



VICTORIAN LOCAL RULES

PART 22: BOOKMAKERS AND BETTING

- VLR3** The Controlling Body may make determinations relating to Betting, Bookmakers' and Clerks.
- VLR4** A person shall not carry on the business of a bookmaker at any harness racing meeting unless he :
- (a) is registered with the Bookmakers & Bookmakers' Clerks Registration Committee.
 - (b) holds a licence from the Controlling Body; and
 - (c) holds a permit from the body holding the meeting.
- VLR5** An application for a bookmaker's licence shall be made in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body may determine.
- VLR6** The Controlling Body may grant a licence for such period and upon such terms and conditions as it thinks fit.
- VLR7** An application may be refused by the Controlling Body without any reason.
- VLR8** The Controlling Body may at any time cancel any bookmaker's licence.
- VLR9** A person shall not act as a bookmaker's clerk or assistant at any meeting unless he is registered with the Bookmakers & Bookmakers' Clerks Registration Committee.
- VLR10** A bookmaker shall not permit any person to act for him as a clerk or assistant at any meeting unless such person is registered as required by VLR9.
- VLR11** Only a bookmaker and his registered staff may occupy the stand allocated.
- VLR12** Repealed 22/7/05.
- VLR13** The body holding a meeting may determine fielding fees for any meeting it conducts.
- VLR14** (a) A bookmaker desiring leave of absence from fielding at a meeting must apply to the body holding the meeting for approval.

- (b) If a bookmaker takes leave of absence without the prior approval of the body holding the meeting, he shall be liable for the payment of fielding fees determined for that meeting.

VLR15 The Controlling Body or Club conducting a meeting shall appoint a person to carry out the duties of Bookmakers' Supervisor at that meeting.

VLR16 The Bookmakers' Supervisor shall exercise the powers conferred on him by the Controlling Body and these Rules.

VLR17 A bookmaker operating or intending to operate at a meeting or his agent shall not enter an area reserved by the club for the use of drivers during the conduct of a meeting and for the period of one hour prior to the commencement thereof.

VLR18 A bookmaker fielding at a meeting shall be on the stand allocated and shall display the odds offered by him at least 20 minutes before the advertised starting time of the race on which he is fielding.

VLR19 A bookmaker may only offer the following types of bet -

- (a) win;
- (b) win and place;
- (c) place;
- (d) favout;
- (e) doubles;
- (f) concession

VLR20 A bookmaker shall :

- (i) exhibit a "CLOSED" notice on his betting board until all the horses engaged in the race have been listed on the betting board in an approved manner.
- (ii) exhibit against each horse so listed the odds being offered by him except in the case of a designated horse in an approved Favout race.
- (iii) when betting commences immediately remove the "CLOSED" notice and replace it with a "BETTING" notice and display the type of betting offered.

VLR21 A bookmaker betting "win and place" shall not be permitted to display "win only" against any horse after betting has commenced.

VLR22 (a) A Bookmaker betting on the Rails or Market Place within the metropolitan area who is offering odds against a horse shall not refuse to lay such odds to any sum

demanded provided that he shall not be compelled to risk more than \$1,000 on any wager.

- (b) A bookmaker betting at any other place who is offering odds against a horse shall not refuse to lay such odds to any sum demanded provided that he shall not be compelled to risk more than \$600 on any wager.

VLR23 In respect of each bet a bookmaker shall issue a voucher or ticket which has legibly written or printed on the face thereof :

- (i) the name or the initial letters of the horse or horses against which the bet was made;
 - (ii) the amount of the bet for a win, and
 - (iii) the amount of the bet for a place, or
 - (iv) if no place bet was laid a distinct X
- and deliver such voucher or ticket to the bettor or if a bet is a credit bet shall retain such voucher or ticket and shall also record thereon the surname and initial of the bettor.

VLR24 Where a betting voucher or ticket is delivered to a bettor the onus shall be on the bettor to :

- (a) inspect the markings on the voucher or ticket;
- (b) retain the voucher or ticket until "All Clear" has been signalled.

VLR25 In respect of any bet there must be a possibility to win when the bet is made.

