



HARNESS RACING VICTORIA

**LICENSING AND REGISTRATION POLICY**

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Board VRIB		Feb 2022	
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## 1. Purpose

- 1.1 This Policy relates to persons wishing to apply to be licensed or renew and retain any existing licence granted by Harness Racing Victoria (HRV) in the relevant licence categories.
- 1.2 HRV is responsible for the regulation of the Harness Racing Industry in Victoria. HRV may licence or regulate any activity connected with the Harness Racing Industry in accordance with the Australian Harness Racing Rules (AHRR).
- 1.3 The objectives of this Policy are to set out:
  - a) the procedure and criteria for persons wishing to apply to be licensed by HRV, or renew or retain any existed license granted by HRV;
  - b) the overarching requirement that a person must be a fit and proper person to be associated with harness racing, including what constitutes a fit and proper person and the relevant Suitability Criteria; and
  - c) the relevant procedure where the Stewards and / or HRV consider that a person no longer meets the specific eligibility criteria or other criteria requirements applicable to a category of licence.

## 2. Licensing and Registration

- 2.1 Section 45 of the *Racing Act 1958* (Vic) allows HRV to, amongst other things, register, refuse to register or deregister any harness club, horse, owner, trainer, driver or rider in accordance with the Rules.
- 2.2 Part 4 of the AHRR relates to Licensing of participants by HRV.
- 2.3 Part 18 of the AHRR relates to the registration of Studs and Studmasters.
- 2.4 Part 19 of the AHRR relate to Artificial Breeding.
- 2.5 HRV may by licence regulate any activity connected with the harness racing industry [AHRR 90(1)] and may require such documentation, information or fees as it determines to accompany any application for a licence [AHRR 90(2)].

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- 2.6 HRV or the Stewards pursuant to Victorian Local Rules (VLR) 90 (3) may grant a licence for such period and upon such terms and conditions as it thinks fit and may refuse a licence without assigning any reason whatsoever [AHRR 90(4) & (5)].
- 2.7 HRV or the Stewards may suspend or cancel a licence for breach of a term or condition of the licence [AHRR 90(7)(a)]. HRV may suspend or cancel a licence where HRV is satisfied that the person holding the licence is not a fit and proper person to be associated with harness racing [AHRR 90(7)(b)].
- 2.8 HRV or the Stewards may vary the type, grade or class of a licence held by a person [AHRR 90(8)]. HRV or the Stewards may vary the terms or conditions attaching to a type, grade or class of licence [AHRR 90(9)].
- 2.9 HRV or the Stewards may direct a licenced person to provide a current police check at any time.
- 2.10 Ultimately, the grant, refusal to grant, refusal to renew, suspension, cancellation or otherwise of a licence, including the imposition of terms or conditions on a licence, is at the discretion of HRV.
- 2.11 The Licensing criteria provided below has been set by HRV to assist persons wishing to apply to be licensed and renew and retain any existing licence granted by HRV in the relevant licence categories.
- 2.12 Without limiting the powers of HRV provided in the Rules and in the *Racing Act 1958* (Vic), HRV may in its discretion:-
- a) vary or amend the Licensing criteria at any time;
  - b) require additional information or documents to accompany a licence application;
  - c) impose terms and conditions on the grant of a licence;

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- d) deem that a licensed person is no longer a fit and proper person to be associated with harness racing, including because the person no longer satisfies the fit and proper person guiding criteria set out in Schedule 1 to this policy (Suitability Criteria), or for any other reason HRV deems in its discretion to be relevant to the question of whether a person is a fit and proper person to be associated with harness racing;
- e) take into account any other matter it considers relevant in determining a licence application, including an application to renew a licence.

2.13 This policy has been approved by the HRV Board in accordance with VLR 90 (1).

### 3. Definitions and Interpretations

3.1 Defined terms not otherwise defined in this Policy have been defined in and have the meaning given to them, in the AHRR or other HRV Integrity Policies.

3.2 In this Policy the following words in the singular include the plural and vice versa and have the corresponding meaning:

**“Applicant”** means the applicant for any licence pursuant to this Policy.

**“Controlling Body”** means an organisation that by convention, recognition or law is or is deemed to be in control of harness racing in a State or Territory in Australia or in part of or the whole of a country.

**“Fit and Proper Person”** has the meaning set out in Schedule 1 of this Policy.

**“Policy”** means this policy, i.e. the Harness Racing Victoria Licensing and Registration Policy.

**“Rules”** means the Australian Harness Racing Rules (AHRR) and the Victorian Local Rules as amended from time-to-time.

**“Suitability Criteria”** means as set out in Schedule 1 of this Policy.

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“Young Participant” means any participant under twenty-five (25) years of age.

## 4. Overarching requirement to meet suitability criteria

- 4.1 In addition to the specific eligibility criteria or requirements applicable to each category of licence or registration as set out in this policy or in the Rules, it is a condition of the grant, renewal or retention of any licence or registration by HRV that a person will only be eligible to be, and remain, licensed or registered by HRV if the person is a fit and proper person to be associated with harness racing.
- 4.2 In determining whether an applicant is a fit and proper person to be associated with harness racing, HRV will have regard to the Suitability Criteria, set out in Schedule 1 to this policy. The Suitability Criteria contains guiding criteria which will be considered in determining whether a person is a fit and proper person to be associated with harness racing. The Suitability Criteria is not exhaustive, in that HRV may take into account any other matter it considers relevant in determining whether a person is a fit and proper person to be associated with harness racing, noting that the term "fit and proper person" gives the widest scope for judgment and rejection, involves notions of honesty, knowledge and ability, depends on its own circumstances, and in the context of any HRV licence, requires that the person be of good character and reputation.
- 4.3 In making any licensing or registration application with HRV, including an application for renewal of a licence or registration, an applicant must provide to HRV full and frank disclosure of all matters known to the applicant that are relevant to HRV's decision in granting or renewing a licence. This includes, but is not limited to, matters relevant to the determination of whether the person is a fit and proper person to be associated with harness racing, and includes any matter contained in the Suitability Criteria (disclosable matters).
- 4.4 While licensed, a participant must continue to be fit and proper to be associated with harness racing in order to be eligible to maintain their licence. The obligation to disclose all matters known to the applicant that would have been relevant to HRV's decision in granting or renewing a licence therefore continues at all times while a person holds a licence with HRV.

