

AMENDMENT TO RULES OF RACING

Amendment No 200 - Issued 15 November 2021

The Racing Victoria Board has approved the following amendment to the Victorian Local Rules of Racing.

AMENDMENT TO THE VICTORIAN LOCAL RULES OF RACING: AR2 DICTIONARY: SERIOUS OFFENCE

REMOVAL OF RULES FROM DEFINITION OF SERIOUS OFFENCE

SUMMARY OF AMENDMENT

Section 50O(1) of the Racing Act 1958 mandates that if a person has been charged with a "Serious Offence", the Victorian Racing Tribunal (VRT) must hear and determine the matter.

Accordingly, even if someone is charged under a rule that is defined as a Serious Offence, but the infraction is minor in nature, it must nonetheless be heard by the VRT.

Prior to the introduction of the VRT, when Serious Offences could be heard by the Racing Appeals and Disciplinary Board (RAD Board), LR 8C(2A) entitled the Stewards to deal with particular Serious Offences themselves so long as the person indicated in writing that they would plead guilty before the RAD Board and the Stewards intended to fine the person \$5,000 or less.

LR 8C(2A) recognised that while some rules capture very serious conduct that ought be heard at first instance by the RAD Board, the rule may also capture less serious offending that should be dealt with by the Stewards at first instance. Given that the VRT is a statutory Tribunal, and Racing Victoria has no power to amend the enabling act (the Racing Act 1958), it is not possible to include a rule like LR 8C(2A) for the purposes of having the Stewards hear matters that fall within the VRT's original jurisdiction.

Accordingly, to allow the Stewards to deal with less serious offending themselves, which seeks to assist in reducing the load on the VRT and facilitating a more expeditious resolution of such matters; the Racing Victoria Board resolved that some of the rules be removed as *Serious Offences*, effective from 22 November 2021.

Importantly:

- Even if a rule is removed from the list of *Serious Offences*, but the offending is deemed serious enough and/or where it would be inappropriate for the Stewards to consider the matter at first instance, section 50C(d) of the Racing Act 1958 empowers the Stewards to refer the matter to the VRT.
- Pursuant to sections 50C(a) and 50K(1) of the Racing Act 1958, even if the Stewards deal
 with a matter at first instance, so long as the penalty is a suspension, disqualification, warning
 off or fine of more than \$250, the penalised person has an automatic right to appeal to the
 VRT within the statutory time period, i.e. they retain their right to have a statutory Tribunal
 determine whether they are guilty and/or whether they were issued with an appropriate
 penalty.

List of Serious Offences

The list of Serious Offences is contained in the Dictionary of the Rules of Racing under the term "Serious Offence", and is reproduced below:

. . .

Serious Offence means an offence under, or breach of, one of the following rules:

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(a) AR 255(1) [amended 23/4/19]
(b) AR 115(1)(c) and (e);
(c) AR 116;
(d) [AR] 236;
(e) AR 129(1), (2), (3) and (5);
(f) AR 227(b);
(g) AR 228(a) and (b);
(h) AR 229(1)(a), (b), (c), (d), (h);
(i) AR 231(1)(a) and (b), (2)(a) and (b), (3);
(j) AR 232(h), (i);
(k) AR 233(a) and (b);
(I) AR 237(1)-(7);
(m) AR 240(1) and (2);
(n) AR 241;
(o) AR 242;
(p) AR 244;
(q) AR 245(1);
(r) AR 246;
(s) AR 247;
(t) AR 249;
(u) AR 251; and
(v) LR 99.
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Serious Offences to be removed

The Racing Victoria Board resolved that the following rules ought be removed from the list of Serious Offences:

- AR 228(b)
- AR 229(1)(h)
- AR 233(a)
- AR 237(3)
- AR 241

Each are reproduced below:

AR 228 Conduct detrimental to the interests of racing

A person must not engage in:
...
(b) misconduct, improper conduct or unseemly behaviour;

AR 229 Corruption, dishonesty and misleading behaviour

(1) A person must not:

. . .

(h) make a false or misleading statement or declaration in relation to a matter in connection with the administration or control of racing;

...

AR 233 Other misconduct offences

A person must not:

(a) breach a policy, regulation or code of practice published by Racing Australia or a PRA;

. . .

AR 237 Prohibition on persons laying horses

. . .

(3) An owner or nominator must not lay any horse that is or may be entered by that owner or nominator or on that person's behalf, provided that a bookmaker may lay a horse in accordance with the bookmaker's licence.

. . .

AR 241 Prohibited substance in sample taken from horse at trial etc

If a horse is brought to a racecourse or recognised training track to participate in: (a) an official trial;

- (b) a jump-out for the purpose of obtaining a permit to start in a race (whether after suspension or otherwise); or
- (c) any other test for the purpose of obtaining a permit to start in a race (whether after suspension or otherwise),

and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following the relevant event, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.

AR 2 DICTIONARY BE AMENDED AS FOLLOWS:

AR 2 Dictionary

. . .

Serious Offence means an offence under, or breach of, one of the following rules:

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AR 255(1) [amended 23/4/19]
(a)
(b)
         AR 115(1)(c) and (e);
(c)
         AR 116;
(d)
         AR 236;
         AR 129(1), (2), (3) and (5);
(e)
(f)
         AR 227(b);
         AR 228(a); and (b)
(g)
         AR 229(1)(a), (b), (c), (d);, (h);
(h)
(i)
         AR 231(1)(a) and (b), (2)(a) and (b), (3);
(j)
         AR 232(h), (i);
         AR 233<del>(a) and</del> (b);
(k)
         AR 237(1)-(7)-(1), (2) and (4)-(7);
(I)
         AR 240(1) and (2);
(m)
         AR 241:
(n)
(o)
         AR 242;
         AR 244;
(p)
         AR 245(1);
(q)
         AR 246:
(r)
(s)
         AR 247;
         AR 249;
(t)
         AR 251; and
(u)
(v)
         LR 99.
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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