



**Racing  
Victoria**

## **AMENDMENTS TO RULES OF RACING**

### **Amendment No 196 – Issued 10 April 2021**

Racing Australia has approved the following amendments to the Australian Rules of Racing, effective from 1 May 2021.

#### **AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 2**

##### ***SOUTH AUSTRALIA PRA NAME CHANGE***

##### **SUMMARY OF AMENDMENT**

The Principal Racing Authority in South Australia has changed its name from Thoroughbred Racing S.A. Limited to Racing SA Ltd.

Racing Australia has approved an amendment to the definition of “Principal Racing Authority” in AR 2 to reflect the name change.

#### **Amendments effective from 1 May 2021**

##### ***AR 2 BE AMENDED AS FOLLOWS:***

##### **AR 2 Dictionary**

In the interpretation of these Australian Rules (and any race meeting held under them), unless the context requires otherwise, the words and phrases below have the meanings set out in this rule.

...

**Principal Racing Authority (PRA)** means a body (statutory or otherwise) recognised as a principal racing authority under Racing Australia’s Constitution, that has the control and general supervision of racing within a State or Territory, and comprises:

...

- (d) ~~Thoroughbred Racing S.A. Limited~~ [Racing SA Ltd](#) in South Australia;

#### **AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 115**

##### ***PROHIBITION ON JOCKEYS BETTING***

##### **SUMMARY OF AMENDMENT**

Prior to the rewrite of the Rules of Racing in March 2019, AR 115 was covered by AR 83.

An inadvertent result of the new drafting is that:

- the prohibition on jockeys betting on races does not expressly refer to thoroughbred races (although Stewards interpret the rule as only applying to thoroughbred races);
- the prohibition on betting on contingencies related to races does not necessarily include races in which the jockey is not riding.

Racing Australia has approved amendments to AR 115(1) to address this and ensure the rule is better aligned with the terms of the previous AR 83.

It is considered that these amendments are necessary as Australian jockeys ought not be able to bet on any thoroughbred race regardless of its location. A jockey's ability to bet on international races poses a potential integrity issue in Australia and is also prejudicial to the image and interests of racing.

To improve integrity, Racing Australia has also approved that the betting prohibitions which apply in respect of races in which jockeys are riding (and attract a mandatory minimum 2-year disqualification) include facilitating a bet.

## Amendments effective from 1 May 2021

### **AR 115 BE DELETED AND REPLACED AS FOLLOWS:**

#### **~~AR 115 Jockey and apprentice jockey misconduct~~**

~~(1) A jockey or apprentice jockey must not:~~

~~(a) engage in misconduct;~~

~~(b) other than from his or her nominator, accept or agree to accept any money, gift, or other consideration in connection with a horse in a race without the consent of the Stewards and his or her nominator;~~

~~(c) bet, or have any interest in a bet, or facilitate a bet, on any race;~~

~~(d) be present in the betting ring during a race meeting;~~

~~(e) bet, or have any interest in a bet, on any race or contingency relating to thoroughbred racing involving a race in which he or she is riding.~~

~~(2) For the purposes of this rule, "bet" includes a lay bet.~~

~~(3) If a jockey or apprentice jockey breaches subrule (1)(e), a disqualification of not less than 2 years must be imposed unless there is a finding that a special circumstance exists, in which case that penalty may be reduced.~~

#### **AR 115 Jockey and apprentice jockey misconduct**

(1) A jockey or apprentice jockey must not:

(a) engage in misconduct;

(b) other than from his or her nominator, accept or agree to accept any money, gift, or other consideration in connection with a horse in a race without the consent of the Stewards and his or her nominator;

(c) bet, or have any interest in a bet, or facilitate a bet, on any thoroughbred race or contingency relating to thoroughbred racing in any jurisdiction anywhere in the world;

(d) be present in the betting ring during a race meeting;

(e) bet, or have any interest in a bet, or facilitate a bet, on any thoroughbred race or contingency relating to thoroughbred racing involving a race in which he or she is riding in any jurisdiction anywhere in the world.

(2) For the purposes of this rule, "bet" includes a lay bet.

(3) If a jockey or apprentice jockey breaches subrule (1)(e), a disqualification of not less than 2 years must be imposed unless there is a finding that a special circumstance exists or the relevant race occurred outside Australia, in which case that penalty may be reduced.

## AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 120A

### **RIDING INSTRUCTIONS**

#### **SUMMARY OF AMENDMENT**

Racing Australia is aware of the increasing prevalence of persons other than trainers and connections – such as riders’ agents and form analysts – providing tactical riding instructions to jockeys.

Racing Australia is of the view this is inappropriate and may create integrity (and perception) issues, as well as potentially confusing jockeys who receive conflicting riding instructions.

Accordingly, Racing Australia has approved the introduction of a new rule to deal with the provision and receipt of riding instructions.

#### **Amendments effective from 1 May 2021**

#### **AR 120A BE ADDED AS FOLLOWS:**

##### AR 120A Riding instructions

- (1) A rider must not receive, directly or indirectly, instructions concerning the running or riding of a horse in a race in which the rider is declared to ride from anyone other than the trainer (or authorised agent) or an owner of the horse.
- (2) A person must not provide, or offer to provide, to a rider, directly or indirectly, instructions concerning the running or riding of a horse in a race in which the rider is declared to ride, unless that person is the trainer (or authorised agent) or an owner of the horse.
- (3) For the purposes of this rule:
  - (a) “instructions” includes, but is not limited to, riding and/or tactical race instructions or directions, regardless of whether such instructions and/or directions are:
    - (i) provided verbally, in writing, or otherwise;
    - (ii) contained on a speed map; and
  - (b) “instructions” does not include a speed map in respect of a race indicating only the likely pace in the race and/or the likely settling positions of runners in the race.

## AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 252A & 254A

### **PROHIBITION ON INJECTABLE COBALT SALTS**

#### **SUMMARY OF AMENDMENT**

Racing Australia is of the view that:

- a typical daily diet of a racehorse meets their daily dietary cobalt requirement;
- there have been no reported cases of cobalt deficiency in horses; and
- there is no nutritional, medical or welfare justification for the administration of cobalt by injection to a horse at any time.

Despite there being no therapeutic rationale for the use of injectable cobalt containing products in horses, registered supplements containing cobalt (amongst other substances) are widely used in racehorses.

In circumstances where Racing Australia is of the view that there is no place in racing for injectable products containing cobalt salts, it has approved the introduction of new rules which prohibit:

- the possession of injectable products containing cobalt salts; and
- the administration of cobalt salts by injection.

There are four injectable veterinary products that have been either previously or currently registered and/or available for use in horses that contain cobalt salts: *NV V.A.M. Injection*, *Troy Hemoplex Injection*, *Hemo-15 Vitamin-Amino Acid Injection* and *NV Haemo Injection*.

Possession and/or administration of these products, or any other injectable product containing cobalt salts, is prohibited under the new rules.

## **Amendments effective from 1 May 2021**

### **AR 252A BE ADDED AS FOLLOWS:**

#### **AR 252A Possession of injectable products containing cobalt salts**

- (1) A person must not have in his or her possession, or on his or her premises, any injectable product which contains cobalt salts.
- (2) The Stewards may confiscate any product referred to in subrule (1) and use it as evidence in any inquiry, hearing or other proceeding under the Rules.

### **AR 254A BE ADDED AS FOLLOWS:**

#### **AR 254A Administration of cobalt salts by injection**

- (1) A person must not:
  - (a) administer;
  - (b) cause to be administered;
  - (c) attempt to administer; or
  - (d) be a party to the administration or attempted administration of, a product containing cobalt salts to a horse by injection.
- (2) If the Stewards are satisfied that a horse has been, or is likely to have been, administered a product containing cobalt salts by injection, the Stewards may prevent the horse from starting in any race, official trial or jump-out.
- (3) If a horse has been administered a product containing cobalt salts by injection, but the horse competes in a race, official trial or jump-out, the horse may be disqualified from that race, official trial or jump-out.
- (4) For the purposes of this rule, an “injection” includes, but is not limited to, the insertion of a hypodermic needle into a horse.

## AMENDMENT TO THE AUSTRALIAN RULES OF RACING: PART 14 - Traceability Rules

### **PART 14 - TRACEABILITY RULES (AND CONSEQUENTIAL AMENDMENTS TO AR 2, AR 30, AR 34, AR 37, AR 38, AR 45, AR 46, AR 48, AR 50, AR 51, AR 52, AR 103, AR 116, AR 253)**

#### **SUMMARY OF AMENDMENT**

Racing Australia has approved the introduction of new rules to improve the horse traceability requirements in the Australian Rules of Racing.

The purpose of the new traceability rules is to enhance and broaden the traceability of horses throughout the period of their life during which the racing industry has jurisdiction over them and relevant industry participants. It is envisaged that greater transparency with respect to the status and movement of horses will enable racing authorities to better track horses and, consequently, help ensure more positive equine welfare outcomes.