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- 4.5 If at any time HRV determines, in its sole discretion, that a person is no longer a fit and proper person to be associated with harness racing, either because the person no longer meets the Suitability Criteria, or for any other relevant reason, then any licence held by the person is open to suspension or cancellation until such time as the person is able to demonstrate to HRV, in its sole discretion, that he or she is a fit and proper person to be associated with harness racing.

## 5. Licensing Criteria

- 5.1 Prior to making an application for a Driver or Trainer licence in any category, an applicant must hold a Stablehand licence for a minimum of twelve (12) months or provide evidence of previous experience or competency to the satisfaction of the HRV Licensing Committee.
- 5.2 All persons seeking to be licensed by HRV must reside in Victoria and provide evidence of such.
- 5.3 Any licensed person wishing to retain or renew their HRV licence must continue to reside in Victoria.
- 5.4 Consent to the release of police records is not required if the applicant is under the age of eighteen (18) years old.
- 5.5 The Stewards or HRV may, at their discretion, require any person applying for a licence or registration in any category to attend before the HRV show cause sub-committee (SCSC) as part of their application procedure, including for any licence renewal.
- 5.6 The specific eligibility criteria or requirements applicable to each category of licence or registration are set out in sections 7, 9, 10, 11 and 12 below.

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## 6. Licensing Committee

- 6.1 HRV have appointed a Licensing Committee to undertake any or all of the licensing functions on behalf of the Controlling Body, to collate and investigate information relevant to any application as required by the Board or were requested to make recommendations in regard to any application.
- 6.2 HRV will appoint persons to the Licensing Committee as required.
- 6.3 The Licensing Committee will meet as determined and will provide a report of its activity to the Board monthly.

## 7. Stablehand

- 7.1 The holder of a stablehand's licence is licensed, under the supervision or instructions of a licensed trainer, to:
  - a) Carry out track work,
  - b) Assist with the training, management, care, and control of horses,
  - c) Assist with the pre-race preparation of and post-race procedures affecting a horse.
- 7.2 A Stablehand licence may be issued at the discretion of HRV to a person who has:
  - a) Attained the age of fourteen (14) years,
  - b) Lodged a completed application form R90A and paid the appropriate fee, together with:
    - i. Certified copy of the applicant's birth certificate and/or Drivers Licence; and
    - ii. Letter or declaration of support from a Licensed Trainer.
  - c) Provided proof of residence in Victoria.
  - d) Submitted a National Police Certificate (if eighteen (18) years or older) that has been obtained within the past three (3) months of the application,
  - e) Provided a Working With Children Check (if eighteen (18) years of age or older),
  - f) Provided a digital photograph (taken at the HRV office or emailed to [licensing@hrv.org.au](mailto:licensing@hrv.org.au)) to the satisfaction of HRV's Licensing Committee,
  - g) Participate in an interview with HRV Stewards at the discretion of HRV's Licensing Committee.

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7.3 The criteria and requirements as outlined above in clause 7 of this Policy can be varied at any time at the discretion of HRV.

7.4 A Stablehand Permit for overseas Stablehand Licence holders may be issued at the discretion of HRV and will be subject to a fee, which will be set at the discretion of HRV.

## 8. Youth Development Program

8.1 All new licensees under 25 years of age, must enrol and complete the “Youth Development Program”.

8.2 HRV's Youth Development Program stands as a vital initiative in fostering safe and responsible behaviour among our young participants. This program offers comprehensive training and guidance tailored specifically to address the unique challenges faced by our young participants. Through proactive education and support, HRV's Youth Development Program endeavours to empower young participants with the knowledge and skills necessary to succeed within the harness racing industry.

8.3 If any young participant, fails to complete the Youth Development Program, they may be required to show cause as to why their licence should not be cancelled or suspended.

## 9. Drivers Licences

9.1 Any Driver licence may be issued at the discretion of HRV.

9.2 Driver Licence Requirements:

Licensing Requirements	Grade C	Grade B	Grade A
Minimum Age Requirement.	15 years	16 years	17 years
Lodged a completed application form R90A.	Required	-	-
Paid appropriate fee.	Required	Required	Required

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Provide a certified copy of the applicant's birth certificate, current driver's licence (motor vehicle) or such other proof of identity acceptable by HRV (not required when upgrading a current HRV licence, however, may be requested at the discretion of HRV).	Required	Required	Required
Provide proof of successful completion of mandatory training modules and satisfactorily completed a practical training assessment.  (Approved modules from the Certificate II in Racing Industry – <a href="http://www.racingeducation.org">www.racingeducation.org</a> )	Required	Required	Required
Provide a Working with Children Check (if over 18 years) (if upgrading from another HRV license this is not required).	Required	Required	Required
Provide a National Police Certificate (if eighteen (18) years or older) that has been obtained within the past three (3) months of the application (an NPC is not required when upgrading a current HRV licence, however, may be requested at the discretion of HRV).  Via Precise background services pty Ltd: <a href="#">Australian National Police Check Online</a>   <a href="#">Precise Background Services</a>  Via Victoria Police: <a href="#">Apply for a National Police Check</a>   <a href="#">Our services</a>   <a href="#">Victoria Police</a>	Required	Required	Required
Provide proof of residence in Victoria.	Required	Required	Required
Provide a medical report completed by a certified medical practitioner.	Required	Required	Required
Provide a completed Betting Account Declaration form.	Required	Required	Required
Provide references from 2 HRV Licenced persons.	Required	-	-
Provide a digital photograph, to the satisfaction of HRV.	Required	Required	Required
Participate in an interview to the satisfaction of HRV Stewards.	Required	At HRV's Discretion	At HRV's Discretion

