

# J. INFORMATION SHEET: PENALTIES

Many appeals that come before the Panel deal with penalties in whole or in part. The Panel considered that it would be helpful to the Industry to understand the Panel's mandate and approach to such issues.

The [Horse Racing Licence Act](#) provides that on an appeal, "the Panel may confirm or vary the decision being appealed or set it aside." This means that the Panel may increase, decrease or set aside a penalty imposed by the Stewards or Judges. Hearings before the Panel are hearings "de novo." This means that the appeal proceeds as a new hearing. The Panel is not bound by the decision of the Stewards or Judges but must decide the matter based entirely on what it may hear and see in evidence and submissions during the appeal.

In some cases, Guidelines are in place that deal with penalties, eg. Penalty Guidelines for Inappropriate Urging of a Horse during a race and Penalty Guidelines for Equine Drug, TCO2 and Non-Therapeutic Drug Violations. It should be noted that these are only guidelines and the Panel may, in its discretion, depart from them as it deems appropriate to fit the circumstances of each individual case.

Other decided cases are of little value as precedents in determining the appropriate penalty in the case that the Panel is dealing with. Each case has its own mitigating and/or aggravating factors that must be taken into account in order to arrive at a just decision. To strive solely for consistency or uniformity and ignore the unique features of each case does a disservice to the parties and does not serve the interests of justice. Some may think that they were treated more harshly than others but they rarely know the circumstances of those other cases; what were the mitigating and/or aggravating factors that distinguish those cases that led to a different penalty? For example, in headline reporting, a Class II drug violation with aggravating circumstan-

ces can appear to be dealt with more harshly than a Class I violation with mitigating circumstance.

Accordingly, parties are encouraged to bring forward before the Panel all of the oral and written evidence that they believe will assist the Panel in reaching a just decision.

## **Last updated: December 2024**

*This information sheet is intended to provide general information to appellants and other related parties regarding the appeal process of the Horse Racing Appeal Panel. It does not constitute legal advice. If any information in this Guide is not consistent with the Rules of Procedure, the Rules of Procedure will prevail.*

## **Horse Racing Appeal Panel**

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