits a second breach of AHRR162(1)(y) within a 28-day period of a previous breach, an additional \$100 penalty will be applied.

Minimum time requirements for leader (the leader is defined as the horse that is leading the race, positioned on the marker pegs, from the start to the finish of an 800m section) over any continuous 800 metre section:

TRACK	PACERS	TROTTERS
Albion Park	64.0s *	66.0s *
Redcliffe	65.0s *	67.0s *
Marburg	66.0s *	68.0s *

* Concessions:

2-Year-old Horses

- The Stewards will not apply this penalty standard against any driver of a 2-year-old horse unless the race occurs at a Metropolitan meeting.

Inclement Weather

- A 1 second allowance for inclement weather is permitted. This is solely measured by the necessity to use mud guards and splash sheets.

1.2.7 AHRR 162(1)(x) - *A driver shall not – set an excessively slow pace*

Penalty Starting Point	14-day drivers' suspension or a \$500 fine.
Times of 3.1 seconds or above for an 800m sectional in accordance with the requirements of 162(1)(y), will be considered excessively slow. The penalty starting point for an offence under this rule is a 14-day drivers' suspension or a \$500 fine.	

1.3 Whip Offences

1.3.1 AHRR 156 – *Driver's use of the whip*

Penalties: All breaches of AHRR 156 will incur the following incremental penalties. Penalties will be reset after a 56-day period from the date of the initial breach.

Offence occurrence	Penalties incurred on or after 56 days from previous offence	Penalties incurred within 56 days of previous offence
1st Offence	\$200 fine	\$200 fine
2nd Offence	\$200 fine	\$400 fine
3rd Offence	\$200 fine	14 days suspension
4th Offence	\$200 fine	28 days suspension
5th Offence	\$200 fine	56 days suspension
6th Offence*	14-day suspension	Not Applicable

* A 6th and any further breach within a 12-month period from the first offence will incur an automatic 14-day suspension.

Part 2 – Embargos placed against Wayward horses

In considering bars placed on horses, Stewards will consider any previous offence in the horses' previous **five starts** for pacers, and previous three starts for trotters, not including current race day.

Where a horse is stood down for multiple trials, to have an embargo removed to allow the horse to resume racing, these trials must be **consecutive** satisfactory trials.

2.1 Running Offences Bars

Pacers	Trotters
Broke in running (B) - LCRT	Broke in running (B) - WI
B - 2nd occasion - SD 1 Trial	B - 2nd occasion - LCRT
B - 3rd occasion - SD 2 Trial	B - 3rd occasion - SD 1 Trial
B - 4th occasion - SD 2 Trials & 14 days	B - 4th occasion - SD 2 Trials
B - 5th occasion - SD 2 Trials & 28 days	B - 5th occasion - SD 2 Trials & 14 days

Where a horse breaks on multiple occasions. Stewards may use their discretion to bar the horse from racing irrespective of previous race behaviour.

For two-year-old trotters, Stewards will use their discretion with regards to bars placed upon horses for unruly race behaviour.

2.2 Starting Offences Bars

Mobile	Stand
BSU - In position - WI	GO/BAS - WI
BSU but in position (2 nd Occasion) - LCD	GO/BAS - LCD
BSU & OPS - ODM	GO/BAS - ODS
*OPS - CODM	*GO/BAS - CODS
BSU & OPS - RODM	GO/BAS - RODS
*OPS - CRODM	*GO/BAS - CRODS
BSU & OPS - RODM + SD1MT	GO/BAS - CRODS + SDSS1T
BSU & OPS - CRODM + SD2MT	GO/BAS - CRODS + SDSS2T
BSU & OPS - CRODM + SD2MT + SD14D	GO/BAS - CRODS + SDSS2T + SD14D
CFS (1 time) - ODM	CFS (1 time) - ODS
CFS (2 nd time) – SCR ODM SD1MT	CFS (2 nd time) – SCR ODS SDSS1T

***To be considered a “Starting” breach, offence needs to occur from the commencement of the score-up, through to the start and the first 100 metres of the event. Out of position is defined as more than one metre from the starting position. These restrictions apply to the previous 5 race starts of a pacer and the previous 3 race starts for trotters for the particular mode of starting.**

2.3 Atrial Fibrillation (Cardiac Arrhythmia) - AHHR 101C

1st Occurrence	SD ECG + SD VETS + SD1T* + SD 14D
2nd Occurrence	SDECG + SDVETS + SD2T* + SD28D
3rd Occurrence	SDECG + SDVETS + SD3T* + SD3Months
3 rd Occurrence (within a 12-month period)	Stood down from racing for life.