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Complete a practical assessment of driving skills.	Required	-	-
Held a Stablehand licence for a minimum of 12 months or provide evidence of previous experience or competency to the satisfaction of HRV Stewards.	Required	-	-
Minimum of 30 satisfactory trial drives, completed in no less than 6 months (minimum of 4 horses in such trial. At least five (5) of the satisfactory trial drives are to be completed under the supervision of a HRV Steward.	-	Required	-
Held a Grade C Driver's Licence for a minimum of 6 months.	-	Required	Required
Complete 120 TAB class drives to the satisfaction of HRV Stewards and must have driven 6 winning drives.	-	-	Required
Held a Grade B Licence for a minimum of 12 months (Grade B Driver's card must be submitted to HRV Stewards with 50 accredited satisfactory drives)	-	-	Required
Requested in writing approval from the HRV Chairman of Stewards, the Chairman of Stewards will consider factors, including but not limited to, industry offence history and race driver frequency.	Required	Required	Required

9.2 In addition to the above table:

### **Grade C Driver**

9.4 The holder of a Grade C Driver's licence is licensed to drive at trials and to carry out track work.

### **Grade B Driver**

9.5 The holder of a Grade B Driver's licence has the driving rights as mentioned in 9.4 and is licensed to drive at graduation meetings and, other than in races of a metropolitan class, at country or provincial meetings, including country or provincial class meetings at metropolitan sites.

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## Grade A Driver

- 9.6 The holder of a Grade A Driver's licence has the driving rights as mentioned in 9.4 and 9.5 and is licensed to drive at any meeting.
- 9.7 The criteria and requirements as outlined in clause 9 of this Policy can be varied at any time at the discretion of, or as determined by HRV.

## 10. Trainer Licence

- 10.1 Any Trainer licence may be issued at the discretion of HRV.
- 10.2 Trainer Licence Requirements:

Licence Requirement	Grade C	Grade B	Grade A
Minimum Age Requirement	18 years	18 years	18 years
Held a Stablehand Licence for a minimum of twelve (12) months or provided evidence of previous experience or competency to the satisfaction of HRV.	Required	Required	-
Lodged a completed application form R90A.	Required	-	-
Paid appropriate fee.	Required	Required	Required
Provide a certified copy of the applicant's birth certificate, current driver's licence (motor vehicle) or such other proof of identity acceptable by HRV (not required when upgrading a current HRV licence, however, may be requested at the discretion of HRV).	Required	Required	Required
Provide confirmation of completion of assessment at the Racing Education Centre.	Required	Required	-
Provide proof of successful completion of mandatory training modules and satisfactorily completed a practical training assessment.  (Approved modules from the Certificate II in Racing Industry – <a href="http://www.racingeducation.org">www.racingeducation.org</a> )	Required	Required	-

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Provide a Working with Children Check (if upgrading from another HRV license this is not required).	Required	Required	Required
Provide a National Police Certificate (if eighteen (18) years or older) that has been obtained within the past three (3) months of the application (an NPC is not required when upgrading a current HRV licence, however, may be requested at the discretion of HRV).  Via Precise background services pty ltd: <a href="#">Australian National Police Check Online</a>   <a href="#">Precise Background Services</a>  Via Victoria Police: <a href="#">Apply for a National Police Check</a>   <a href="#">Our services</a>   <a href="#">Victoria Police</a>	Required	Required	Required
Provide proof of residence in Victoria.	Required	Required	Required
Provide a completed Betting Account Declaration form.	Required	Required	Required
Provided references from two (2) HRV Licenced Trainers (attesting to the applicant's horse handling ability), Licensed Trainers must include details concerning the period over which they have knowledge of the applicant's experience handling Standardbred horses, and the duties undertaken.	Required	Required	-
Provide a digital photograph, to the satisfaction of HRV.	Required	At HRVs discretion	At HRVs discretion
Participate in an interview to the satisfaction of HRV Stewards.	Required	Required	Required
Provided a minimum of 2 credit references (Vet, Farrier, Feed Supplier etc.) stating that the applicant's accounts are paid promptly.	Required	Required	Required
Provided a credit report.	Required	Required	Required
Provided bank account statements in the applicant's name for the preceding 3-month period (from the date that the application is submitted to HRV), and an Accountant/Bank Officer to form part of the Accountant Reference declaration accompanying the application form.	Required	Required	Required

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Provide proof that the applicant leases, owns, or has access to stables suitable for the training of Standardbred horses.	Required	Required	Required
A satisfactory stable inspection, undertaken by HRV Stewards, of the applicant's property that is nominated as the applicant's registered training establishment.	Required	At HRVs discretion	At HRVs discretion
Held a Stablehand licence for a minimum of 12 months or provide evidence of previous experience or competency to the satisfaction of HRV Stewards.	Required	Required	-
Held a Grade B Trainer Licence for twelve (12) months or has been employed as a Stable Foreman by a Grade A Trainer for a minimum of twelve (12) months and produced a reference from such trainer.	-	-	Required
Requested in writing approval from the HRV Chairman of Stewards, the Chairman of Stewards will consider factors, including but not limited to, the applicant's industry offence history and race starter frequency.	-	-	Required

10.1 In addition to the above table:

### **Grade C Trainer**

10.2 The holder of a Grade C Trainers Licence is licensed to prepare, educate, and exercise a horse but cannot nominate such horse to trial or race.

