

AMENDMENTS TO RULES OF RACING

Amendment No 119 – Issued 8 February 2013

The Australian Racing Board has approved the following amendments to the Australian Rules of Racing and the Local Rules of Racing, effective from 1 March 2013.

AMENDMENTS TO THE AUSTRALIAN RULES OF RACING

Amendments effective from 1 March 2013

AR.64G BE AMENDED AS FOLLOWS:

~~(1) No horse engaged to be run in a race, official trial or jump-out shall without the permission of the Stewards be stomach-tubed within 24 hours of the appointed starting time for such race, official trial or jump-out. For the purposes of this rule "stomach-tubed" means any application to a horse of a naso-gastric tube. [amended 1/9/09]~~

~~(2) Any horse that has been stomach-tubed contrary to the provisions of subrule (1) of this rule may be prohibited from starting in any relevant race, official trial or jump-out, and the trainer of the horse and any other person involved at any relevant time may be penalised. [amended 1/9/09]~~

~~[AR 64G added 1/9/01]~~

(1) No person without the permission of the Stewards may stomach-tube, attempt to stomach-tube, cause to be stomach-tubed or be a party to the stomach-tubing of a horse within 24 hours of the appointed starting time of:

- (a) a race in which it is engaged to be run; or
- (b) an official trial or jump-out in which it is engaged to be run.

For the purposes of this rule "stomach-tubed" and variations of that term means any application to a horse of a naso-gastric tube.

(2) Any horse that has been stomach-tubed in contrary to the provisions of sub-rule (1) may be prohibited from starting in any relevant race, official trial or jump-out. [added 1/9/01, deleted and replaced 1/3/13]

AR.83(d) BE ADDED AS FOLLOWS:

AR 83 Every jockey or apprentice may be penalised:

- (a) If he misconduct himself in any way, or
- (b) If, without the consent of the Stewards and the nominator of any horse he rides or is to ride in any race, he accept or agree to accept any pecuniary or other gift or other consideration in connection with any horse in such race, provided that he does not require the consent of the Stewards in respect of any pecuniary or other gift or consideration from the nominator of the horse he rides or is to ride; or

(c) If he bet, or facilitates the making of, or has any interest in a bet on any race or contingency relating to thoroughbred racing, or if he be present in the betting ring during any race meeting.

(d) If he bet, or has any interest in a bet on any race, or contingency relating to thoroughbred racing involving a race in which he is riding. For the purposes of this rule, bet includes a lay bet (as defined in AR.175B(7)). [amended 1/8/01, 1/9/09, (d) added 1/3/13]

AR 135(d) BE ADDED AS FOLLOWS:

(a) Every horse shall be run on its merits.

(b) The rider of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is given full opportunity to win or to obtain the best possible place in the field.

(c) Any person who in the opinion of the Stewards has breached, or was a party to breaching, any portion of this Rule may be penalised, and the horse concerned may be disqualified.

(d) Any person who:

(i) in the opinion of the Stewards, has breached, or was a party to breaching, subrule 135(a); and

(ii) has a lay bet or an interest in a lay bet on the subject horse and/or has a bet or an interest in a bet on another horse in the subject race.

must be penalised in accordance with AR.196(5). [amended 1/9/09, (d) added 1/3/13]

AR 175(aa) BE ADDED AS FOLLOWS:

AR 175 The Committee of any Club or the Stewards may penalise:

(a) Any person, who, in their opinion, has been guilty of any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing.

(aa) Any person, who in their opinion, engages in conduct that corrupts the outcome of a race or is intended to corrupt the outcome of a race. In this rule:

(i) conduct corrupts the outcome of a race if it:

(a) affects or, if engaged in, would be likely to affect the outcome of any race; and

(b) is contrary to the standards of integrity that a reasonable person would expect of persons in a position to affect the outcome of a race.

(ii) conduct means an act or an omission to perform an act.

(iii) engage in conduct means:

(a) do an act; or

(b) omit to perform an act.

(iv) outcome is to include any result within the race and is not to be limited to winning or placing in the race. [added 1/3/13]

(b) Any person who corruptly gives or offers any money, share in a bet, or other benefit to any person having official duties in relation to racing, or to any owner, nominator, trainer, rider, or person having charge of or access to a racehorse.

(c) Any person having official duties in relation to racing, or a nominator, trainer, rider, or person having charge of or access to a racehorse, who corruptly accepts, or offers to accept, any money, share in a bet, or other benefit.

AR 175(hh) BE AMENDED AS FOLLOWS:

~~(hh) Any person who uses, or has in his possession, any electric or electronic apparatus or any improper contrivance capable of affecting the performance of a horse in a race, official trial, jump-out or training gallop. For the purposes of this provision where an electric or electronic apparatus has been designed to deliver an electric shock it is deemed to be capable of affecting the performance of a horse in a race, official trial, jump-out or training gallop. [amended 1/9/09]~~

(hh) Any person who:

- (i) uses, or attempts to use, any electric or electronic apparatus or any improper contrivance capable of affecting the performance of a horse in a race, official trial, jump-out or training gallop; or
- (ii) has in his possession, any electric or electronic apparatus or any improper contrivance capable of affecting the performance of a horse in a race, official trial, jump-out or training gallop.