VLR26 A bookmaker shall :

- (a) Keep proper betting books recording -
 - (i) date of the meeting;
 - (ii) name of the club conducting the meeting;
 - (iii) names of all persons employed by the bookmaker at the meeting;
 - (iv) number of each race;
 - (v) hold and take out on each race;
 - (vi) any other details as required by the Controlling Body.
- (b) Enter all credit bets.
- (c) write all tickets in consecutive order showing at the commencement of each 1,000 tickets full letters and full numbers;
- (d) offer to bet on each and every race on the programme at the meeting on which he is fielding unless otherwise permitted by the Stewards or bookmakers' supervisor;
- (d) on demand by a steward or bookmakers' supervisor produce his licence to operate as a bookmaker.

VLR27 A bookmaker must record all bets immediately after the bet is made including a “bet back” to reduce his liability or any other transaction whether with another bookmaker or the totalizator.

VLR28 A bookmaker shall not :

- (a) enter fictitious bets or bets made in fictitious names;
- (b) erase or obliterate any entry in his betting book;
- (c) make any alteration to any entry in his betting book unless the words, figures or letters which are the subject of such alteration remain clearly visible after such alteration has been made;
- (d) fail to bet on a race;
- (e) after betting has commenced and until the starting time of a race refuse to accept a wager demanded in accordance with these Rules on any horse listed.
- (e) Bet on the result of a photo finish or protest.

VLR29 Place bets shall be paid on 1st, 2nd and 3rd placing if there are eight or more horses in the race when the wager is made, and on 1st and 2nd placings if there are not less than three nor more than seven horses in the race when the wager was made.

VLR30 In a win and place bet the odds for a place where there are eight or more horses in the race when the wager was made shall be one-fourth of the odds for a straight-out win, and where there are not less than three nor more than seven horses in the race when the wager was made shall be one-third of the odds for a straight-out win.

- VLR31**
- (a) In the event of a dead-heat for first place, the money wagered for a win shall be put together and equally divided. In the event of a dead-heat for third place, the money wagered for a place shall be put together and equally divided.
 - (b) In the event of a triple dead-heat for second place, the bettor shall be paid two-thirds of the face value of the place wager.

- VLR32**
- (a) In the event of a horse being withdrawn from a race after on-course betting has commenced, the Stewards may declare all bets off and order that betting recommence.
 - (b) Subject to sub-rule (a), in the event of a horse being withdrawn or declared a non-runner after the commencement of on-course betting, the Stewards shall order that all other bets made before the withdrawal or declaration of a non-runner on the horses remaining in the race shall stand subject to a deduction to be calculated in accordance with the Table set out in Appendix “1” to this Part.
 - (c) Where only one horse is withdrawn or declared a non-runner and the odds prevailing for that horse are outside the limits of

the odds enumerated in "Appendix 1" or where more than one horse is withdrawn or declared a non-runner, the settlement of bets shall be at the discretion of the Stewards.

- (d) In respect of all bets on a race outside the racecourse on which the bet is made, deductions shall be made on the same basis as is ordered by the Stewards officiating at the race meeting at which such race is held.
- (e) In the event of a horse being withdrawn or declared a non-runner after the commencement of on-course betting, no deductions shall be made which would return to the bettor a sum less than the amount wagered by him except in the event of a dead-heat for any placing.
- (f) The provisions of these Rules shall not apply to bets made before the day of the race.
- (f) Doubles bets shall be subject to deduction in accordance with the relevant provisions of Appendix "1" or as otherwise directed by the Stewards. Where a deduction is so made in respect of each race forming a leg of a winning double, the deduction for the first leg shall be applied before the deduction for the second leg.

VLR33 In "Doubles" bets :

- (a) Bets are determined when the first race is lost.
- (b) If either race is decided in the bettor's favour and the result of the other race is a dead-heat the money wagered must be put together and equally divided.
- (c) If both horses backed run dead-heats the money wagered must be put together and divided in the proportion one-fourth to the bettor and three-fourths to the bookmaker laying the bet.

VLR34

- (a) A "doubles" bet made on the course on the day of the race on which both legs are run, is void if either horse is withdrawn prior to the first leg of the double, or if the first leg horse is declared a non-runner.
- (b) When the first horse of a "doubles" bet wins, and the other horse named in the wager is withdrawn or declared a non-runner, the bettor shall be paid the starting price odds of the first leg winner.