### **Grade B Trainer**

10.3 The holder of a Grade B Trainers Licence is licensed to train any registered Standardbred horse which the person owns or partly owns, or which is owned by the person's spouse, domestic partner, parent, sibling or child. The holder may also train up to a maximum of three (3) horses for outside clients (i.e. not a family member) at any one time by seeking written approval from HRV's Chairman of Stewards.

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## Grade A Trainer

- 10.4 The holder of a Grade A Trainer licence may train any registered Standardbred Horse.
- 10.5 The criteria and requirements as outlined above in clause 10 of this Policy can be varied at any time at the discretion of HRV.
- 10.6 A credit report can be obtained free of charge from a CRB within ten (10) days of them receiving your request.
- 10.7 To request a copy of your credit report, please contact one of the below national CRB's:

CRB	WEBSITE	PHONE
Veda	My CreditFile.com.au (Equifax)	1300 762 207
D & B	D & B CheckYourCredit	1300 734 806
Experian	Experian Credit Services	1300 783 684

Note: These bank account statements should be submitted to your chosen Accountant/Bank Office to form part of the Accountant Reference declaration accompanying the form.

## 11. Training Partnership Licence

- 11.1 HRV may issue a licence for a person to train in partnership in accordance with the provisions of AHRR 90A (2.8).
- 11.2 HRV further requires that all applicants seeking to be licensed as a Training Partnership meet the following criteria:
- a) Each member of the training partnership must hold the same grade of trainers licence. e.g. all members hold a Grade B trainer or all members hold a Grade A trainer licence;
  - b) In order to be granted a licence all members of the partnership must meet the above criteria relative to the grade of trainer's licence sought;
  - c) The grade of Trainer's Licence held by a person as a sole entity may be transferred to a Training Partnership,

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- d) Each member of the Training Partnership must complete the Training Partnership Licence Application Form and pay the applicable Licensing fee.

## 12. Studmasters and Artificial Breeding Technician's Registration

12.1 A Studmaster's or an Artificial Technician's licence may be issued at the discretion of HRV to a person who has:-

- (i) Attained the age of eighteen (18) years;
- (ii) Lodged a completed application form and paid the appropriate fee;
- (iii) Provided a certified copy of birth certificate, driver's licence or such other proof of identity acceptable to the stewards;
- (iv) Provided a reference from a veterinarian;
- (v) Provided a minimum of two (2) work references attesting to the applicant's horse-handling ability and breeding experience. References must include details concerning the period over which they have knowledge of the applicant's experience in handling and breeding Standardbred horses and the duties undertaken by the applicant in that period;
- (vi) That the applicant leases owns or has access to stables suitable for the breeding of Standardbred horses which are either registered or licensed with HRV;
- (vii) The stables referred to in sub-clause (vi) must also be either a licensed artificial breeders station or a registered stud;
- (viii) Provide a National Police Certificate (if eighteen (18) years or older) that has been obtained within the past three (3) months of the application.
- (ix) Provided a minimum of two (2) credit references (Vet, Farrier, Feed Suppliers etc.) stating that the applicant's accounts are paid promptly;
- (x) A copy of the applicant's veterinarian registration if the applicant is intending to undertake embryo transfer;
- (xi) Attended an interview to the satisfaction of the Stewards, where requested by the Stewards to do so.

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## 13. Registration of Training Establishments, Studs, Semen Controller and/or Artificial Breeding Station

13.1 A training establishment or a stud may be registered at the discretion of HRV if the person seeking registration:-

- (i) Lodged a completed application form and paid the appropriate fee;
- (ii) The applicant leases owns or has access to stables in Victoria suitable for the breeding or training of Standardbred horses;
- (iii) A certificate from a veterinarian supporting the registration of the place as a stud or training establishment;
- (iv) It is a condition of registration of the stud or training establishment that it shall always be maintained in a fit and proper condition;
- (v) The Stewards may undertake an inspection of the stud or training establishment;

## 14. General Licensing

### Re-applying for a licence if unsuccessful

14.1 Applicants who are unsuccessful in obtaining a licence must wait a minimum of six (6) months from the date of HRV's decision before re-applying.

### Determination that licensing criteria is no longer satisfied

14.2 HRV may determine that a licensed person no longer meets the specific eligibility criteria or requirements applicable to the category of licence held by the person, including the requirement to be a Fit and Proper Person to be associated with harness racing, either by reference to the matters set out in the Suitability Criteria or otherwise.

14.3 Given it is a condition of licensing or registration that a participant continues to meet the specific eligibility criteria and/or other requirements applicable to the category of licence held by the participant, including the requirement to be a Fit and Proper Person to be associated with harness racing, a consequence of a determination by HRV that a participant no longer meets that criteria, including that he or she is no longer a Fit and

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Proper Person to be associated with harness racing, is that the person's licence may be suspended or cancelled in the absolute discretion of HRV, until such time as the applicant is able to demonstrate to HRV, in its sole discretion, that they meet the relevant criteria, including the requirement to be a Fit and Proper Person to be associated with harness racing.

14.4 Before making a determination as to whether a licensed participant continues to meet their relevant eligibility criteria, including the requirement to be a Fit and Proper Person to be associated with harness racing, HRV will provide the licensed participant with:

- a) Details of the matters forming the basis of its consideration as to whether the licensed participant continues to meet their relevant eligibility criteria, including whether he or she continues to be a fit and proper person,
- b) A reasonable opportunity to be heard and to provide evidence and/or material concerning those matters, and the determination that is appropriate in the circumstances.