***Trials must be outside the stand down period and the horse is not permitted to be worked or exercised during the stand down period for atrial fibrillation.**

Part 3 – Deregistration

3.1 Deregistration of a horse

Compliance with death and retirement notification obligations is crucial to ensure the racing industry maintains public confidence.

Specific penalties apply for breaches of the following rules relating to the obligation to properly deregister a horse:

96A - (3)(a) Where a registered horse has been retired from racing or a decision has been made to not race the horse, the owner of the horse at the time of its retirement must, within one month of the horse's retirement, notify the Registrar by lodging the relevant form prescribed by the Registrar.

(b) Where a registered horse has been retired from racing or a decision has been made to not race the horse but retain it for the purposes of breeding, the owner of the horse at the time of its retirement from breeding must, within one month of the horse's retirement notify the Registrar by lodging the relevant prescribed form.

(4) The owner or trainer of a registered horse at the time of its death shall: -

(a) In the case of a horse which dies whilst in the care of a licensed trainer immediately notify the Stewards of the death.

(b) In any other case notify the Controlling Body or Stewards of the death within twenty-four hours of its occurrence.

(8) The owner or trainer of a horse whose death has been notified, or which should have been notified, under sub rule (4)(a) shall not dispose of the carcass without the permission of the Stewards or the Controlling Body.

Penalties: Offences regarding all breaches of AHRR 96A will incur the following incremental penalties.

Offence occurrence	Penalty Starting Point
1st Offence	Caution
2nd Offence	Reprimand
3rd Offence	\$200 per horse
4th Offence	\$500 per horse
5th and any further offence	To be dealt with by the Stewards at their discretion

Schedule 2 – Abbreviations, acronyms, and definitions

Term/acronym	Definition
BAS	Broke after start
BSU	Broke in score up
CFS	Caused false start
CODM	Continuous out of draw in mobile starts
CODS	Continuous out of draw in standing starts
CRODM	Continuous right outside of draw mobile starts
CRODS	Continuous right outside draw in standing starts
D	Days
ECG	An electrocardiogram (ECG) is a medical test that detects heart problems by measuring the electrical activity generated by the heart as it contracts.
GO	Galloped Out
LCD	Last chance in the draw
LCRC	Last chance to race competitively
LCRT	Last chance to race truly
M	Month
MT	Mobile trial
Metropolitan Meeting	Racing that occurs and is classed as a metropolitan meeting by Racing Queensland.
ODM	Outside draw for mobile starts
ODS	Outside draw for standing starts
OPS	Out of position at start

Term/acronym	Definition
RODM	Right outside of draw mobile starts
RODS	Right outside draw stands
SCR	Scratched at barrier
SD	Stand Down
SDMT	Stood down mobile trial
SDSS	Stand down standing starts
T	Trial
TNCP	Took no competitive part
VETS	Means a veterinarian who is Registered with the Veterinary Practitioners Board or equivalent regulatory body in a State or Territory of Australia;
WI	Warnings issued

Schedule 3 – Table of Starting Penalties

OFFENCE	RULE(S)		PENALTY
Late on course	41 (1)		\$100
Failure to have registration papers with horse	96 (3)		\$100
Horse presented late into mounting yard	135 (1)(2)		\$100
Fail to race a horse on its merits	147 (1)		12M DQ
Fail to race a horse on its merits (indirectly)	148 (1)		12M DQ
Fail to take Reasonable and Permissible Measures	149 (1)		6 weeks suspension
Unacceptable drive	149 (2)		4 weeks suspension
Whip use (engaging the shoulder or more than flicking or unapproved use)	156	See table at page 4	
Driving matters (general)	162 (1), (a)-(z)		\$200
Come to barrier out of position	162 (1) (e, g)		\$100
Take or attempt to take an unfair advantage	162 (1)(n)		28 days suspension
Shifting ground in home straight impeding runner	162 (1) (www)		\$200
Crossing	163 (1)(a)(i)		14 days suspension
Jostling	163 (1)(a)(ii)		\$200
Interference	163 (1)(a)(iii)		14 days suspension
Force another runner wider	163 (1)(b)(i)		14 days suspension
Contact marker pegs	163 (1)(c)		\$100
Force another runner onto pegs	163 (1)(d)		\$100
Impede forward progress or another runner	163 (1)(b)(ii)		\$100
Half carting	163 (3)		\$100
First turn interference	165 (1)(a) (b)		21 days suspension
Enter sprint lane	167(1)	No consequence	caution
		No corrective action/minimal consequence	\$200