VLR35

In concession betting the bettor shall be entitled to the return of his stake if the horse backed for a win is placed second or third when there are eight or more horses in the race, or second when there are not less than three nor more than seven horses in the race, provided that in the event of a dead-heat for the first place the bettor shall be entitled to the return of his stake plus the amount wagered against it and in the event of a dead-heat for third place he shall be entitled to the return of half his stake.

- VLR36 (1)**
- (a) A bookmaker desiring to operate “favout” betting on a race must make application to the Stewards at least 45 minutes prior to the advertised starting time of the race.
 - (b) The Stewards may grant or refuse such an application and if an application is granted shall designate the horse to be excluded from betting (“the designated horse”).
 - (c) Once a bookmaker commences to operate “favout” betting he shall not be permitted to change his mode of betting.
 - (d) On a race in which any bookmaker is operating “favout” betting, the Chairman of Stewards at the meeting shall immediately after “all clear” has been notified, ensure that an announcement is made over the course Public Address System of the placings that are to be paid out by bookmakers in respect of the race.
 - (e) If a designated horse is withdrawn prior to the race, or is declared a non-runner after the race, there shall be no alteration to the betting on the race.
 - (f) The Stewards may determine the number of bookmakers allowed to bet “favout” on a race.

(2) For the purpose of sub-rule (1) “favout betting” means a mode of betting approved by the Controlling Body which allows bookmakers to bet on a race without a designated horse and where the finishing position of the designated horse in the race shall have no bearing on the settlement of a bet on the race.

VLR37 All winning bets shall be paid on the declaration of “all clear”.

VLR38 All bets stand unless otherwise determined by these Rules.

VLR38A (i) In this Rule, "Totalisator Odds" means Odds which are determined or to be determined by the result of the operation of a totalisator on any event.

(ii) A bookmaker must not make or offer any win, place or each way bet at Totalisator Odds.

(iii) VLR 38A(ii) does not apply to any order or declaration by the Stewards under the Rules for any bet or bets to be paid at Totalisator Odds. (Adopted August 2005)

VLR39 The following bets are refundable :

- (i) A bet made on a horse which was scratched when the bet was made.
- (ii) A bet made on any race in which there is only one horse under the starters orders.
- (iii) A bet made on the course on the day of the race on any horse which is withdrawn or declared a non-runner.

VLR40 Where a betting voucher or ticket is lost, discarded or destroyed by the bettor and the bettor claims a payment thereof, he shall produce to the Bookmakers' Supervisor or Stewards evidence of such fact together with such particulars of the bet or other information as may be required.

- VLR41** Subject to VLR43, no bet can be declared off except :
- (i) by mutual consent;
 - (ii) where the stake is not produced on the demand of the bookmaker before the race;
 - (iii) if the bettor is a person who is disqualified or warned off.
- VLR42** If any race is postponed or abandoned then all bets shall be refunded, excluding those made prior to the day of the race.
- VLR43** Settlement of a bet made in accordance with these Rules shall not be disturbed except where there is an allegation of fraud or corrupt practice in which case the Stewards may investigate the allegation and may declare a bet or bets off.
- VLR44** Unclaimed wagers resulting from transactions from the meeting must be recorded on the bookmaker's holding card and lodged with the Bookmaker's Supervisor at the conclusion of the meeting.
- VLR45** Any dispute between a bookmaker and a bettor shall be investigated and adjudicated upon by the Stewards.
- VLR46** A bookmaker or bookmakers' clerk who fails to comply with any provision of a Rule contained in part 22 is guilty of an offence.