14.5 The extent to which a licensed participant will be given an opportunity to be heard before HRV making a determination will depend on the circumstances of the case.

14.6 Where HRV considers, in its sole discretion, that a determination as to whether a licensed participant continues to be a Fit and Proper Person to be associated with harness racing is required to be made on an urgent basis, without providing the licensed person with a full, or any, opportunity to be heard, HRV may, in accordance with section 16.7, make that determination on an interim basis, and then provide the licensed person with an opportunity to be heard as soon as possible.

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## Process where an urgent determination has been made

14.7 When an urgent determination is required to be made by HRV that a licensed participant is no longer a fit and proper person, including because he or she no longer meets the Suitability Criteria, without providing the licensed person with a full, or any, opportunity to be heard, HRV will:

- a) Notify the person immediately of the determination,
- b) Provide the person with written reasons for the determination within seven (7) days where reasonably practicable to do so,
- c) Advise the person of their rights to request in writing, a show cause hearing of the matter within twenty-eight (28) days of the request being received by HRV,
- d) Provide the applicant with an opportunity to be heard and to provide evidence in relation to the matters forming the basis for HRV's determination,
- e) Advise in writing the outcome and reasons for the decision resulting from any show cause hearing.

## 15. HRV Stewards Show Cause Sub-Committee referral procedure

15.1 Should HRV and or the Stewards form an opinion that a participant is not a Fit and Proper Person, the HRV and/or the Stewards will direct that person to attend a hearing before the HRV Show Cause Sub-Committee (HRV SCSC).

15.2 Upon HRV and/or the Stewards forming such opinion, HRV and/or the Stewards will:

- a) Notify the person immediately of them forming such opinion,
- b) Provide the person with written reasons for them reaching such an opinion within seven (7) days where reasonably practicable to do so.

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15.3 Prior to the HRV SCSC hearing, the Stewards will provide to the participant copies of any material that is intended to be put before the HRV SCSC.

15.4 Pending the outcome of the hearing before the HRV SCSC, and any subsequent decision by HRV and/or the Stewards, HRV and/or the Stewards may vary the type, grade or class of a licence (AHRR 90(8)) or in the instance of an unlicensed person direct that the licence is not processed.

15.5 Should HRV and/or the Stewards determine to vary the type, grade, or class of a licence in accordance with AHRR 90(8) the Stewards will provide the person with an opportunity to be heard and to provide submissions as to why such action should not be taken prior to them making a final decision to vary the type, grade, or class of a licence.

## 16. VCAT

16.1 Decisions of HRV which relate to occupational racing licenses, as that term is defined in Part IIIC of the *Racing Act 1958* (Vic), may be reviewed by the Victorian Civil and Administrative Tribunal (VCAT) where the decision is:

(a) a decision to refuse an application for such a licence; or

(b) a decision to –

(i) refuse to renew such a licence; or

(ii) revoke such a licence; or

(c) a decision to –

(i) impose a condition on; or

(ii) vary or revoke a condition on; or

(iii) refuse to vary or revoke a condition on –

such a licence.<sup>1</sup>

<sup>1</sup> Section 83Q of the *Racing Act 1958* (Vic).

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16.2 Appeals to VCAT must be lodged within twenty-eight (28) days of the decision being made.

16.3 A Notice of Application for Review is available from VCAT (Ph: 1300 018 228) or from its website [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au).

## 17. Disqualified persons wishing to apply for a new licence

17.1 If a person is disqualified, his or her licence automatically lapses (AHRR 259(2)).

17.2 Persons wishing to apply for a new licence after disqualification must apply in the ordinary way and must meet the usual Licensing criteria, including the requirement that an applicant be a Fit and Proper Person to be associated with harness racing.

17.3 In addition, a disqualified person who is seeking to be re-licensed must as part of the application procedure, attend before the HRV SCSC, where the applicant will be required to show cause as to why he or she should be granted a new licence considering the conduct and circumstances underlying the applicant's previous disqualification(s).

17.4 In circumstances where the applicant has previously been disqualified on:

- a) One (1) occasion for a period of seven (7) years or more; or
- b) Two (2) occasions, each for a period of twelve (12) months or more; or
- c) Three (3) or more occasions (each for any period of time).

17.5 In addition to any other information or evidence required by the HRV SCSC in its discretion, the applicant must produce evidence that is sufficient to satisfy the HRV SCSC that the applicant's circumstances and/or character, as is considered relevant to the particular case, have materially and significantly changed since the conduct underlying the disqualification or disqualifications (as the case may be) occurred.

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17.6 A person who has been disqualified for a period of twelve (12) months or more and is re-licensed in accordance with this provision must return at a licence level no higher than a Grade C Driver or Grade B Trainer, and will only be eligible to upgrade their licence upon satisfaction of all criteria set out in this policy, without any regard to the applicant's training or driving experience (as the case may be) prior to being disqualified.

## **18. Applicant who has not been licensed for 6 months or more**

18.1 A person who has not been licensed for a period of more than six (6) months, at the discretion of HRV's Licensing Committee, must submit a 'National Police Certificate' which has been obtained within three (3) months of their application for a licence.

## **19. Visiting trainer's permit**

19.1 The Visiting Trainer Permit is generally granted to Trainers from interstate or overseas seeking to train and race standardbred horses in Victoria for a period of time that does not exceed three (3) months.

19.2 In HRV's absolute discretion, HRV may place certain restrictions on a Visiting Trainers Permit.

19.3 Requirements for the granting of a Visiting Trainer's Permit:

- a) Complete the Visiting Trainer Permit Application Form, HRV may charge a fee at their discretion;
- b) Satisfy HRV that the applicant is a suitable person to be granted a Visiting Trainers Permit by meeting the Criteria Requirements outlined in Schedule 1 of this policy.
- c) Acknowledge and agree to adhere to the specific licence conditions, outlined below.