		Impediment/interference and/or placings affected	4-week suspension
Driver Careless	168 (1)(a)		\$100
.... Reckless	168 (1)(b)		28 days suspension
.... Incompetent	168 (1)(c)		28 days suspension
.... Intimidatory	168 (1)(d)		6 weeks suspension
.... Improper (including dropped foot hocking)	168 (1)(e)		3 M suspension
.... Foul	168 (1)(f)		9 M suspension
.... Likely to endanger person or horse	168 (1)(g)		9 M suspension
Dropped foot	170 (1) (a)		\$100
Body protruding outside sulky confines	170(2)		\$100
Prevention of swab being taken	189 (5)		12M DQ
Unlicensed person	202-204		\$100
Trainer permitting licensed person	90A(2.9) (a)		\$200
Late driver notification	210		\$100
Leave horse unattended	211		\$100
Inappropriate clothing	223		\$100
Failure to obey or comply with a Stewards direction	238		\$200
Failure to lodge gear form or late gear change	268A (2)(3), 269		\$100
Unapproved gear	273 (1)		\$100
Insecure gear/not fixed properly/poor quality	273 (2)		\$100
Gear protruding past nostrils (not permitted)	273 (4)		\$200
Incorrect number	273 (6) (a)		\$100
Incorrect gear	273 (6) (b)		\$100
Fail to fulfil driving engagement	158 (1)		\$100
Unapproved/Modified Vest	159A (7)(8)		\$200
Talking on the track	162 (1)(c)		\$100
Failure to activate gear	162 (1)(r)		\$100
Abruptly ease pace	162 (1)(u)		\$200
Present incorrect horse	273 (7)		\$500

Schedule 4 – Table of Qualifying and Requalifying Times

QUALIFYING TIMES @ OFFICIAL BARRIER TRIALS											
As from 1 August 2019											
TRACK	DISTANCE	AGE	MOBILE				DISTANCE	STAND			
			PACERS		TROTTERS			PACERS		TROTTERS	
			RATE	TIME	RATE	TIME		RATE	TIME	RATE	TIME
ALBION PARK	1660M	OPEN	02:03.0	02:06.8	02:06.0	02:10.0	1628M	02:05.0	02:06.7	02:08.0	02:09.7
		3YO	02:04.0	02:07.9	02:09.0	02:13.1		02:06.0	02:07.5	02:11.0	02:12.7
		2YO	02:06.0	02:10.0	02:20.0	02:24.4		02:08.0	02:09.7	02:20.0	02:21.7
	2138M	OPEN	02:03.0	02:43.4	02:06.0	02:47.5	2138M	02:05.0	02:46.2	02:08.0	02:50.1
		3YO	02:04.0	02:44.8	02:09.0	02:51.4		02:06.0	02:47.5	02:11.0	02:54.1
		2YO	02:06.0	02:47.5	02:20.0	03:06.7		02:08.0	02:50.1	02:20.0	03:06.7
REDCLIFFE	1780M	OPEN	02:05.0	02:18.3	02:08.0	02:21.6	1780M	02:07.0	02:20.4	02:10.0	02:23.8
		3YO	02:06.0	02:19.4	02:11.0	02:24.9		02:08.0	02:21.6	02:13.0	02:27.1
		2YO	02:08.0	02:21.6	02:20.0	02:34.9		02:10.0	02:23.8	02:20.0	02:34.9
	2040M	OPEN	02:05.0	02:38.5	02:08.0	02:42.3	2280M	02:07.0	02:59.9	02:10.0	03:04.2
		3YO	02:06.0	02:39.7	02:11.0	02:46.1		02:08.0	03:01.4	02:13.0	03:08.5
		2YO	02:08.0	02:42.3	02:20.0	02:57.5		02:10.0	03:04.2	02:20.0	03:18.4
MARBURG	1850M	OPEN	02:07.0	02:26.0	02:10.0	02:29.5	1850M	02:09.0	02:28.3	02:12.0	02:31.7
		3YO	02:08.0	02:27.2	02:12.0	02:31.7		02:10.0	02:29.5	02:14.0	02:34.0
		2YO	02:10.0	02:29.5	02:20.0	02:41.0		02:12.0	02:31.7	02:20.0	02:41.0
	2200M	OPEN	02:07.0	02:53.6	02:10.0	02:57.8	2200M	02:09.0	02:56.3	02:12.0	03:00.4
		3YO	02:08.0	02:55.0	02:12.0	03:00.4		02:10.0	02:57.8	02:14.0	03:03.1
		2YO	02:10.0	02:57.8	02:20.0	03:11.4		02:12.0	03:00.4	02:20.0	03:11.4

These Penalty Guidelines may be amended at any time, at the sole discretion of the Queensland Racing Integrity Commission (QRIC).