The new traceability rules are separated into 5 divisions for ease of reference:

- Unnamed horses
- Named horses
- Breeding horses
- Access to property
- Breach of traceability rules

These rules have also resulted in various consequential amendments to the Australian Rules of Racing, which are summarised as follows:

- AR 2 – new, amended and deleted definitions
- AR 30 – deleted – replaced and amended by AR 294
- AR 34 – deleted – replaced and amended by AR 285, AR 286, AR 287 and AR 288
- AR 37 and AR 38 – deleted – replaced and amended by AR 295
- AR 50 – deleted – replaced and amended by AR 289
- AR 51 – deleted – replaced and amended by AR 290 and AR 297
- AR 52 – deleted – replaced and amended by AR 292 and AR 299
- AR 45, AR 46 and AR 48 – amended to include breeding horses
- AR 103(4)-(8) – deleted – replaced and amended by AR 296
- AR 116 and AR 253 – amended to refer to unnamed horses

### **Amendments effective from 1 May 2021**

#### **PART 14 - TRACEABILITY RULES BE ADDED AS FOLLOWS:**

##### [PART 14 - TRACEABILITY RULES](#)

##### [Division 1 - Unnamed horses](#)

##### [AR 285 Lodgment of Mare Return \(live foals\)](#)

[\(1\) A Mare Return must be lodged with the Australian Stud Book by the manager of a broodmare or his or her authorised agent within 30 days of the broodmare giving birth to a live foal.](#)

[\(2\) A Mare Return lodged under subrule \(1\) must:](#)

- (a) comply with the requirements set out in the Australian Stud Book Rules;
  - (b) disclose the foaling location;
  - (c) disclose the location of the broodmare at the date of the lodgment;
  - (d) be in the form prescribed by the Australian Stud Book;
  - (e) be accompanied by the fee prescribed by the Australian Stud Book (if any); and
  - (f) contain any other information the Australian Stud Book considers necessary.
- (3) For the purposes of this rule, the “manager” includes the breeder where the broodmare has not yet been registered for breeding in accordance with AR 301.
- (4) For the sake of clarity, nothing in this rule affects a person’s Mare Return obligations under the Australian Stud Book Rules, save that lodgment of a Mare Return in accordance with this rule constitutes lodgment of a Mare Return under the Australian Stud Book Rules.

#### **AR 286 Lodgment of Foal Ownership Declaration**

- (1) A Foal Ownership Declaration must be lodged with Racing Australia by the manager of a foal or his or her authorised agent within 30 days of the foal’s birth.
- (2) A Foal Ownership Declaration must:
- (a) disclose the name of each person with a beneficial interest in the foal from its birth to the date of the declaration;
  - (b) disclose the location of the foal at the date of the declaration;
  - (c) be in the form prescribed by Racing Australia;
  - (d) be accompanied by the fee prescribed by Racing Australia (if any); and
  - (e) contain any other information Racing Australia considers necessary.
- (3) It is a condition precedent to any lodgment under this rule that the manager or his or her authorised agent lodging the Foal Ownership Declaration undertakes to be bound by the Rules and, upon action being taken in compliance with this rule (including by a Syndicate as applicable), the unnamed horse and its owners become subject to, and agree to be bound by, the Rules for the following purposes only as a consequence of, and relating to, the lodgment of the Foal Ownership Declaration:
- (a) the testing of a named horse which has not been retired from racing under AR 297 for the presence of substances that are prohibited at any time by the Rules;
  - (b) the testing of an unnamed horse for the presence of anabolic androgenic steroids;
  - (c) the observation of other horses for health and welfare reasons only where there is concern for their health and welfare based on reasonable grounds; and
  - (d) the rules that relate to traceability (any rule under this Part 14 and any relevant Local Rules).
- (4) Nothing in this rule affects, or releases any person from, any requirement to be bound by the Rules that arises other than by the lodgment of the Foal Ownership Declaration, including but not limited to any requirement to be bound by the Rules that arises as a result of the lodgment of any other form, the making of any other notification, disclosure or declaration, or the operation of any of the Rules.

#### **AR 287 Failure to lodge Mare Return and/or Foal Ownership Declaration**

- (1) Except where Racing Australia, in its sole and absolute discretion, permits otherwise, an unnamed horse cannot be registered for racing under these Australian Rules unless a Mare Return and a Foal Ownership Declaration have been lodged in accordance with AR 285 and AR 286 respectively.
- (2) The discretion in subrule (1) may be exercised by Racing Australia in respect of matters occurring at any time, including prior to the commencement of that subrule.
- (3) Where a Mare Return and/or a Foal Ownership Declaration have not been lodged in accordance with AR 285 and AR 286 respectively, an owner of the horse must disclose that fact to any potential buyers prior to any sale of the horse.

### **AR 288 Unnamed horse transfer of ownership**

- (1) If an unnamed horse is transferred to a new owner/s, the transfer must be registered with Racing Australia in accordance with this rule.
- (2) Between the time specified in AR 286(1) and the time an unnamed horse is first registered for racing in accordance with AR 294, all transfers of ownership of that horse must be lodged with Racing Australia by both the outgoing owners and the incoming owners within 7 days of each transfer taking place. For the sake of clarity, where an unnamed horse has multiple owners, the outgoing owners are only required to sign transfer documents to the extent required of them by the applicable agreement governing the horse ownership venture (e.g. the COA).
- (3) If a person breaches subrule (2), a PRA or the Stewards may restrict the relevant horse from being entered for a race, official trial or jump-out for a period not exceeding 1 month from identification of the breach.
- (4) Any unnamed horse transfer of ownership application lodged by a Syndicate under subrule (2) shall be sufficient if signed by a majority of the members or by the Syndicate manager.
- (5) An unnamed horse transfer of ownership application must:
  - (a) disclose the location of the horse at the time of the application and the intended location and use of the horse following the transfer;
  - (b) disclose the seller's and the buyer's name and contact details;
  - (c) disclose the sale price;
  - (d) be in the form prescribed by Racing Australia;
  - (e) be accompanied by the fee prescribed by Racing Australia (if any); and
  - (f) contain any other information Racing Australia considers necessary.
- (6) Racing Australia, a PRA or the Stewards may conduct inquiries into the circumstances of the transfer of an unnamed horse as they see fit, whether or not the transfer has been effected.
- (7) Racing Australia may:
  - (a) accept an unnamed horse transfer of ownership application; or
  - (b) on proper cause, including but not limited to lack of bona fides of the transaction or the identity of the persons or horse concerned, or a determination that they or any of them are subject to any penalty or restriction under the Rules:
    - (i) reject an unnamed horse transfer of ownership application; or
    - (ii) if an unnamed horse transfer of ownership has been effected, set aside the transfer.
- (8) If an unnamed horse transfer of ownership application is accepted or set aside, Racing Australia must as soon as practicable amend the official ownership records.

### **AR 289 Unnamed horse change of location**

- (1) The manager of an unnamed horse or his or her authorised agent, or any other person with the relevant knowledge, must disclose:
  - (a) any change in the previously notified location of the unnamed horse to Racing Australia within 3 days of the day on which that change is finalised, by lodging the relevant form (including a Stable Return where applicable) prescribed by Racing Australia; and
  - (b) the location of the unnamed horse upon request by Racing Australia and/or the relevant PRA, including as required by any registration, transfer of ownership, or other form.
- (2) A person is not required to comply with subrule (1)(a) if:
  - (a) the unnamed horse is away from its previously notified location for no more than 30 days and during that period the horse is:
    - (i) located at a veterinary clinic, or under the direct care of a veterinary clinic; or
    - (ii) under the direct care of a qualified veterinary surgeon,

for the purpose of obtaining treatment from a qualified veterinary surgeon; or

- (b) the unnamed horse is away from its previously notified location for no more than 7 days for the purpose of being offered for sale at a physical public auction.
- (3) Nothing in this rule affects a trainer's Stable Return obligations under AR 296.

#### **AR 290 Decision to not commence racing unnamed horse**

- (1) Within 7 days of a decision to not commence racing an unnamed horse, the manager or his or her authorised agent must notify Racing Australia of that fact by lodging the relevant form (including a Stable Return where applicable) prescribed by Racing Australia.
- (2) Once a form has been lodged in accordance with subrule (1), the horse will be ineligible to race or be trained unless it is reinstated to race or be trained in accordance with this rule.
- (3) If a horse ceases to be eligible to race or be trained under this rule, a person must not reinstate the horse to race or be trained without the express permission of a PRA or the Stewards.
- (4) Without limiting their powers to refuse to reinstate a horse to race or be trained in their absolute discretion, for the purposes of subrule (3) a PRA or the Stewards must not grant permission for a horse to be reinstated to race or be trained unless:
  - (a) the horse has passed a veterinary examination conducted by a qualified veterinary surgeon to the satisfaction of the relevant PRA or the Stewards;
  - (b) all relevant transfers of ownership in respect of the horse have been registered with Racing Australia or the relevant PRA (as applicable) in accordance with the Rules;
  - (c) the horse, the trainer and/or the manager have satisfied any other reinstatement requirements of the relevant PRA or the Stewards; and
  - (d) the relevant PRA or the Stewards have considered the wishes of the last owner/s of the horse prior to the decision to not commence racing in respect of any future reinstatement, as notified on the relevant form (including a Stable Return where applicable).