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19.4 Trainers visiting Victoria for a period longer than seven (7) days must make an application to HRV for a permit. Any trainers intending to stay longer than a period of three (3) months must make an application for an extension of this period.

19.5 An applicant must be the holder of a current harness trainer licence issued by an:

- a) Interstate Principal Racing Authority; or
- b) Overseas racing authority.

19.6 In assessing whether an applicant is suitable to be granted a Visiting Trainer Permit, HRV will take into account the following criteria:

- a) Racing disciplinary history,
- b) National Police Record Certificate (upon request),
- c) Stable and facility inspection (where applicable).

19.7 Without the written approval of HRV, the Visiting Trainer is not permitted to train any horses other than those brought with the Visiting Trainer to Victoria.

19.8 The stable location from which the Visiting Trainer trains is, and must at all times be, considered a licensed premise under the Rules.

19.9 A Visiting Trainer may be punished for breaching the conditions outlined in this Policy and or other HRV Policy. Any horse concerned may have its nomination refused, be withdrawn from any race it is entered in, or be disqualified.

## 20. Grade B Drivers Permit

20.1 A permit system has been introduced for Grade B Drivers to compete in races of less than \$15,000 in total prizemoney at Melton on a Saturday night or any Metropolitan class meeting.

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20.2 To be considered for a permit, the Grade B Driver must meet the following criteria:

- a) Held a Grade B Driver licence for a minimum of nine (9) months,
- b) Completed at least sixty (60) race drives, and
- c) Recorded at least three (3) winning race drives.

20.3 The permit shall apply for the duration approved by the Chief Steward and/or Licensing Committee; however, it may be revoked at any time by the Stewards.

## 21. Concession Drivers

21.1 A Concession Driver is a licensed driver who has held a licence for a period of less than five (5) years from the date a Grade B licence was first granted.

21.2 A Concession Driver may, with the approval of HRV, claim a concession. Further information is available at the HRV website: <https://www.thetrots.com.au/for-participants/information/concession-drivers/>

## 22. Licence Upgrades

22.1 HRV or the Stewards may vary the type, grade or class of a licence held by a participant (AHRR 90(8)). All licensed participants wishing to upgrade their licence must apply in writing to the Chairman of Stewards and provide supporting documentation.

22.2 A Grade C Driver wishing to upgrade to a Grade B Driver category must:

- a) Hold a Grade C Driver Licence for a minimum of six (6) months,
- b) Be at least sixteen (16) years of age,
- c) Have completed at least thirty (30) satisfactory drives within twelve (12) months<sup>2</sup>,
- d) Have successfully completed all mandatory training modules.

<sup>2</sup> The thirty (30) drives must not be with the same horse and the applicant must be competitive in all drives. They must not cause or contribute to interference and the applicant must show full control of the horse prior to, during, and after the trial.

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22.3 A Grade B Driver wishing to upgrade to a Grade A Driver category must:

- a) Hold a Grade B Driver licence for a minimum of twelve (12) months,
- b) Have undertaken at least one hundred and twenty (120) race drives at licensed meetings and driven a minimum of six (6) winning drives,
- c) Submit a Grade B Driver's Card to HRV Stewards with fifty (50) accredited satisfactory drives where applicable.

22.4 A Grade B Trainer wishing to upgrade to Grade A Trainer category must:

- a) Hold a Grade B Trainer Licence for a minimum of twelve (12) months,
- b) Have two (2) references from Grade A Trainers or must otherwise provide evidence of previous experience or competence to the satisfaction of the Stewards.

## 23. Reinstating previous Driver Licence

23.1 Any person wishing to reinstate their driver licence who has not driven consistently in recent seasons in races, will be required to satisfactorily complete a number of trial drives as determined by the Stewards.

23.2 Upon the completion of the drives the licence category reinstatement will be at the discretion of the Chairman of Stewards in consultation with the Senior Stewards.

23.3 An applicant who has previously been licensed as a driver but who has not been licensed as a driver for the below periods shall complete the specified number of satisfactory trials prior to driving in a race:

- a) Not licensed for six (6) months: five (5) satisfactory trials,
- b) Not licensed for twelve (12) months: ten (10) satisfactory trials,
- c) Not licensed for greater than two (2) years: fifteen (15) satisfactory trials.

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23.4 An applicant who has previously been licensed as a driver, but who has not held that licence in the preceding two (2) years, may, in addition to completing the satisfactory trials referred above, be required to first reapply for a Stablehand licence or driver licence of a different type, grade or class, as deemed appropriate by the Stewards or HRV taking into account:

- a) The applicant's previous experience or competence as a licensed participant;
- b) The period of time that has elapsed since the applicant last held a licence; and
- c) Any other matter considered relevant by the Stewards or HRV at their discretion.

23.5 The applicant will then be required to satisfy the relevant criteria applicable to licence upgrades and the relevant licence type, grade, or class, as set out in this policy, before being eligible for the licence type, grade or class previously held by the applicant.

## 24. Reinstating previous Trainer's Licence

24.1 An applicant who has previously been licensed as a trainer but who has not held that licence for a period of more than six (6) months but for no longer than two (2) years shall provide the following documents prior to being relicensed:

- a) A minimum of two (2) credit references (Vet, Farrier, Feed Suppliers etc.) stating that your accounts are paid promptly OR a credit report by contacting a credit reporting body. You can obtain a copy of your credit report free of charge from a CRB within ten (10) days of them receiving your request;

To request a copy of your credit report, please contact one of the below national CRB's:

CRB	WEBSITE	PHONE
Veda	My CreditFile.com.au (Equifax)	1300 762 207
D & B	D & B CheckYourCredit	1300 734 806
Experian	Experian Credit Services	1300 684

- b) Bank account statements in your name for the preceding three (3) month period (to the date your application is submitted to Harness Racing Victoria).