APPENDIX 1 - Betting Deduction Scale

Number	Dividend	Imperial Conversion	Win,Doubles Deduction	3 Place @ 1/4	2 Place @ 1/3	Concession	Quinella
1	1.05	1/20	0.80	0.30	0.44	0.70	ALL BETS VOID AND REFUNDED
2	1.06		0.80	0.30	0.44	0.70	
3	1.07		0.80	0.30	0.44	0.70	
4	1.08	1/12	0.80	0.30	0.44	0.70	
5	1.09		0.80	0.30	0.44	0.70	
6	1.10	1/10	0.80	0.30	0.44	0.70	
7	1.12	1/8	0.80	0.30	0.44	0.70	
8	1.14	1/7	0.80	0.30	0.44	0.70	
9	1.16	1/6	0.80	0.30	0.44	0.70	
10	1.18		0.79	0.30	0.44	0.70	
11	1.20	1/5	0.78	0.30	0.44	0.70	
12	1.22		0.77	0.30	0.44	0.70	
13	1.24		0.75	0.29	0.43	0.67	
14	1.26	1/4	0.74	0.29	0.43	0.67	
15	1.28	2/7	0.73	0.29	0.43	0.67	
16	1.30	1/3	0.72	0.29	0.42	0.67	
17	1.35	4/11	0.69	0.29	0.42	0.64	
18	1.40	2/5	0.67	0.28	0.41	0.62	

19	1.45	4/9	0.64	0.28	0.41	0.59	
20	1.50	1/2	0.62	0.28	0.40	0.57	
21	1.55	8/15	0.60	0.27	0.39	0.55	
22	1.60	4/7	0.58	0.27	0.39	0.53	
23	1.65	4/6	0.57	0.27	0.38	0.53	
24	1.70		0.55	0.27	0.38	0.51	
25	1.75	8/11	0.53	0.26	0.37	0.49	
26	1.80	4/5	0.52	0.26	0.37	0.48	
27	1.85		0.51	0.26	0.36	0.47	
28	1.90	9/10	0.49	0.25	0.36	0.45	
29	1.95		0.48	0.25	0.35	0.44	
30	2.00	Evens	0.47	0.25	0.35	0.43	0.70
31	2.05		0.46	0.25	0.35	0.42	0.70
32	2.10		0.45	0.24	0.34	0.41	0.70
33	2.15	10/9	0.43	0.24	0.34	0.40	0.70
34	2.20		0.42	0.24	0.33	0.39	0.65
35	2.25	5/4	0.42	0.24	0.33	0.39	0.65
36	2.30		0.41	0.24	0.33	0.39	0.65
37	2.35		0.40	0.23	0.32	0.38	0.65
38	2.40	11/8	0.39	0.23	0.32	0.37	0.65
39	2.45		0.38	0.23	0.32	0.36	0.65
40	2.50	6/4	0.37	0.23	0.31	0.35	0.65
41	2.60		0.36	0.22	0.30	0.34	0.65
42	2.70	13/8	0.35	0.22	0.30	0.33	0.60
43	2.80	7/4	0.33	0.21	0.29	0.31	0.60
44	2.90	15/8	0.32	0.21	0.29	0.30	0.60
45							
46	3.00	2/1	0.31	0.21	0.28	0.29	0.55
47	3.10		0.30	0.20	0.27	0.28	0.55
48	3.20		0.29	0.20	0.27	0.27	0.55
49	3.30	9/4	0.28	0.20	0.26	0.26	0.55
50	3.40		0.27	0.19	0.26	0.25	0.50
51	3.50	5/2	0.27	0.19	0.25	0.25	0.50
52	3.60		0.26	0.19	0.25	0.24	0.50
53	3.70		0.25	0.19	0.25	0.24	0.50
54	3.80	11/4	0.25	0.18	0.24	0.24	0.50
55	3.90		0.24	0.18	0.24	0.23	0.45
56	4.00	3/1	0.23	0.18	0.23	0.22	0.45
57	4.20	13/4	0.22	0.17	0.23	0.21	0.45
58	4.40		0.21	0.17	0.22	0.20	0.40
59	4.60	7/2	0.20	0.16	0.21	0.19	0.40
60	4.80	15/4	0.19	0.16	0.21	0.18	0.40
61	5.00	4/1	0.19	0.16	0.20	0.18	0.40
62	5.50	9/2	0.17	0.15	0.19	0.17	0.35
63	6.00	5/1	0.16	0.14	0.18	0.16	0.35
64							
65	6.50	11/2	0.14	0.13	0.16	0.14	0.30