#### **AR 291 Unraced unnamed horse into care of industry participant**

- (1) This rule applies where:
  - (a) a decision to not commence racing an unnamed horse is made in accordance with AR 290 (for the purposes of this rule, "unraced horse");
  - (b) the unraced horse is not registered for breeding in accordance with AR 301; and
  - (c) the person responsible for the unraced horse is a participant in racing (as defined in AR 2) or is otherwise licensed or registered under the Rules (for the purposes of this rule, "responsible person").
- (2) During the period in which the responsible person is responsible for the care of the unraced horse, within 7 days of any of the following occurring that person must notify Racing Australia by lodging the relevant form prescribed by Racing Australia:
  - (a) the transfer of the unraced horse to any other person;
  - (b) the change of the unraced horse's location;
  - (c) the decision to retire the unraced horse from any non-racing career, including but not limited to equestrian pursuits; or
  - (d) the death of the unraced horse.
- (3) A person is not required to comply with subrule (2)(b) if:
  - (a) the unraced horse is away from its previously notified location for no more than 30 days and during that period the horse is:
    - (i) located at a veterinary clinic, or under the direct care of a veterinary clinic; or
    - (ii) under the direct care of a qualified veterinary surgeon,  
for the purpose of obtaining treatment from a qualified veterinary surgeon; or
  - (b) the unraced horse is away from its previously notified location for no more than 7 days for the purpose of being offered for sale at a physical public auction.

### **AR 292 Death of unnamed horse**

- (1) Within 48 hours of the death of an unnamed horse, the manager or his or her authorised agent must notify Racing Australia of that fact by lodging the relevant form (including a Stable Return where applicable) prescribed by Racing Australia.
- (2) A person must not dispose of a deceased unnamed horse without the written approval of Racing Australia or the relevant PRA unless a veterinary certificate as to cause of death is provided to Racing Australia or the relevant PRA.
- (3) Any person who fails to comply with subrule (1) is not guilty of a breach of that subrule if he or she proves to the satisfaction of the Stewards that he or she was not aware, and could not reasonably have been aware, of the death of the horse.

### **AR 293 Status update for unnamed horse**

- (1) Within 7 days of an unnamed horse not having been the subject of any activity with Racing Australia or a PRA for a period of 6 consecutive months, the manager or his or her authorised agent must notify Racing Australia of the following matters by lodging the relevant form (including a Stable Return where applicable) prescribed by Racing Australia:
  - (a) the current status of the horse;
  - (b) the location of the horse; and
  - (c) any other matters in respect of which a form should have been lodged or a notification should have been made under any rule in this Part 14 in the 6 month period.
- (2) Prior to the horse reaching the 6 month period of inactivity referred to in subrule (1), Racing Australia will notify the manager or his or her authorised agent of the upcoming notification requirement.
- (3) For the purposes of this rule, “activity” includes but is not limited to the lodgment or notification of a Stable Return, registration for racing, transfer of ownership, change of location, decision to not commence racing, or death.

## **Division 2 – Named horses**

### **AR 294 Registration of horse for racing**

- (1) An application to register a horse for racing (which has complied with AR 285 and AR 286) must be lodged by the owner/s (or the lessee/s) with Racing Australia at least 5 business days before the horse is entered for a race or official trial, and must:
  - (a) disclose the details of the horse, including without limitation its age, sex, colour, sire, dam, microchip number, Foal Identification Card, any brands and markings, and any disqualifications or restrictions incurred;
  - (b) disclose the name of each owner (or lessee) and their ownership (or lease) share;
  - (c) disclose the location of the horse at the time of the application;
  - (d) be in the form prescribed by Racing Australia;
  - (e) be accompanied by the fee prescribed by Racing Australia (if any); and
  - (f) contain any other information Racing Australia considers necessary.
- (2) Racing Australia may require that any of the information identified in subrule (1) be verified by statutory declaration.
- (3) Racing Australia may in its discretion accept or reject any application for registration of any horse for racing.
- (4) Upon registration of a horse under this rule, Racing Australia will issue the manager with a Certificate of Registration (Racing).
- (5) Until a horse has been registered for racing as required by this rule, the horse cannot start in:
  - (a) a race; or

(b) an official trial without the permission of a PRA or the Stewards (whom may impose conditions as they see fit on any permission granted).

#### **AR 295 Named horse transfer of ownership**

- (1) If a named horse is transferred to a new owner/s, the transfer must be registered with Racing Australia or the relevant PRA (as applicable) in accordance with this rule.
- (2) All transfers of ownership of a named horse must be lodged with the Racing Australia or the relevant PRA (as applicable) by both the outgoing owners and the incoming owners:
  - (a) within 7 days of each transfer taking place; or
  - (b) at least 24 hours before the horse is entered for a race or official trial,  
whichever is earlier. For the sake of clarity, where a named horse has multiple owners, the outgoing owners are only required to sign transfer documents to the extent required of them by the applicable agreement governing the horse ownership venture (e.g. the COA).
- (3) Any named horse transfer of ownership application lodged by a Syndicate under subrule (2) shall be sufficient if signed by a majority of the members or by the Syndicate manager.
- (4) A named horse transfer of ownership application must:
  - (a) disclose the location of the horse at the time of the application and the intended location and use of the horse following the transfer;
  - (b) disclose the seller's and the buyer's name and contact details;
  - (c) disclose the sale price;
  - (d) be in the form prescribed by Racing Australia or the relevant PRA;
  - (e) be accompanied by the fee prescribed by Racing Australia or the relevant PRA (if any); and
  - (f) contain any other information Racing Australia or the relevant PRA considers necessary.
- (5) A PRA or the Stewards may conduct inquiries into the circumstances of the transfer of a named horse as they see fit, whether or not the transfer has been effected.
- (6) A PRA may:
  - (a) accept a named horse transfer of ownership application; or
  - (b) on proper cause, including but not limited to lack of bona fides of the transaction or the identity of the persons or horse concerned, or a determination that they or any of them are subject to any penalty or restriction under the Rules:
    - (i) reject a named horse transfer of ownership application; or
    - (ii) if a named horse transfer of ownership has been effected, set aside the transfer.
- (7) If a named horse transfer of ownership application is accepted or set aside, the relevant PRA must as soon as practicable amend the official ownership records.
- (8) Until a named horse transfer of ownership is registered as required by this rule, the horse cannot start in a race or official trial without the permission of a PRA or the Stewards (whom may impose conditions as they see fit on any permission granted).

#### **AR 296 Named horse change of location**

- (1) Except where stated otherwise, this rule applies to all named and unnamed horses, provided that in respect of an unnamed horse nothing in this rule shall limit the requirements set out in AR 289.
- (2) A trainer must:
  - (a) disclose the location of a horse under his or her care upon request by a PRA and/or the Stewards (for any purpose) and/or Racing Australia (for retirement purposes only);
  - (b) lodge a Stable Return immediately upon a horse joining the trainer's stable;
  - (c) notify the Stewards immediately upon a horse which has been retired from racing joining the trainer's stable;
  - (d) lodge an amendment to a Stable Return immediately if:
    - (i) any particulars on the Stable Return have changed; or

- (ii) a horse leaves or joins the trainer's stable, or moves to another of the trainer's premises (where the trainer's stable is comprised of more than one premises), with the amendment to disclose the precise location of the horse.
- (3) For the purposes of subrule (2):
- (a) if a trainer's stable is comprised of more than one premises, the trainer must disclose at which premises the horse is located;
- (b) when a horse leaves a trainer's stable to spell or otherwise the trainer must disclose the location of the property at which the horse will be located.
- (4) Where a horse has been entered for a race, from the time of entry to arrival on course prior to racing:
- (a) except with the permission of the Stewards, the horse must be stabled only at the premises from which the horse's trainer is licensed to train;
- (b) if the horse is travelling to participate in the race, the horse's trainer must inform the Stewards of the horse's proposed travel plans prior to the horse's departure from the trainer's stable and/or lodge a Stable Return disclosing the location of the horse (as required by the relevant PRA).
- (5) Where a horse is entered for a race in which the entries close more than 60 days prior to the advertised date for the running of the race, subrule (4) shall not apply from the time of entry, but shall apply from the period commencing 6 days prior to the advertised date for the running of the race.
- (6) If a trainer fails to lodge, in whole or in part, a Stable Return or any amendment thereof, or fails to provide details of the location or movements of a horse, in accordance with the provisions of this rule, the entry of the horse for any race, official trial or jump-out may be rejected or cancelled.
- (7) The manager of a named horse or his or her authorised agent must, unless otherwise contained in a Stable Return lodged by a trainer in accordance with this rule, disclose:
- (a) any change in the previously notified location of the named horse to the relevant PRA by midnight of the day on which that change is finalised, by lodging the relevant form prescribed by Racing Australia or the relevant PRA; and
- (b) the location of that horse upon request by Racing Australia and/or a PRA, including as required under any registration, transfer of ownership, or other form.
- Note: By way of example, the notification obligation on a manager would arise under subrule (7)(a) if a named horse was transferred from one spelling property to another spelling property.*
- (8) The requirement referred to in subrule (7)(a) does not apply where the named horse is under the care of a trainer and the manager proves to the satisfaction of the Stewards the he or she was not aware, and could not reasonably have been aware, of:
- (a) the change in the previously notified location of the horse; or
- (b) the trainer's non-compliance with his or her obligations under this rule.