Note - These bank account statements should also be submitted to your chosen Accountant/Bank Manager/Officer to form part of the Accountant Reference declaration accompanying the application form.

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24.2 An applicant who has previously been licensed as a trainer, but who has not held that licence in the preceding two (2) years, may be required to first reapply for a Stablehand licence or trainer licence of a different type, grade, or class, as deemed appropriate by the Stewards or HRV taking into account:

- a) The applicant's previous experience or competence as a licensed participant,
- b) The period of time that has elapsed since the applicant last held a licence, and
- c) Any other matter considered relevant by the Stewards or HRV in their discretion.

24.3 The applicant will then be required to satisfy the relevant criteria applicable to licence upgrades and the relevant licence type, grade, or class, as set out in this policy, before being eligible for the particular licence type, grade or class previously held by the applicant.

## 25. Licence Renewal

25.1 All licenses issued by HRV expire on 31 August of each year.

25.2 All licence fees must be paid in full prior to obtaining a licence.

25.3 In addition to the requirements set out in this policy, participants that hold a Driver licence in any category must, in each renewal period, provide a compulsory:

- a) Drivers Medical Examination form completed by a medical practitioner; and
- b) Betting Account Declaration form.

25.4 In addition to the requirements set out in this policy, participants that hold a licence in any category must satisfactorily complete all compulsory training and assessment, as required by HRV or the Stewards in each renewal period.

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25.5 In order for any licence to be validly renewed for a further term, all Licensing requirements required to be met, pursuant to this policy or otherwise, must be completed to the satisfaction of HRV prior to the current licence expiry date.

## 26. Review and Approval

26.1 This Policy is reviewed annually and as required. This may occur due to a change of operation, new legislative obligations, government recommendations or recommendations as a result of audits. Any changes to the Policy are noted in the “version” table set out in this Policy.

## 27. Interpretation and Other Information

27.1 This Policy is approved by Harness Racing Victoria's Board.

27.2 Amendments to this policy will be in accordance with the HRV's document management process, such amendments will be effective on the date specified.

27.3 The following rules of interpretation apply to the Policy:

- a) Headings are for convenience only and shall not be deemed part of the substance of the document or to affect in any way the language of the provisions to which they refer.
- b) Words in the singular include the plural and vice versa.
- c) Reference to 'including' and similar words are not words of limitation.
- d) A reference to a clause is a reference to a clause or subclause of this Policy.
- e) Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
- f) In the event any provision of this Policy is determined invalid or unenforceable, the remaining provisions shall not be affected, and the document shall not fail because any part of it is held invalid, and
- g) Except as otherwise stated herein, failure to exercise or enforce any right conferred by this Framework shall not be deemed to be a waiver of any such right nor operate to bar the exercise or enforcement thereof or of any other right on any other occasion.

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## Schedule 1: Suitability Criteria

### 1. Criteria

- 1.1 When determining whether or not a person is a fit and proper person to be associated with harness racing, HRV will consider this Suitability Criteria.
- 1.2 A person whose conduct or character is not in accordance with that which, in the opinion of HRV, is expected of a licensed person, may not be considered suitable and therefore may not be granted or have renewed a licence, or may be considered ineligible to continue holding a licence.
- 1.3 In some circumstances, a single relevant factor or matter may be sufficient to conclude that an applicant does not meet the Suitability Criteria, whereas in other circumstances, a determination that an applicant does not meet the Suitability Criteria to be granted or have renewed a licence, or to continue holding a licence, may be based on a pattern of conduct or the existence of multiple relevant factors or matters. In determining whether a person is a fit and proper person to be associated with harness racing, particular consideration will be given to whether the person is of good character and reputation, which will be informed by particular reference to, without limitation, the matters set out in paragraph 3.1 of the Suitability Criteria below.
- 1.4 The Suitability Criteria is not exhaustive, in that HRV may take into account any other matter it considers relevant in determining whether a person is a fit and proper person to be associated with harness racing.

### 2. What Constitutes a “Fit and Proper Person”

- 2.1 There is no single definition of “what is a fit and proper person”. In *ACT Revenue v Alaphone Pty Ltd*<sup>3</sup> the Court held that the expression is to be given “a wide scope for judgement and allow a broad basis for rejection”.

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<sup>3</sup> (1994) F.C.A. 293.

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- 2.2 A single factor or matter may be sufficient to conclude that a person does not meet HRV's Fit and Proper Person test, or the circumstances may be such that a pattern of conduct or multiple factors may be taken into account to determine a person's suitability.
- 2.3 HRV should consider a series of factors, criteria, or guidelines to be in a position to assess the character, reputation and conduct of a person.
- 2.4 The High Court in *Australian Broadcasting Tribunal V Bond*<sup>4</sup>, in essence, adopted a risk assessment approach to the phase suggesting each application is to be considered on its merits and the circumstances of each application. The Court held any assessment of any "fit and proper person" should have regard to the following factors "depending on the nature of the activities":
- a) Whether improper conduct has occurred
  - b) Whether improper conduct is likely to occur
  - c) Whether it can be assumed that improper conduct will not occur
  - d) Whether the general community will have confidence that it will not occur.
- 2.5 This last factor is of particular importance to HRV given wagering is our principal source of revenue. The integrity of our sport is fundamental to our brand and reputation and thus wagering turnover. A loss of public perception in the integrity of a code can and will result in a loss of revenue.
- 2.6 Matters of character, integrity, honesty, and reputation must weigh heavily in any determination to maintain public confidence. In *Chief Executive, Department Tourism, Fair Trading and Wine Development v 4 Play(oz) Pty Ltd*<sup>5</sup> The Court of Appeal of the Supreme Court of Queensland held that:

*"It follows that material directed to the respondents reputation, character, honesty and integrity is to be assessed primarily by reference to its potential to reveal whether or not an applicant will fulfil its obligations under the permit".*

<sup>4</sup> (1990) 170 CLR 321,380.