66	7.00	6/1	0.13	0.12	0.16	0.13	0.30
67	7.50	13/2	0.12	0.12	0.15	0.12	0.25
68	8.00	7/1	0.12	0.11	0.14	0.12	0.25
69	8.50	15/2	0.11	0.11	0.13	0.11	0.25
70	9.00	8/1	0.10	0.10	0.13	0.10	0.20
71	9.50		0.10	0.10	0.12	0.10	0.20
72	10.00	9/1	0.09	0.10	0.12	0.09	0.20
73							
74	11.00	10/1	0.08	0.09	0.11	0.08	0.16
75	12.00	11/1	0.08	0.08	0.10	0.08	0.16
76	13.00	12/1	0.07	0.08	0.09	0.07	0.16
77	14.00		0.07	0.07	0.09	0.07	0.14
78	15.00	14/1	0.06	0.07	0.08	0.06	0.12
79	16.00	15/1	0.06	0.07	0.08	0.06	0.12
80	17.00	16/1	0.05	0.06	0.07	0.05	0.12
81	18.00		0.05	0.06	0.07	0.05	0.12
82	19.00		0.05	0.06	0.07	0.05	0.10
83	20.00		0.05	0.05	0.06	0.05	0.10
84	21.00	20/1	0.04	0.05	0.06	0.04	0.08
85	26.00	25/1	0.03	0.04	0.05	0.03	0.08
86	31.00	33/1	0.03	0.03	0.04	0.03	0.06
87	41.00	40/1	0.02	0.03	0.03	0.02	0.04
88	51.00	50/1	0.02	0.02	0.02	0.02	0.04

PART 24: THE HARNESS RACING VICTORIA RACING APPEALS AND DISCIPLINARY BOARD

VLR 47 Appointment and Functions

(1) Appointments:

(a) The Minister must:

(i) In accordance with section 50E of the Racing Act 1958, appoint a person as Chairperson of the HRV Racing Appeals and Disciplinary Board (the “**HRV RAD Board**”); and

(ii) In accordance with section 50F of the Racing Act 1958, appoint on the recommendation of the Controlling Body, a person as Deputy Chairperson of the HRV RAD Board.

(b) The Controlling Body shall:

(i) appoint not less than 5 persons and not more than 15 persons, as members other than the Chairperson and Deputy Chairperson, to constitute the HRV RAD Board;

(ii) define the term of office of a member for a period not exceeding 3 years;

(iii) pay remuneration and allowances to persons appointed to constitute the HRV RAD Board as fixed by the Governor in Council.

(2) Function:

The function of the HRV RAD Board is to hear and determine:

(a) appeals made under section 50J of the Racing Act 1958 in relation to decisions made under the rules to impose penalties on persons;

(b) charges made by Stewards against persons for *serious offences*;

(c) appeals in relation to decisions made under the rules following a direction made by the Racing Integrity Commissioner;

(d) any matter referred by the Controlling Body-

(i) on the Controlling Bodies own motion; or

(ii) the recommendation of the Stewards.

(3) Constitution for hearing proceedings:

Any proceeding before the HRV RAD Board being any of the matters referred to in VLR 47(2) must be heard by:

(a) the Chairperson and up to 4 other members selected by, and at the discretion of, the Chairperson; or

(b) the Deputy Chairperson and up to 4 other members selected by, and at the discretion of, the Chairperson.

VLR 48 Initiating an appeal

(1) Right of appeal by giving notice:

A person may appeal to the HRV RAD Board against a decision made under the rules to impose a penalty on the person. Subject to VLR 48(2), any person aggrieved by the decision of:

(a) the Stewards made under the Rules; or

(b) the Controlling body in exercising any power conferred on the Stewards by the Rules,

may appeal to the HRV RAD Board by lodging a written notice of appeal in the form prescribed under the Racing Act 1958 (Vic) with the RAD Board Registrar not later than 5.00pm on the third day after the person receives notice of the decision.

(2) No right of appeal:

Except as provided by VLR 48(3) an appeal cannot be made against the decision of the Stewards or controlling body in relation to the following matters or circumstances:

(a) any decision in connection with any protest or objection against placed horses arising out of any incident or incidents occurring during the running of a race, save for any fines, suspensions or disqualifications otherwise capable of appeal in accordance with these Rules;

(b) decisions that a horse be placed outside the barrier draw for any race;

(c) a disability imposed on a horse which provides that such horse shall pass a specified trial, test or examination;

(d) the eligibility of any horse to run in any race; or

(e) where the penalty is a fine of less than \$250.