#### **AR 297 Decision to retire named horse**

- (1) Within 7 days of a decision to retire a named horse from racing, the manager or his or her authorised agent must notify Racing Australia of that fact by lodging the relevant form (including a Stable Return where applicable) prescribed by Racing Australia.
- (2) Once a form has been lodged in accordance with subrule (1), the horse will be ineligible to race or be trained unless it is reinstated to race or be trained in accordance with this rule.
- (3) If a horse ceases to be eligible to race or be trained under this rule, a person must not reinstate the horse to race or be trained without the express permission of a PRA or the Stewards.

- (4) Without limiting their powers to refuse to reinstate a horse to race or be trained in their absolute discretion, for the purposes of subrule (3) a PRA or the Stewards must not grant permission for a horse to be reinstated to race or be trained unless:
- (a) the horse has passed a veterinary examination conducted by a qualified veterinary surgeon to the satisfaction of the relevant PRA or the Stewards;
  - (b) all relevant transfers of ownership in respect of the horse have been registered with Racing Australia or the relevant PRA (as applicable) in accordance with the Rules; and
  - (c) the horse, the trainer and/or the manager have satisfied any other reinstatement requirements of the relevant PRA or the Stewards; and
  - (d) the relevant PRA or the Stewards have considered the wishes of the last owner/s of the horse prior to the decision to not commence racing in respect of any future reinstatement, as notified on the relevant form (including a Stable Return where applicable).
- (5) Notwithstanding AR 78, within 7 days of a horse turning 13 years of age, the manager or his or her authorised agent must notify Racing Australia of the horse's retirement by lodging the relevant form (including a Stable Return where applicable) prescribed by Racing Australia.

#### **AR 298 Named horse retired to industry participant**

- (1) This rule applies where:
- (a) a named horse is retired from racing in accordance with AR 297 (for the purposes of this rule, "retired racehorse");
  - (b) the retired racehorse is not registered for breeding in accordance with AR 301; and
  - (c) the person responsible for the retired racehorse is a participant in racing (as defined in AR 2) or is otherwise licensed or registered under the Rules (for the purposes of this rule, "responsible person").
- (2) During the period in which the responsible person is responsible for the care of the retired racehorse, within 7 days of any of the following occurring that person must notify Racing Australia by lodging the relevant form prescribed by Racing Australia:
- (a) the transfer of the retired racehorse to any other person;
  - (b) the change of the retired racehorse's location;
  - (c) the decision to retire the retired racehorse from any post-racing career, including but not limited to equestrian pursuits; or
  - (d) the death of the retired racehorse.
- (3) A person is not required to comply with subrule (2)(b) if:
- (a) the retired racehorse is away from its previously notified location for no more than 30 days and during that period the horse is:
    - (i) located at a veterinary clinic, or under the direct care of a veterinary clinic; or
    - (ii) under the direct care of a qualified veterinary surgeon,  
for the purpose of obtaining treatment from a qualified veterinary surgeon; or
  - (b) the retired racehorse is away from its previously notified location for no more than 7 days for the purpose of being offered for sale at a physical public auction.

#### **AR 299 Death of named horse**

- (1) Within 24 hours of the death of a named horse which has not been retired from racing in accordance with AR 297, the manager or his or her authorised agent must notify Racing Australia of that fact by lodging the relevant form (including a Stable Return where applicable) prescribed by Racing Australia.
- (2) A person must not dispose of the deceased horse without the written approval of the relevant PRA unless a veterinary certificate as to cause of death is provided to the relevant PRA.

(3) Any person who fails to comply with subrule (1) is not guilty of a breach of that subrule if he or she proves to the satisfaction of the Stewards that he or she was not aware, and could not reasonably have been aware, of the death of the horse.

### **AR 300 Status update for named horse**

(1) Within 7 days of a named horse not having been the subject of any activity with Racing Australia or a PRA for a period of 6 consecutive months, the manager or his or her authorised agent must notify Racing Australia of the following matters by lodging the relevant form (including a Stable Return where applicable) prescribed by Racing Australia:

(a) the current status of the horse;

(b) the location of the horse; and

(c) any other matters in respect of which a form should have been lodged or a notification should have been made under any rule in this Part 14 in the 6 month period.

(2) Prior to the horse reaching the 6 month period of inactivity referred to in subrule (1), Racing Australia will notify the manager or his or her authorised agent of the upcoming notification requirement.

(3) For the purposes of this rule, “activity” includes but is not limited to the lodgment or notification of a Stable Return, nomination, scratching, transfer of ownership, change of location, retirement from racing, or death.

### **Division 3 – Breeding horses**

#### **AR 301 Registration of horse for breeding**

(1) A horse that is used for breeding must be registered with the Australian Stud Book as follows:

(a) horses in respect of which a Mare Return or Stallion Return has never been lodged with the Australian Stud Book prior to the commencement of this rule – within 7 days of a decision use the horse for breeding, a registration application must be lodged by the owner/s (or lessee/s) with the Australian Stud Book in accordance with this rule; or

(b) horses in respect of which a Mare Return or Stallion Return has previously been lodged with the Australian Stud Book prior to the commencement of this rule – when a Mare Return or Stallion Return or Declaration of Service (whichever is earlier) for the horse is next lodged, a registration application must also be lodged by the owner/s (or lessee/s) with the Australian Stud Book in accordance with this rule.

(2) The Australian Stud Book must not accept a Mare Return, Stallion Return or Declaration of Service for a horse that has not been registered for breeding in accordance with this rule.

(3) A horse cannot be registered for breeding unless:

(a) it complies with the requirements set out in AR 27, AR 28 and AR 29; and

(b) if the horse is an unnamed horse, a decision has been made to not commence racing the horse and the relevant form has been lodged with Racing Australia in accordance with AR 290 (and the horse has subsequently been named solely for breeding purposes); or

(c) if the horse is a named horse, it has been retired from racing in accordance with AR 297.

(4) An application to register a horse for breeding must:

(a) disclose the name of the horse;

(b) disclose the name of each owner (or lessee) and their ownership (or lease) share;

(c) disclose the location of the horse at the time of the application;

(d) be in the form prescribed by the Australian Stud Book;

(e) be accompanied by the fee prescribed by the Australian Stud Book (if any); and

(f) contain any other information the Australian Stud Book considers necessary.

(5) The Australian Stud Book may require that any of the information identified in subrule (4) be verified by statutory declaration.

- (6) The Australian Stud Book may in its discretion accept or reject any application for registration of any horse for breeding.
- (7) Upon registration of a horse under this rule, the Australian Stud Book will issue the manager with a Certificate of Registration (Breeding).

#### **AR 302 Lodgment of Mare Return (general)**

- (1) A Mare Return must be lodged with the Australian Stud Book by the manager of a broodmare or his or her authorised agent for every covering season the broodmare is at stud, including:
  - (a) if the broodmare is not covered during a covering season, by 15 March of that season;
  - (b) if the broodmare is covered during a covering season and no live foal is produced, within 12 months of the last date the broodmare was covered;
  - (c) if the broodmare is covered during a covering season and a live foal is produced, within 30 days of the broodmare giving birth to that foal, as per the requirements in AR 285.
- (2) A Mare Return lodged under subrule (1) must:
  - (a) comply with the requirements set out in the Australian Stud Book Rules;
  - (b) disclose the location of the broodmare at the date of the lodgment;
  - (c) be in the form prescribed by the Australian Stud Book;
  - (d) be accompanied by the fee prescribed by the Australian Stud Book (if any); and
  - (e) contain any other information the Australian Stud Book considers necessary.
- (3) For the purposes of this rule, the “manager” includes the breeder where the broodmare has not yet been registered for breeding in accordance with AR 301.
- (4) For the sake of clarity, nothing in this rule affects a person’s Mare Return obligations under the Australian Stud Book Rules, save that lodgment of a Mare Return in accordance with this rule constitutes lodgment of a Mare Return under the Australian Stud Book Rules.