<sup>5</sup> (2008) 2 QD R436[35].

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2.7 *“It follows that material directed to the respondents reputatio*The Appeal division of the Supreme Court of Victoria in *The Secretary to the Department of Justice v Frugtiner*<sup>6</sup> reiterated such importance:

*“To a greater or lesser extent, the concepts of honesty, knowledge and ability are connoted by the expression (fit and proper person) and in licensing cases these concepts must be construed in a manner which would protect the public interest or at least the interest of those persons whom the licensing scheme is designed to serve.”*

2.8 A person whose conduct or character is not in accordance with that which, in the opinion of HRV, is expected of a licensed person, may not be considered suitable and therefore may not be granted a licence, have their license renewed, or be considered ineligible to continue to hold a licence.

### 3. Relevant matters

3.1 In considering this Suitability Criteria, HRV will consider the following matters:

- i) Whether the applicant has ever been found guilty of any criminal offence (in Australia or any foreign jurisdiction);
- ii) Whether the applicant is or has been the subject of criminal proceedings (in Australia or any foreign jurisdiction). Particular weight and consideration will be given to whether the relevant criminal proceedings relate to, arise from or are in any way connected with matters concerning the integrity of the harness racing industry, especially matters relating to corruption or race fixing, or conduct detrimental to the welfare of animals;
- iii) Whether the applicant has been the subject of any adverse finding by a judge in any civil proceedings, or has settled civil proceedings brought against him/her relating to any matter which could reasonably be said to materially affect his/her

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<sup>6</sup> (1994) 8 VAR 23, p24.

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suitability to hold a licence;

- iv) Whether the applicant has provided any false or misleading information in support of an application for registration, or failed to disclose an adverse matter relevant to the person's fitness and propriety to hold a licence that later becomes known to HRV, either before or after being granted a licence;
- v) The applicant's record of compliance with the regulatory requirements of HRV, including the Rules, or of any other sport in which he/she has participated or has otherwise been involved, including the applicant's performance in animal welfare related activities. In this regard, particular weight will be placed on any disciplinary offences committed by the applicant, or breaches by the applicant of the Rules, which:-
  - a) Relate to corruption or race fixing;
  - b) or Relate to conduct detrimental to the welfare of animals;
  - c) Involve dishonesty by the applicant; or
  - d) Resulted in the applicant being disqualified on one (1) occasion for a period of seven (7) years or more, on two (2) occasions each for a period of twelve (12) months or more, or on three (3) or more occasions (for any period of time).
- vi) Whether or not the applicant has been dismissed from any previous employment or position of trust or has been asked to resign or resigned on grounds connected with his/her honesty or integrity;
- vii) Whether the applicant has been subject of any adverse finding or decision in a civil or regulatory proceeding.
- viii) Whether the applicant has or had lifestyle, health or social issues, which are likely to:-
  - a) Significantly impair his/her ability to safeguard the welfare of any horse or meet the regulatory requirements of HRV; or

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- b) Render the applicant a risk to the health, welfare or safety of others involved in harness racing, or to the integrity of the sport.
  
- ix) Whether the applicant has engaged in conduct or there are circumstances which may render the applicant susceptible to pressure from persons seeking to corrupt harness racing and whether the applicant is likely to or may engage in such conduct. In this regard, an applicant's suitability includes assessment of the fitness and propriety of those with whom he/she is or may be associated or connected within their personal or business dealings;
  
- x) Whether the applicant has ever been disrespectful, rude or otherwise engaged in poor behaviour to officials, stewards or employees of HRV or any other sporting body;
  
- xi) Whether the applicant is the subject of an Exclusion Order made by the Commissioner of Police in Victoria or any other jurisdiction
  
- xii) Whether the applicant has been the subject of adverse media publicity in respect of any of the above matters. In this regard, particular weight will be placed on any adverse publicity relating to:-
  - a) Corruption or race fixing; and
  - b) Conduct detrimental to the welfare of animals.

#### **4. Surrounding Circumstances**

- 4.1 When determining whether an applicant, or participant already licensed or registered, is a fit and proper person to be associated with harness racing, HRV will consider not only the existence of a relevant matter and the conduct underlying it, but also the circumstances surrounding the matter and conduct, including:-
- i. The attitude of the applicant or licensed person to the relevant matter or conduct;
  
  - ii. The gravity of the matter and the extent to which it is related to or connected with the harness racing industry (whether in Victoria, Australia or any foreign

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jurisdiction);

- iii. Whether the relevant matter relates to conduct that has been engaged in or repeated by the applicant or licensed person on previous occasions;
- iv. The period of time since the conduct the subject of the relevant matter occurred or was engaged in;
- v. any other aggravating or mitigating factors which are relevant to the matter or the conduct underlying it.



## Schedule 2: Fees

Licence Fees U/76		Licence Fees O/76	
Driver A & B.....	\$490	Driver A & B.....	\$455
Driver C .....	\$405	Driver C .....	\$365
Trainer A & B.....	\$345	Trainer A & B.....	\$270
Trainer C.....	\$245	Trainer C.....	\$200
Trainer/Driver A & B.....	\$635	Trainer/Driver A & B.....	\$545
Trainer A&B/Driver C.....	\$535	Trainer A&B/Driver C.....	\$455
		Stable-Hand Fees	
Pony Trot Parents.....	\$44	U 18.....	\$44
		18+.....	\$99