(3) Appeal directed by the Racing Integrity Commissioner:

Where the Racing Integrity Commissioner so directs, the HRV RAD Board must hear and determine an appeal made by a person against a penalty imposed on the person notwithstanding that the penalty imposed was a fine of not more than \$250.

(4) HRV RAD Board to notify Stewards or Controlling Body of the appeal:

The HRV RAD Board must, as soon as is reasonably practicable, notify the Stewards or the Controlling Body that the appeal has been lodged.

(5) Stay of proceedings:

The HRV RAD Board may in its absolute discretion and subject to such conditions as it thinks fit suspend in whole or in part the operation of the decision which is the subject matter of the appeal to the HRV RAD Board pending the determination of the appeal.

(6) Appeal may not be abandoned without HRV RAD Board approval:

An appeal to the HRV RAD Board may not be withdrawn or otherwise not proceeded with by the appellant:

- (a) unless by leave of the HRV RAD Board; and
- (b) except upon such terms and conditions as the HRV RAD Board may impose.

(7) Leave to appeal:

An appeal sought to be commenced after the end of the period referred to in VLR 48(1) is deemed to be an application for leave to appeal under VLR 48(1). The HRV RAD Board may grant leave to appeal if it is of the opinion that the appellant has given an adequate explanation for his or her failure to institute the appeal within the period referred to in VLR 48(1) and it would be unjust to refuse leave.

VLR 49 Charges for hearing and determination under VLR 47(2)(b)

(1) HRV RAD Board's original jurisdiction:

Notwithstanding anything else to the contrary in these Rules, the Stewards or the Controlling Body in exercising any power conferred on the Stewards must not hear or determine any matter or penalise any person relating to a *serious offence*.

(2) Charges:

The Stewards may charge persons with offences under any of the Rules referred to in VLR 49(1) which are defined as a *serious offence*.

(a) Minor offences:

Notwithstanding the provisions of VLR 49(1), where a person charged by the Stewards with a breach of ARHR 187, ARHR 192 (1), ARHR 194 and ARHR 245 has indicated in writing that he or she will plead guilty before the HRV RAD Board, the Stewards may penalise the person by imposing a fine not exceeding \$500.

(3) Details of charge:

(a) In any case where the Stewards have decided to lay a charge pursuant to VLR 49(1), the Stewards must provide to the person a notice of charge specifying:

- (i) the offence; and
- (ii) the particulars of the facts and circumstances relating to the alleged commission of the offence.

(b) In conjunction with the notice of charge referred to in VLR 49(3)(a), the Stewards must provide to the person charged by the Stewards copies of any complaint, report, videotape evidence, witness statements and other evidence which will be relied upon to support the charge.

(c) The Stewards must provide the Registrar of the HRV RAD Board with a copy of the notice of charge and any material that accompanied the notice referred to in VLR 49(3)(b) no later than 2 days after the notice of charge has been provided to the person charged by the Stewards.

Notice of hearing:

Upon receipt of the materials referred to in VLR 49(3)(c), the HRV RAD Board must as soon as is reasonably practicable notify the Stewards and the person charged by the Stewards of the date of the hearing.

(4) Withdrawal of charge:

If in relation to a charge pursuant to VLR 49(2), the Stewards are of the opinion that there is no reasonable prospect of a conviction being secured, then the Stewards must:

(a) publish short written reasons for their opinion;

(b) provide a copy of those reasons to the person charged by the Stewards and the media; and

(c) provide a notice of withdrawal of the charge to the Chair of the HRV RAD Board accompanied with the material referred to in paragraphs (a) and (b) above, and the charge shall be deemed to be withdrawn and the proceedings in relation to that charge will be deemed to be concluded.

(5) Hearing and determination of mixed charges involving one person:

If more than one charge has been laid against a person arising out of the same set of circumstances and any of those charges have been laid pursuant to VLR 49(2), all of the matters the subject of the charges must be heard and determined by the HRV RAD Board.