#### **AR 303 Lodgment of Stallion Return**

- (1) A Stallion Return must be lodged with the Australian Stud Book by the manager of a stallion or his or her authorised agent by 30 June before the covering season in which the stallion is to be used for breeding.
- (2) A Stallion Return must:
  - (a) comply with the requirements set out in the Australian Stud Book Rules;
  - (b) disclose the name of each owner (or lessee) and their ownership (or lease) share;
  - (c) disclose the location where the stallion will stand that covering season;
  - (d) be in the form prescribed by the Australian Stud Book;
  - (e) be accompanied by the fee prescribed by the Australian Stud Book (if any); and
  - (f) contain any other information the Australian Stud Book considers necessary.
- (3) For the purposes of this rule, the “manager” includes the stallion proprietor where the stallion has not yet been registered for breeding in accordance with AR 301.
- (4) For the sake of clarity, nothing in this rule affects a person’s Stallion Return obligations under the Australian Stud Book Rules, save that lodgment of a Stallion Return in accordance with this rule constitutes lodgment of a Stallion Return under the Australian Stud Book Rules.

#### **AR 304 Lodgment of Declaration of Service**

- (1) Where a Stallion Return has been lodged for a particular covering season, a Declaration of Service must be lodged with the Australian Stud Book on a monthly basis by the manager or his or her authorised agent by the 15<sup>th</sup> day of the following month for each month during that covering season, including where the stallion does not cover a broodmare in a particular month.

*Note: By way of example, if a stallion covers a broodmare in October, a Declaration of Service for that month must be lodged with the Australian Stud Book by 15 November.*

- (2) A Declaration of Service must:

- (a) comply with the requirements set out in the Australian Stud Book Rules;
  - (b) be in the form prescribed by the Australian Stud Book;
  - (c) be accompanied by the fee prescribed by the Australian Stud Book (if any); and
  - (d) contain any other information the Australian Stud Book considers necessary.
- (3) For the purposes of this rule, the “manager” includes the stallion proprietor where the stallion has not yet been registered for breeding in accordance with AR 301.
- (4) For the sake of clarity, nothing in this rule affects a person’s Declaration of Service obligations under the Australian Stud Book Rules, save that lodgment of a Declaration of Service in accordance with this rule constitutes lodgment of a Declaration of Service under the Australian Stud Book Rules.

#### **AR 305 Breeding horse transfer of ownership**

- (1) If a breeding horse is transferred to a new owner/s, the transfer must be registered with the Australian Stud Book in accordance with this rule.
- (2) All transfers of ownership of a breeding horse must be lodged with the Australian Stud Book by both the outgoing owners and the incoming owners within 7 days of each transfer taking place. For the sake of clarity, where a breeding horse has multiple owners, the outgoing owners are only required to sign transfer documents to the extent required of them by the applicable agreement governing the horse ownership venture.
- (3) Any breeding horse transfer of ownership application lodged by a Syndicate under subrule (2) shall be sufficient if signed by a majority of the members or by the Syndicate manager.
- (4) A breeding horse transfer of ownership application must:
- (a) disclose the location of the horse at the time of the application and the intended location and use of the horse following the transfer;
  - (b) disclose the seller’s and the buyer’s name and contact details;
  - (c) disclose the sale price;
  - (d) be in the form prescribed by the Australian Stud Book; and
  - (e) be accompanied by the fee prescribed by the Australian Stud Book (if any); and
  - (f) contain any other information the Australian Stud Book considers necessary.
- (5) The Australian Stud Book, Racing Australia, a PRA or the Stewards may conduct inquiries into the circumstances of the transfer of a breeding horse as they see fit, whether or not the transfer has been effected.
- (6) The Australian Stud Book may:
- (a) accept a breeding horse transfer of ownership application; or
  - (b) on proper cause, including but not limited to lack of bona fides of the transaction or the identity of the persons or horses concerned, or a determination that they or any of them are subject to any penalty or restriction under the Rules:
    - (i) reject a breeding horse transfer of ownership application; or
    - (ii) if a breeding horse transfer of ownership has been effected, set aside the transfer.
- (7) If a breeding horse transfer of ownership application is accepted or set aside, the Australian Stud Book must as soon as practicable amend the official ownership records.
- (8) Until a breeding horse transfer of ownership is registered as required by this rule, the Australian Stud Book may refuse to accept any Mare Return, Stallion Return or Declaration of Service lodged in respect of the horse.

#### **AR 306 Breeding horse change of location**

- (1) The manager of a breeding horse or his or her authorised agent, or any other person with the relevant knowledge, must disclose:

- (a) subject to subrule (2), any change in the previously notified location of the breeding horse to the Australian Stud Book within 3 days of the day on which that change is finalised;
  - (b) the location of the breeding horse upon request by the Australian Stud Book and/or the relevant PRA, including as required by any registration, transfer of ownership, or other form.
- (2) A person is not required to comply with subrule (1)(a) if:
  - (a) the breeding horse is a broodmare and it is away from its previously notified location for no more than 7 days for the purpose of being covered or foaling;
  - (b) the breeding horse is away from its previously notified location for no more than 30 days and during that period the horse is:
    - (i) located at a veterinary clinic, or under the direct care of a veterinary clinic; or
    - (ii) under the direct care of a qualified veterinary surgeon,for the purpose of obtaining treatment from a qualified veterinary surgeon; or
  - (c) the breeding horse is away from its previously notified location for no more than 7 days for the purpose of being offered for sale at a physical public auction.

#### **AR 307 Decision to retire breeding horse**

- (1) Within 7 days of a decision to retire a breeding horse, the manager or his or her authorised agent must notify the Australian Stud Book of that fact by lodging the relevant form prescribed by the Australian Stud Book.
- (2) Once a form has been lodged in accordance with subrule (1), the horse will be ineligible to breed unless it is reinstated to breed.
- (3) If a horse ceases to be eligible to breed under this rule, a person must not reinstate the horse to breed without the express permission of the Australian Stud Book.

#### **AR 308 Breeding horse retired to industry participant**

- (1) This rule applies where:
  - (a) a breeding horse is retired from breeding in accordance with AR 307 (for the purposes of this rule, “retired breeding horse”); and
  - (b) the person responsible for the retired breeding horse is a participant in racing (as defined in AR 2) or is otherwise licensed or registered under the Rules (for the purposes of this rule, “responsible person”).
- (2) During the period in which the responsible person is responsible for the care of the retired breeding horse, within 7 days of any of the following occurring that person must notify the Australian Stud Book by lodging the relevant form prescribed by the Australian Stud Book:
  - (a) the transfer of the retired breeding horse to any other person;
  - (b) the change of the retired breeding horse’s location;
  - (c) the decision to retire the retired breeding horse from any post-breeding career, including but not limited to equestrian pursuits; or
  - (d) the death of the retired breeding horse.
- (3) A person is not required to comply with subrule (2)(b) if:
  - (a) the retired breeding horse is away from its previously notified location for no more than 30 days and during that period the horse is:
    - (i) located at a veterinary clinic, or under the direct care of a veterinary clinic; or
    - (ii) under the direct care of a qualified veterinary surgeon,for the purpose of obtaining treatment from a qualified veterinary surgeon; or
  - (b) the retired breeding horse is away from its previously notified location for no more than 7 days for the purposes of being offered for sale at a physical public auction.

#### **AR 309 Death of breeding horse**

- (1) Within 48 hours of the death of a breeding horse, the manager or his or her authorised agent must notify the Australian Stud Book of that fact (and, if applicable, the loss of its foal in utero) by lodging the relevant form prescribed by the Australian Stud Book.
- (2) A person must not dispose of the deceased horse without the written approval of the Australian Stud Book or the relevant PRA unless a veterinary certificate as to cause of death is provided to the Australian Stud Book or the relevant PRA.
- (3) Any person who fails to comply with subrule (1) is not guilty of a breach of that subrule if he or she proves to the satisfaction of the Stewards that he or she was not aware, and could not reasonably have been aware, of the death of the horse.

#### **AR 310 Status update for breeding horse**

- (1) Within 7 days of a breeding horse not having been the subject of any activity with the Australian Stud Book, Racing Australia or a PRA in a period of 12 consecutive months, the manager or his or her authorised agent must notify the Australian Stud Book of the following matters by lodging the relevant form:
  - (a) the current status of the horse;
  - (b) the location of the horse; and
  - (c) any other matters in respect of which a form should have been lodged or a notification should have been made under any rule in this Part 14 in the 12 month period.
- (2) Prior to the horse reaching the 12 month period of inactivity referred to in subrule (1), the Australian Stud Book will notify the manager or his or her authorised agent of the upcoming notification requirement.
- (3) For the purposes of this rule, “activity” includes but is not limited to the lodgment or notification of a Mare Return, Stallion Return, Declaration of Service, transfer of ownership, change of location, retirement from breeding, or death.
- (4) For the purposes of this rule, the “manager” includes the breeder or the stallion proprietor where the horse has not yet been registered for breeding in accordance with AR 301.