For the purposes of this provision where an electric or electronic apparatus has been designed to deliver an electric shock it is deemed to be capable of affecting the performance of a horse in a race, official trial, jump-out or training gallop. [deleted and replaced 1/3/13]

AR 177B(6) BE ADDED AS FOLLOWS:

(4) The substances bufotenine, butorphanol, 3-(2-dimethylaminoethyl)-4-hydroxyindole, N,N-dimethyltryptamine, ketamine, methadone, morphine, pethidine and quinalbarbitone, and their metabolites, artifacts and isomers, are excepted from the provisions of this Rule, but would be specified as prohibited substances for the purposes of AR 175(h), AR 177, AR 177A, AR 178 and AR 178A. [deleted and replaced 1/11/2012]

(5) If any substance or preparation that could give rise to an offence under this rule if administered to a horse at any time is found at any time at any premises used in relation to the training or racing of horses then any owner, trainer or person who owns, trains or races or is in charge of horses at those premises is deemed to have the substance or preparation in their possession and such person shall be guilty of an offence and liable to penalty. [added 1/06/2011, renumbered 1/11/2012]

(6) Any person who, in the opinion of the Stewards, administers, attempts to administer, causes to be administered or is a party to the administration of, any prohibited substance specified in subrule (2) to a horse being trained by a licensed trainer must be penalised in accordance with AR.196(5). [added 1/3/13]

AR 196(5) BE ADDED AS FOLLOWS:

AR 196

(1) Subject to subrule (2) of this Rule any person or body authorised by the Rules to penalise any person may, unless the contrary is provided, do so by disqualification, suspension, reprimand, or fine not exceeding \$75,000. Provided that a disqualification or suspension may be supplemented by a fine. [fine increased 1/8/99; sub-rule amended 1/12/05; deleted and replaced 1/8/09; amended 1/9/09]

(2) In respect of a breach of AR 137A the Stewards may in addition to the penalty options conferred on them under subrule (1) of this Rule order the forfeiture of the rider's riding fee and/or forfeiture of all or part of the rider's percentage of prizemoney notwithstanding that the amount exceeds \$75,000. [sub-rule added 1/11/01; deleted and replaced 1/8/09]

(3) Unless otherwise ordered by the person or body imposing the penalty, a penalty of disqualification or suspension imposed in pursuance of subrules (1) and (2) of this Rule shall be served cumulatively to any other penalty of suspension or disqualification. [sub-rule added 1/8/09]

- (4) Any person or body authorised by the Rules to penalise any person may in respect of any penalty in relation to the conduct of a person, other than a period of disqualification or a warning off, suspend the operation of that penalty either wholly or in part for a period not exceeding 12 months upon such terms and conditions as they see fit. [added 1/6/11]
- (5) Where a person is found guilty of a breach of any of the Rules listed below, a penalty of disqualification for a period of not less than the period specified for that Rule must be imposed unless there is a finding that a special circumstance exists whereupon the penalty may be reduced:
- (i) AR.64G(1)(a) – 12 months
 - (ii) AR.83(d) – 2 years
 - (iii) AR.84 – 2 years
 - (iv) AR.135(d) – 3 years
 - (v) AR.175(aa) – 5 years
 - (vi) AR.175(h)(i) – 3 years
 - (vii) AR.175(hh)(i) – 2 years
 - (viii) AR.177B(6) – 2 years
 - (ix) AR.178E – 6 months

For the purpose of this sub-rule, a special circumstance is as stipulated by each Principal Racing Authority under its respective Local Rules. [added 1/3/13]

LR 73A BE ADDED AS FOLLOWS:

LR 73A - Special circumstances relevant to the imposition of penalties under AR 196(5)

For the purpose of these Rules and the imposition of a penalty under AR 196(5), a special circumstance may be found if:

- (a) the person has assisted the Stewards and/or Racing Victoria or has given an undertaking to assist, after the imposition of a penalty on that person, the Stewards and/or Racing Victoria in the investigation or prosecution of a breach of the Rules;
- (b) the person has pleaded guilty at an early stage;
- (c) the person proves on the balance of probabilities that at the time of the commission of the offence, he or she:
 - i. had impaired mental functioning; or
 - ii. was under duress;that is causally linked to the breach of the Rule and substantially reduces his or her culpability; or
- (d) in the interests of justice, the circumstances may be deemed or considered to be special. [added 1/3/13]

AR 1 LOCAL RULE DEFINITION AMENDED AS FOLLOWS:

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

- (a) AR 64G(1);
- (b) AR 83(c) and (d);
- (c) AR 84;
- (d) AR 89;
- (e) AR 135(a), and (b), and (d);
- (f) AR 175(aa), (a), (b), (c), (f), (g), (gg), (h), (hh), (l), (n), (o), (q), (x) and (y);
- (g) AR 175A;
- (h) AR 175B;
- (i) AR 175C;
- (j) AR 177;

- (k) AR 177A;
- (l) AR 177B;
- (m) AR 178;
- (n) AR 178A;
- (o) [AR 178E](#);
- (p) LR 66A; and
- (q) LR 67.

[added 1/3/10, amended 8/3/12, amended 1/2/13, [amended 1/3/13](#)]

AR 1 LOCAL RULE DEFINITION ADDED AS FOLLOWS:

[Special circumstance](#) means as set out in LR 73A. [added 1/3/13]

[Impaired mental functioning](#) means:

- (a) [a mental illness within the meaning of the *Mental Health Act 1986*; or](#)
- (b) [an intellectual disability within the meaning of the *Disability Act 2006*; or](#)
- (c) [an acquired brain injury; or](#)
- (d) [autism spectrum disorder; or](#)
- (e) [a neurological impairment, including but not limited to dementia. \[added 1/3/13\]](#)

To view the current version of the Rules of Racing, please visit the following link to the Racing Victoria website: http://www.racingvictoria.net.au/p_Rules_of_Racing.aspx