(6) Hearing and determination of mixed charges involving more than one person:

If a charge has been laid against more than one person arising out of the same set of circumstances and any of those persons has been charged pursuant to VLR 49(2), all of the matters the subject of the charges must be heard and determined by the HRV RAD Board.

(7) Application of Rules to mixed charges:

Where VLR 49(5) or (6) applies, the requirements of VLR 49(3), (4) and (5) will apply with respect to all charges to be heard and determined by the HRV RAD Board.

VLR 50 Conduct of proceedings

(1) HRV RAD Board may hear as it thinks fit:

Subject to the requirements of procedural fairness, the HRV RAD Board may hear proceedings in any way it thinks fit, including (but not limited to):

- (a) in the presence of the parties or in the absence of any or all of them;
- (b) by hearing evidence given by means of telephone, video or closed circuit television;
- (c) upon the notes of evidence taken by the Stewards or the Investigators;
- (d) upon the case stated by the parties to the proceedings; or
- (e) by rehearing upon affidavits, statutory declarations and viva voce evidence;
- (f) with as much expedition and as little formality as a proper determination requires;
- (g) that the rules of evidence as generally applied in court of record shall not apply.

(2) No obligation to conduct appeals as hearings de novo:

For the avoidance of doubt, it is declared that an appeal to the RAD Board is not required to be conducted as a hearing de novo.

(3) Dismissal of certain proceedings:

The HRV RAD Board may dismiss a proceeding without a hearing if it is satisfied that the proceeding is frivolous, vexatious, misconceived or lacking in substance.

(4) Right to legal or other representation:

A party to a proceeding is entitled to be represented at the hearing of the matter by a legal practitioner or other person.

Where a party is unrepresented and it is the view of the HRV RAD Board that representation by an advocate (as opposed to legal practitioner) would assist with the conduct of the proceeding, the HRV RAD Board may at its discretion appoint an appropriate advocate from a pool nominated and provided by HRV.

(5) Expert Witnesses:

(a) A party that intends to call an expert witness at a proceeding shall by 7 days prior, or such other time as the HRV RAD Board directs, serve the HRV RAD Board and every other party a report signed by the expert containing the name, address and relevant qualifications of the expert and the substance of the expert's proposed evidence including a list of all the documents to which the expert will refer;

(b) If a party fails to comply with the provisions of VLR 50 (5)(a), the party may not call the expert witness without the consent of the HRV RAD Board which may be granted on such conditions as is deemed appropriate.

(6) Proceedings are open to public unless otherwise ordered:

All proceedings of the HRV RAD Board must be held in public unless the HRV RAD Board directs or orders, either on application of a party or acting on its own initiative, that:

- (a) a proceeding or any part of a proceeding be held in private; or
- (b) any evidence given at a proceeding, the content of any documents produced to the HRV RAD Board or any

information that might enable a party or another person to be identified must not be published or published only in the manner and to the persons specified by the HRV RAD Board.

(7) To provide reasons:

The HRV RAD Board must give reasons for any decision made in relation to a matter before it, and whether oral or written, such reasons form part of the record of the proceeding in which the decision was made.

(8) To provide written reasons on request:

If the HRV RAD Board gives oral reasons, a party may within 28 days of the decision, request the HRV RAD Board to give written reasons in which case, the HRV RAD Board must comply with the request within 28 days after the request was made.

VLR 51 Powers of the HRV RAD Board

(1) Decisions of HRV RAD Board in relation to a proceeding:

The HRV RAD Board may in the hearing or determination of any matter:

- (a) draw inferences of fact;
- (b) penalise any person, and for that purpose a reference in the Rules to any penalty by the Stewards or Controlling Body includes a penalty by the HRV RAD Board; and
- (c) give any judgement or decision or make such order as in the HRV RAD Board's opinion the justice of the case requires.

(2) Decisions of the RAD Board in relation to an appeal:

Without limiting VLR 51(1), the HRV RAD Board may in hearing an appeal:

- (a) confirm, set aside or vary the decision appealed against;
- (b) quash, set aside, mitigate, reduce, alter, vary, increase or add to the penalty imposed by the Stewards or Controlling Body in exercising any power conferred on Stewards by the Rules; and
- (c) refer the matter on appeal back for rehearing or reconsideration of the decision.