#### **AR 311 Application of the Rules to owners of breeding horses**

- (1) It is a condition precedent to any lodgment or notification under AR 285 or any of AR 301 to AR 310 inclusive that the manager or his or her authorised agent lodging the relevant document or making the relevant notification undertakes to be bound by the Rules and, upon action being taken in compliance with any of those rules (including by a Syndicate as applicable), the breeding horse and its owners become subject to, and agree to be bound by, the Rules for the following purposes only as a consequence of, and relating to, the lodgment of the relevant document or the making of the relevant notification:
  - (a) the observation of other horses for health and welfare reasons only where there is concern for their health and welfare based on reasonable grounds; and
  - (b) the rules that relate to traceability (any rule under this Part 14 and any relevant Local Rules).
- (2) Nothing in this rule affects, or releases any person from, any requirement to be bound by the Rules that arises other than by the lodgment or notification under AR 285 or any of AR 301 to AR 310 inclusive, including but not limited to any requirement to be bound by the Rules that arises as a result of the lodgment of any other form, the making of any other notification, disclosure or declaration, or the operation of any of the Rules.

### **Division 4 – Access to property**

#### **AR 312 Stewards’ access to property on welfare grounds**

- (1) Without limiting any other rules or powers under these Australian Rules, the Stewards may enter the property of a person in possession of a horse:

- (a) in respect of which a Mare Return and Foal Ownership Declaration have been lodged under AR 285 and AR 286 respectively;
- (b) which has been registered for racing under AR 294;
- (c) which has been registered for breeding under AR 301; or
- (d) which has been retired into the care of an industry participant under AR 291, AR 298 or AR 308.

for the purposes of observing and/or assessing the health and welfare of the horse where there is concern for its health and welfare based on reasonable grounds.

- (2) Stewards who enter a property under subrule (1) may bring with them persons or items they consider necessary to assist in observing and/or assessing the health and welfare of the relevant horse.

## **Division 5 – Breach of traceability rules**

### **AR 313 Breach of traceability rules**

- (1) Without limiting any other rules or powers under these Australian Rules, if a person breaches any rule in this Part 14 the person may be penalised by a PRA or the Stewards.
- (2) If a person provides any false or misleading information in respect of any form lodged or notification made under any rule in this Part 14, the person may be penalised by a PRA or the Stewards.
- (3) Without limiting any other rules in this Part 14, if a person fails to lodge any document or provide any notification in accordance with any rule in this Part 14, Racing Australia, the Australian Stud Book, a PRA and/or the Stewards may:
  - (a) restrict that person or any relevant horse from participating in the thoroughbred racing and breeding industry; and/or
  - (b) restrict the payment (including payments under bonus schemes) or awarding of any prize to that person,

until the relevant form has been properly lodged or the relevant notification has been properly made.

*Note: By way of example, Racing Australia may refuse to register a horse, or a PRA may refuse to accept a nomination for a horse, which is owned by a person who has failed to lodge a retirement notification form in respect of another horse owned by that person in accordance with AR 297.*

- (4) Without limiting any other rules in this Part 14, if a person fails to lodge any document or provide any notification in accordance with AR 302, AR 303 or AR 304, the Australian Stud Book may refuse to accept any future Mare Return, Stallion Return or Declaration of Service (as applicable) from the relevant person or in respect of the relevant horse.

## **AR 2 BE AMENDED AS FOLLOWS:**

### **AR 2 Dictionary**

In the interpretation of these Australian Rules (and any race meeting held under them), unless the context requires otherwise, the words and phrases below have the meanings set out in this rule.

...

~~**authorised agent** means a person who has produced to a PRA or the Stewards or to an official authorised by either of them a satisfactory written authority signed by the person's principal.~~

**authorised agent** means a person who has been validly authorised by his or her principal to act on behalf of the principal.

...

breeder means the person responsible for a broodmare in whose name the relevant Mare Return is lodged or is intended to be lodged.

breeding horse means a broodmare or a stallion which was an unnamed horse or a named horse but which has subsequently been registered for breeding under these Australian Rules.

broodmare means a female horse used to produce foals.

...

~~Certificate of Registration~~ means the official registration document of that name in relation to the ownership or leasing of a horse.

Certificate of Registration (Breeding) means the official registration document of that name in relation to the ownership or leasing of a horse for breeding purposes.

Certificate of Registration (Racing) means the official registration document of that name in relation to the ownership or leasing of a horse for racing purposes.

...

covering season means the 9 month period from 1 September to 31 May.

...

Declaration of Service means the form required to be lodged with the Australian Stud Book for each stallion declaring (among other things) the broodmares covered by the stallion, or the decision not to cover any broodmares, in the previous month.

...

~~eligible horse~~ means a horse which is eligible to be registered, but has not yet been registered, under these Australian Rules.

...

~~Foal Ownership Declaration~~ means the form required to be lodged by the manager of a horse or his or her authorised agent with Racing Australia in accordance with AR 34. The Foal Ownership Declaration must set out the names of each person with a beneficial interest in that foal from its birth to the date of the declaration.

Foal Ownership Declaration means the form required to be lodged with Racing Australia for each foal declaring (among other things) the name of each person with a beneficial interest in that foal from its birth to the date of the declaration.

...

~~lease~~ includes any agreement by which the owner of a horse permits another person to race the horse.

lease includes any agreement by which the owner of a horse permits another person to race the horse or to use the horse for breeding.

...

~~manager~~ means a person registered with Racing Australia as the manager of a horse owned or leased by a natural person, a group of natural persons, or a Syndicate. Unless established otherwise:

- ~~(a) the first named person appearing in the Certificate of Registration or other official ownership or leasing record held by Racing Australia will be deemed to be the manager (subject to AR 63(1));~~
- ~~and~~

~~(b) if a horse is owned or leased by more than one Syndicate, the first named person appearing in the Certificate of Registration or other official ownership or leasing record held by Racing Australia will be deemed to be the manager;~~

manager means a person registered with Racing Australia as the manager of a horse owned or leased by a natural person, a group of natural persons, or a Syndicate. Unless established otherwise:

(a) the first named person appearing in the Foal Ownership Declaration, Certificate of Registration (Racing), Certificate of Registration (Breeding), or other official ownership or leasing record held by Racing Australia will be deemed to be the manager (subject to AR 63(1)); and

(b) if a horse is owned or leased by more than one Syndicate, the first named person appearing in the Foal Ownership Declaration, Certificate of Registration (Racing), Certificate of Registration (Breeding), or other official ownership or leasing record held by Racing Australia will be deemed to be the manager.

...

~~**Mare Return** means a return lodged with the Australian Stud Book for each mare declaring: (a) the outcome of the mare's covering by a stallion; or (b) the decision not to have the mare covered;~~

**Mare Return** means the form required to be lodged with the Australian Stud Book for each broodmare declaring (among other things) the outcome of the broodmare's covering by a stallion or the decision not to have the broodmare covered.

...

~~**named horse** means a horse which was an eligible horse but which has subsequently been registered to race under these Australian Rules.~~

**named horse** means a horse which was an unnamed horse but which has subsequently been registered for racing under these Australian Rules.

...

**stallion** means a male horse used to produce foals.

**stallion proprietor** means the person responsible for a stallion in whose name the relevant Stallion Return and Declarations of Service are lodged or are intended to be lodged.

**Stallion Return** means the form required to be lodged with the Australian Stud Book for each stallion declaring (among other things) the stallion will be used to cover broodmares during that covering season.

...

~~**unnamed horse** means an eligible horse that has not been registered to race under these Australian Rules.~~

**unnamed horse** means a horse which is eligible to be, but has not been, registered for racing or breeding under these Australian Rules.

...

**AR 30 BE DELETED AS FOLLOWS:**

~~**AR 30 Information to be provided with horse registration application**~~

~~(1) Every application to register a horse (which has complied with AR 34) must contain information required by Racing Australia, which may include:~~

~~(a) in respect of the horse:~~

~~(i) its age,~~

~~(ii) its sex;~~

- ~~(iii) — its colour;~~
- ~~(iv) — its pedigree;~~
- ~~(v) — any brands and markings;~~
- ~~(vi) — its microchip number (if applicable);~~
- ~~(vii) — its Foal Identification Card;~~
- ~~(viii) — any disqualifications incurred; and~~
- ~~(ix) — any other information that Racing Australia considers necessary.~~

~~(b) — in respect of the horse's ownership:~~

- ~~(i) — the name, date of birth, address and signature of each owner; or~~
- ~~(ii) — if the horse is owned by a Syndicate, the name of the Syndicate and the name and address of the manager of the Syndicate;~~
- ~~(iii) — further to subrule (1)(b)(ii), if the Syndicate is a company, the name of the company and its registered address; and~~
- ~~(iv) — any other information that Racing Australia considers necessary.~~

~~(2) — Racing Australia may require that any of the information identified in subrule (1) be verified by statutory declaration.~~

~~(3) — Racing Australia may in its discretion accept or reject any application for registration of any horse.~~

~~(4) — The fees payable for registration of a horse will be determined from time to time by Racing Australia.~~

#### **AR 34 BE DELETED AS FOLLOWS:**

##### **AR 34 Registration as an owner**

~~(1) — This rule applies to all eligible horses.~~

~~(2) — Except where Racing Australia, in its sole and absolute discretion, permits otherwise, an eligible horse cannot be registered under these Australian Rules unless:~~

- ~~(a) — a Mare Return has been lodged with the Australian Stud Book in accordance with the Australian Stud Book Rules; and~~
- ~~(b) — a Foal Ownership Declaration has been lodged by the manager, or his or her authorised agent, with the Registrar within 60 days of foaling.~~

~~The discretion in this subrule may be exercised by Racing Australia in respect of matters occurring at any time, including prior to the amendment of this subrule.~~

~~(3) — Notwithstanding subrule (2)(b), in its sole and absolute discretion Racing Australia may extend the time specified in that subrule to no greater than 120 days, including but not limited to in a case where a qualified veterinary surgeon certifies in writing that the extension is in the best interests of the health of the eligible horse.~~

~~(4) — Between the time specified in subrule (2)(b) (or any extension of that time under subrule (3)) and the time an eligible horse is first registered under these Australian Rules, all transfers of ownership of the relevant eligible horse must be submitted by the transferee, within 4 weeks of each such transfer taking place, by lodging the prescribed form and paying the prescribed fee.~~

~~(5) — Any transfer of ownership application by a Syndicate under subrule (4) shall be sufficient if signed by a majority of the members or by the Syndicate manager.~~

~~(6) — It is a condition precedent to any application or lodgment under this rule that the manager, or his or her authorised agent lodging the Foal Ownership Declaration or making application, undertakes to be bound by the Rules and, upon action being taken in compliance with this rule (including by a Syndicate as applicable), the eligible horse and its owners become subject to, and agree to be bound~~

by, the Rules for the following purposes only as a consequence of, and relating to, the lodgment of the Foal Ownership Declaration:

- ~~(a) the testing of a named horse which has not been retired from racing under AR 51 for the presence of substances that are prohibited at any time by the Rules;~~
  - ~~(b) the testing of an unnamed horse for the presence of anabolic androgenic steroids;~~
  - ~~(c) the observation of other horses for health and welfare reasons only where there is concern for their health and welfare based on reasonable grounds; and~~
  - ~~(d) the rules that relate to traceability (AR 50, AR 51, AR 52 and any relevant Local Rules).~~
- ~~(7) Nothing in this rule affects, or releases any person from, any requirement to be bound by the Rules that arises other than by the lodgment of the Foal Ownership Declaration, including but not limited to any requirement to be bound by the Rules that arises as a result of the lodgment of any other form, the making of any other declaration, or the operation of any of the Rules.~~

**AR 37 BE DELETED AS FOLLOWS:**

**~~AR 37 Applications for transfer of ownership of a horse~~**

- ~~(1) Racing Australia or a PRA may, in its discretion, accept or reject an application for the transfer of ownership of a horse.~~
- ~~(2) If a transfer application is accepted, Racing Australia or the relevant PRA must as soon as practicable (following the payment of any prescribed fee) amend the official ownership records.~~
- ~~(3) Fees payable for the transfer of an ownership interest in a horse will be as determined and published by Racing Australia.~~

**AR 38 BE DELETED AS FOLLOWS:**

**~~AR 38 Registration of a new owner of a transferred horse~~**

- ~~(1) If a registered horse is transferred to a new owner, that new owner must apply for registration of the transfer to Racing Australia or a PRA using a form prescribed for that purpose.~~
- ~~(2) An application for the registration of a horse purchased by or transferred to a Syndicate must be signed by the Syndicate manager or authorised representative of the Syndicate.~~
- ~~(3) Racing Australia, a PRA or the Stewards may conduct inquiries into the circumstances of the transfer of a horse as they see fit, whether or not the transfer has been effected.~~
- ~~(4) On proper cause, including but not limited to lack of bona fides of the transaction or the identity of the persons or horses concerned, or a determination that they or any of them are subject to any penalty or restriction under the Rules, Racing Australia, a PRA or the Stewards may:
  - ~~(a) reject an application for the registration of a transfer of an interest in a horse;~~
  - ~~(b) if a transfer has been effected, set aside the transfer.~~~~
- ~~(5) Until a transfer of a horse or ownership interest in a horse is registered, a horse cannot start in a race without the permission of a PRA or the Stewards. A PRA or the Stewards may impose conditions as they see fit on any permission granted.~~

**AR 50 BE DELETED AS FOLLOWS:**

**~~AR 50 Manager to disclose the location of an unnamed horse~~**

~~The manager of an unnamed horse or his or her authorised agent, or any other person with the relevant knowledge, must disclose:~~

- ~~(a) the location of the unnamed horse upon request by Racing Australia and/or the relevant PRA, including as required by any registration, ownership transfer, or other form; and~~

~~(b) any change in the previously notified location of the unnamed horse, to the satisfaction of the relevant PRA, within 7 days of that change occurring.~~

**AR 51 BE DELETED AS FOLLOWS:**

**AR 51 Manager to notify Racing Australia of the retirement of a horse**

- ~~(1) Within 1 month of a decision to retire a named horse, or not commence racing an eligible horse, the manager of the horse or his or her authorised agent must notify Racing Australia of that, by lodging the relevant form (including a Stable Return or relevant retirement form) prescribed by Racing Australia.~~
- ~~(2) Once a form has been lodged in accordance with subrule (1), the horse will be ineligible to race or be trained unless it is reinstated to race or be trained.~~
- ~~(3) If a horse ceases to be eligible to race or be trained under this rule, a person must not reinstate the horse to race or be trained without the express permission of a PRA or the Stewards.~~
- ~~(4) Within 1 month of a horse turning 13 years of age (upon which it is immediately ineligible to race, trial or be trained), the manager of the horse or his or her authorised agent must notify Racing Australia of the horse's retirement by lodging the relevant form (including a Stable Return or relevant retirement form) prescribed by Racing Australia. [added 01/04/20]~~

**AR 52 BE DELETED AS FOLLOWS:**

**AR 52 Deaths of named and unnamed horses to be reported**

- ~~(1) Upon the death of a named horse which has not been retired from racing under AR 51:~~
- ~~(a) the manager or his or her authorised agent must, within 24 hours of the horse being deceased, notify Racing Australia of that by lodging the relevant death notification form prescribed by Racing Australia; and~~
  - ~~(b) the manager must not dispose of the horse without the written approval of the relevant PRA unless a veterinary certificate as to cause of death is provided to the relevant PRA.~~
- ~~(2) Upon the death of an unnamed horse, the manager or his or her authorised agent must, within 48 hours of the horse being deceased, notify Racing Australia of that fact by lodging the relevant death notification form prescribed by Racing Australia.~~
- ~~(3) Any person who fails to comply with subrules (1) or (2) is not guilty of a breach of the relevant subrule if he or she proves to the satisfaction of the Stewards that he or she was not aware, and could not reasonably have been aware, of the death of the horse.~~

**AR 45 BE DELETED AND REPLACED AS FOLLOWS:**

**AR 45 Formal documentation required for racing leased horses**

- ~~(1) A person who leases a horse must, as soon as practicable after agreeing to a lease and before entering the horse for any race, lodge a copy (or an original if required by the PRA) of the relevant lease or other documents recording the lease arrangement with the PRA of the State or Territory in which the horse is to race.~~
- ~~(2) A lease must either be:~~
- ~~(a) signed by a natural person if that person is the lessee;~~
  - ~~(b) lawfully executed on behalf of a company; or~~
  - ~~(c) signed by the Syndicate manager or person authorised by the Syndicate manager in the case of a Syndicate.~~

#### AR 45 Formal documentation required for leased horses

- (1) A person who leases a horse registered for racing must, as soon as practicable after agreeing to a lease and before entering the horse for any race, lodge a copy (or an original if required by the PRA) of the relevant lease or other documents recording the lease arrangement with the PRA of the State or Territory in which the horse is to race.
- (2) A person who leases a horse registered for breeding must, as soon as practicable after agreeing to a lease and before lodging a Mare Return or a Stallion Return or Declaration of Service (whichever is earlier), lodge a copy (or an original if required by the Australian Stud Book) of the relevant lease or other documents recording the lease arrangement with the Australian Stud Book.
- (3) A lease must either be:
  - (a) signed by a natural person if that person is the lessee;
  - (b) lawfully executed on behalf of a company; or
  - (c) signed by the Syndicate manager or person authorised by the Syndicate manager in the case of a Syndicate.

#### **AR 46 BE DELETED AND REPLACED AS FOLLOWS:**

##### **AR 46 Obligation to inform a PRA of the termination of a lease**

If a lease in relation to a horse is terminated before the end of its term, the PRA holding a copy of the lease must be given written notice of that termination before the horse is next nominated for a race.

#### AR 46 Obligation to inform a PRA/Australian Stud Book of the termination of a lease

- (1) If a lease in relation to a horse registered for racing is terminated before the end of its term, the PRA holding a copy of the lease must be given written notice of that termination before the horse is next nominated for a race.
- (2) If a lease in relation to a horse registered for breeding is terminated before the end of its term, the Australian Stud Book must be given written notice of that termination before a Mare Return or a Stallion Return or Declaration of Service (whichever is earlier) is next lodged in respect of the horse.