(3) Where only part of decision appealed against:

The powers of the HRV RAD Board may be exercised notwithstanding that in the notice of appeal part only of the decision was objected to or sought to be reviewed, varied, or otherwise dealt with.

(4) Exercise of powers against other persons:

The powers of the HRV RAD Board may be exercised against all or any other person or persons considered by the HRV RAD Board to be in breach of the Rules notwithstanding that he or she or they may not be a party to any proceedings or may not have been dealt with by such Stewards, or the Controlling Body provided that due notice is given to him or her by the HRV RAD Board of its intention to investigate and deal with the matter in relation to him or her.

(5) Interim orders:

The HRV RAD Board may make any interim orders it thinks fit in any proceedings before the HRV RAD Board.

(6) Directions:

The Chair or Deputy Chair of the HRV RAD Board may give directions on any matter or thing not provided for by the Rules in relation to any proceeding before the RAD Board.

(7) Improper or insulting behaviour:

Any person guilty of improper or insulting behaviour at any time towards the HRV RAD Board or any member thereof or person in attendance at a hearing of the HRV RAD Board may be penalised by the HRV RAD Board as it thinks fit.

VLR 52 Decision final

All decisions of the HRV RAD Board are final subject only to any further rights of appeal provided by law.

Definitions

Racing Integrity Commissioner

“Racing Integrity Commissioner” means the Racing Integrity Commissioner appointed by the Minister for Racing under the *Racing Act 1958 (Vic)*.

Serious Offence

“Serious offence” means an offence under, or breach of, one of the following Australian Rules of Harness Racing (ARHR):

(a) ARHR 147;

- (b) ARHR 148;
- (c) ARHR 187;
- (d) ARHR 190(1), (2), (3), (4) & (5);
- (e) ARHR 190A;
- (f) ARHR 192;
- (g) ARHR 193(1), (2) & (3);
- (h) ARHR 194;
- (i) ARHR 195;
- (j) ARHR 196A;
- (k) ARHR 213;
- (l) ARHR 215;
- (m) ARHR 216;
- (n) ARHR 217;
- (o) ARHR 218;
- (p) ARHR 227;
- (q) ARHR 228;
- (r) ARHR 229;
- (s) ARHR 230;
- (t) ARHR 231(1);
- (u) ARHR 232;
- (v) ARHR 236;
- (w) ARHR 241;
- (x) ARHR 243;
- (y) ARHR 244;
- (z) ARHR 245;
- (aa) ARHR 247;

VLR 156(2)(ba) For the purposes of sub-rule (2) excessive use of a whip shall include but not be limited to:

- (i) Drivers using the whip out of the mobile within the first two hundred metres of the commencement of the race;
- (ii) Drivers raising their whip hand at or behind their head;
- (iii) Drivers repeatedly using the whip every stride.
- (iv) Drivers using the whip in excess of ten times in the home straight on the final occasion. *(effective 1 February 2003)[Relates to AHRR Rule 156(2)(b)]*

VLR156(3)A

- (1) In addition to sub-rule(2)(f) a driver shall not whip a horse if in the opinion of the Stewards it is out of contention, showing no response or clearly winning.
- (2) A person who by instructions or otherwise fails to comply with sub-Rule (1) is guilty of an offence

(effective 1 June 2002)[Relates to AHRR 156]

VLR164A A driver may ease his horse out after passing the candy pole situated in the back straight on the final occasion provided that such move does not cause or contribute to interference.

(effective 1 February 2003)[Relates to AHRR 164A] (Amended 21 November, 2003)(Further amended 23 Feb 07) (Amended 1 May 07)

VLR256(8) The maximum fine which may be imposed on a person, Club or body guilty of an offence is \$50,000. *(effective Feb 2002)*

VLR 292(5)(a) The Controlling Body may charge interest on all arrears owed to it from the time an entry is made on the list. The interest shall be the rate for the time being fixed under section 2 of the Penalty Interest Rates Act 1983. *(effective 1 June 2003) [Relates to AHRR 292(5)]*

VLR75A be renumbered as AHRR 77A(1) and (2) (19.03.04)

Local Rule VLR2A be renumbered as AHRR 195A (16.2.00)