#### **AR 48 BE AMENDED AS FOLLOWS:**

##### **AR 48 Prohibition on secret commissions in connection with the sale of a horse**

- ~~(1) This rule applies to:
  - (a) any person bound by these Australian Rules (“person”); and
  - (b) any named horse or unnamed horse (for the purposes of this rule, “relevant horse”).~~

~~---~~

- ~~(7) The purchase price of a relevant horse must be disclosed on the relevant Transfer of Ownership form lodged with the relevant PRA, with such disclosure being made on the Transfer of Ownership form prior to any of the outgoing or incoming owners signing that form.~~
- ~~(8) The PRA (or in the case of Tasracing, the Stewards) may, at any time, require any person who is party to or involved, directly or indirectly, in the sale or purchase of a relevant horse to provide full details as they may require of such sale including, without limitation, the purchase price and any benefits.~~

#### AR 48 Prohibition on secret commissions in connection with the sale of a horse

- (1) This rule applies to:
  - (a) any person bound by these Australian Rules (“person”); and

(b) any unnamed horse, named horse or breeding horse (for the purposes of this rule, “relevant horse”).

...

(7) The purchase price of a relevant horse must be disclosed on the relevant Transfer of Ownership form lodged with Racing Australia, the Australian Stud Book or the relevant PRA, with such disclosure being made on the Transfer of Ownership form prior to any of the outgoing or incoming owners signing that form.

(8) A PRA or the Stewards may, at any time, require any person who is party to or involved, directly or indirectly, in the sale or purchase of a relevant horse to provide full details as they may require of such sale including, without limitation, the purchase price and any benefits.

## **AR 103 BE DELETED AND REPLACED AS FOLLOWS:**

### **AR 103 Trainers to lodge Stable Returns**

~~(1) A Stable Return and any amendment thereto lodged with a PRA (or its agent) is part of any entry for a race at any race meeting;~~

~~(2) A horse trained in Australia may not be entered for a race or official trial or jump-out unless a Stable Return for the horse is lodged with a PRA (or its agent):~~

~~(a) prior to the closing time for entries for the race, official trial or jump-out; or~~

~~(b) if entries for a race close more than 60 days before the advertised date for the running of the race, prior to the time for the first declaration of acceptances for the race.~~

~~(3) If a horse trained outside Australia is entered for a race, official trial or jump-out, a Stable Return for the horse must be lodged with a PRA (or its agent) prior to the time for declaration of final acceptances for the race, official trial or jump-out.~~

~~(4) The trainer of a horse must:~~

~~(a) disclose the location of a horse under his or her care upon request by Racing Australia (for retirement purposes only) and/or a PRA;~~

~~(b) lodge a stable return immediately upon a horse joining the trainer’s stable;~~

~~(c) lodge an amendment to a Stable Return immediately if:~~

~~(i) any particulars on the Stable Return have changed; or~~

~~(ii) a horse leaves or joins the trainer’s stable, or moves to another of the trainer’s premises (where the trainer’s stable is comprised of more than one premises), with the amendment to disclose the precise location of the horse.~~

~~(5) For the purposes of subrule (4):~~

~~(a) if a trainer’s stable is comprised of more than one premises, the trainer must disclose at which premises the horse is located;~~

~~(b) when a horse leaves a trainer’s stable to spell or otherwise the trainer must disclose the location of the property at which the horse will be located.~~

~~(6) Where a horse has been entered for a race, from the time of entry to arrival on course prior to racing:~~

~~(a) except with the permission of the Stewards, the horse must be stabled only at the premises from which the horse’s trainer is licensed to train;~~

~~(b) if the horse is travelling to participate in the race, the horse’s trainer must inform the Stewards of the horse’s proposed travel plans prior to the horse’s departure from the trainer’s stable and/or lodge a Stable Return disclosing the location of the horse (as required by the relevant PRA).~~

- ~~(7) If a trainer fails to lodge, in whole or in part, a Stable Return or any amendment thereof, or fails to provide details of the location or movements of a horse, in accordance with the provisions of this rule, the entry of the horse for any race, official trial or jump-out may be rejected or cancelled.~~
- ~~(8) The manager (or his or her authorised agent) of an eligible horse or a named horse must, unless otherwise contained in a Stable Return lodged in accordance with this rule, disclose:~~
- ~~(a) the location of that horse upon request by Racing Australia and/or a PRA, including as required under any registration, ownership transfer or other form;~~
- ~~(b) any change in the previously notified location of that horse, to the satisfaction of a PRA, immediately.~~

#### **AR 103 Stable Returns required for race entries**

- (1) A Stable Return and any amendment thereto lodged with a PRA (or its agent) is part of any entry for a race at any race meeting.
- (2) A horse trained in Australia may not be entered for a race, official trial or jump-out unless a Stable Return for the horse is lodged with a PRA (or its agent):
- (a) prior to the closing time for entries for the race, official trial or jump-out; or
- (b) if entries for a race close more than 60 days before the advertised date for the running of the race, prior to the time for the first declaration of acceptances for the race.
- (3) If a horse trained outside Australia is entered for a race, official trial or jump-out, a Stable Return for the horse must be lodged with a PRA (or its agent) prior to the time for declaration of final acceptances for the race, official trial or jump-out.

#### **AR 116 BE AMENDED AS FOLLOWS:**

##### **AR 116 Jockeys and apprentice jockeys not to have an interest in horses**

- (1) A jockey or apprentice jockey is not permitted to own, take a lease or have any interest in any ~~eligible horse~~, unnamed horse or named horse.

...

#### **AR 253 BE AMENDED AS FOLLOWS:**

##### **AR 253 Testing for anabolic androgenic steroids before registration**

- (1) This rule applies to all ~~eligible-unnamed~~ horses.

...

Racing Australia has approved the following amendments to the Australian Rules of Racing, effective from 1 August 2021.

## AMENDMENT TO THE AUSTRALIAN RULES OF RACING: TOR Rule 6

### **OWNERSHIP RESTRICTIONS ON PERSONS THE SUBJECT OF AN ENFORCEMENT ACTION APPLICATION**

#### **SUMMARY OF AMENDMENT**

Under the Trainer and Owner Reforms (TOR) Rules in Schedule 2 to the Australian Rules of Racing, where an owner has failed to pay their training fees as required (and has not lodged a Dispute Notice in respect of them) a trainer may lodge an Enforcement Action Application (EAA) against the owner. Upon lodging an EAA, the trainer may seek the following consequences be applied against the owner until the outstanding fees have been paid:

- owner not permitted to transfer the horse to another trainer (if the owner owns at least 50% of the horse);
- owner not permitted to transfer their share in the horse to another person; and
- owner's prizemoney is frozen and redirected to the trainer.

However, an EAA issued against a defaulting owner does not restrict that owner from entering the ownership of other horses, even while the debts remain unpaid. This can affect future training and joint ownership relationships, as participants may unwittingly enter into arrangements with persons who have a history of not paying their training fees and who can continue to accumulate training debts throughout the industry. This has the potential to create negative experiences for participants and can threaten (particularly for owners) their ongoing involvement in the industry.

To address this situation, Racing Australia has approved amendments to TOR Rule 6, such that where a defaulting owner is the subject of a current EAA he or she will be prohibited from entering the ownership of any other horse. Only once the EAA is lifted (i.e. by payment of the training debt or through agreement with the trainer) will such an owner be permitted to acquire and register ownership interests in other horses. The rule change includes a discretionary element that allows Racing Australia/Principal Racing Authorities to waive any relevant ownership restriction where they believe it will assist in reducing the training debt owed by a defaulting owner.

These changes will not affect a defaulting owner's existing ownership in other horses (if any) given the potential for that to affect other innocent owners.

The rule change will take effect with the start of the new racing season on 1 August 2021, which will provide sufficient time for defaulting owners to clear their training debts.

### **Amendments effective from 1 August 2021**

#### **TOR RULE 6 (6) AND (7) BE ADDED AS FOLLOWS:**

##### **TOR Rule 6 – Consequences if the presumption of a training debt arises**

...

(6) Subject to subrule (7), if an EAA has been applied by Racing Australia and/or a PRA against an owner under this rule, while that EAA remains in place:

(a) that owner must not, either directly or indirectly, acquire an interest in another horse and/or lodge with Racing Australia or a PRA in respect of another horse:

(i) a Foal Ownership Declaration;

(ii) a registration application;

(iii) a transfer of ownership application, except for the purpose of that owner selling his or her interest in another horse; or

- (iv) a lease application; and
  - (b) Racing Australia and/or a PRA must not process any such application or lodgment.
- (7) Racing Australia and/or a PRA (as applicable) may waive any prohibitions in subrule (6) if they are of the opinion that such waiver will assist in reducing the relevant owner's training fees and/or training disbursements debt.

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**To view the current version of the Rules of Racing, please visit the following link to the Racing Victoria website: <http://rv.racing.com/racing-and-integrity/rules-of-racing>**