

AMENDMENTS TO RULES OF RACING

Amendment No 174 – Issued 27 July 2018

Racing Australia has approved the following amendments to the Australian Rules of Racing, effective from 1 August 2018.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: TOR Rule 3

TRAINER & OWNER REFORMS

SUMMARY OF AMENDMENT

The purpose of TOR Rule 3 is to ensure that all owners are aware of the training fees for which they will be liable. The rule imposes an obligation on trainers to issue a fees notice to owners within a certain time of being appointed as trainer, and contains a mechanism under which the fees notice can be disputed or accepted. The fees notice then provides the basis upon which a trainer can rely on the "presumption of a training debt" under the TOR Rules and the Standard Training Agreement when an invoice is not paid.

As currently drafted, TOR Rule 3 is silent as to what occurs when a trainer has not provided the owners with a fees notice by the required time, or at all. It is recommended that this issue is cured by the addition of a new subrule (3) which provides that a trainer who has not issued a fees notice on time is precluded from relying on the "presumption of a training debt" for any fees incurred prior to the provision of a fees notice.

This approach is fair in that it restricts the trainer's ability to rely on the TOR processes to recover unpaid training fees where the owners were not aware of those fees. Importantly, the trainer can still seek payment from the owners for services provided prior to issuing the fees notice, just not under the TOR processes.

It is also recommended that subrule (1) be amended to remove the transitional provisions which only applied to fees notices during the first month of the TOR.

Amendments effective from 1 August 2018

TOR Rule 3 BE DELETED AND REPLACED AS FOLLOWS:

TOR Rule 3 - The requirement for Trainers to issue a Fees Notice

(1) As from the TOR Commencement Date:

- (a) any Trainer who currently trains for an Owner must issue a Fees Notice to the Managing Owner within 28 days of the TOR Commencement Date;
- (b) any Trainer who is appointed as a Trainer on or after the TOR Commencement Date must issue a Fees Notice to the Managing Owner.
 - (i) if the *Trainer* is appointed in the period from the *TOR Commencement Date* up to and including 28 days after the *TOR Commencement Date* within 35 days of the *TOR Commencement Date*; or
 - (ii) if the *Trainer* is appointed more than 28 days after the *TOR Commencement Date* within 7 days of the date on which the *Trainer* is appointed;
- (c) the Managing Owner must provide a copy of the Fees Notice to each Owner within 5 days of being issued the Fees Notice by the Trainer, and
- (d) if the Managing Owner does not object to the Trainer within 14 days of being issued the Fees Notice, the basis for providing Training Services set out in that notice is deemed to have been accepted by the Owner/s.

(2) The Fees Notice must set out:

- (a) the Training Fees itemised by category of service or item provided;
- (b) the anticipated Training Disbursements by name of service and anticipated provider (if known);
- (c) the anticipated Direct Payment Disbursements by name of service and anticipated provider (if known);
- (d) any additional fees the Trainer proposes to charge the Owner, including bonuses for winning races, or commissions on the sale of a horse; and
- (e) whether a Trainer proposes to charge interest on any unpaid Training Fees and/or Training Disbursements. The Trainer is entitled to do so from the day after an amount falls due and payable, at an interest rate not more than the rate prescribed from time to time for pre-judgment interest in the Supreme Court of the State or Territory of the TDT at which any dispute in relation to Training Fees and/or Training Disbursements would be heard pursuant to TOR Rule 5(4).

TOR Rule 3 - The requirement for Trainers to issue a Fees Notice

- (1) (a) A Trainer must issue a Fees Notice to the Managing Owner within 7 days of the date on which he or she is appointed as the trainer of a horse.
 - (b) The Managing Owner must provide a copy of the Fees Notice to each Owner within 5 days of being issued the Fees Notice by the Trainer.
 - (c) If the Managing Owner does not object to the Trainer within 14 days of being issued the Fees Notice, the basis for providing Training Services set out in that notice is deemed to have been accepted by the Owner/s.

(2) The Fees Notice must set out:

- (a) the Training Fees itemised by category of service or item provided;
- (b) the anticipated *Training Disbursements* by name of service and anticipated provider (if known);
- (c) the anticipated Direct Payment Disbursements by name of service and anticipated provider (if known);
- (d) any additional fees the *Trainer* proposes to charge the *Owner*, including bonuses for winning races, or commissions on the sale of a *horse*; and
- (e) whether a *Trainer* proposes to charge interest on any unpaid *Training Fees* and/or *Training Disbursements*. The *Trainer* is entitled to do so from the day after an amount falls due and payable, at an interest rate not more than the rate prescribed from time to time for pre-judgment interest in the Supreme Court of the State or Territory of the *TDT* at which any dispute in relation to *Training Fees* and/or *Training Disbursements* would be heard pursuant to TOR Rule 5(4).
- (3) A Trainer who fails to issue a Fees Notice in accordance with TOR Rule 3(1)(a) is not permitted to rely on the Presumption of a Training Debt in respect of Training Fees and/or Training Disbursements relating to Training Services provided prior to the date on which a Fees Notice was issued.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 1 & AR 175(x)

BULLYING & HARASSMENT

SUMMARY OF AMENDMENT

Racing Australia is amending the rule prohibiting workplace harassment to include bullying.

The rule amendment reflects a change in terminology used socially and legally with respect to what is considered unacceptable workplace behaviour. While many elements of bullying are the same as harassment, the key differences are that bullying requires the unreasonable behaviour to be repeated (i.e. more than once) and to create a risk to the bullied person's health and safety (e.g. physical, psychological).

The definition of bullying is consistent with the Fair Work Commission's definition and, like workplace harassment, notes that reasonable management action carried out in a reasonable way does not constitute bullying.

Amendments effective from 1 August 2018

ADD NEW DEFINITION TO AR 1 AS FOLLOWS:

AR 1 In the interpretation of these Rules, (and of any programme of a race meeting held hereunder), the following words unless the context otherwise requires, shall have or include meanings as follows:

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"Bullying" means repeatedly acting unreasonably towards a person, which behaviour creates a risk to health and safety. Acting unreasonably includes victimising, humiliating, intimidating or threatening. Reasonable management action that is carried out in a reasonable way is not bullying.

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AR 175(x) BE AMENDED AS FOLLOWS:

AR 175

The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise:

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(x) Any person who in their opinion is guilty of workplace harassment <u>or bullying</u> of a person while the latter is acting in the course of his duties when employed, engaged or participating in the racing industry.

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AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 8E(1)

INVESTIGATORS' POWERS TO TAKE SAMPLES FROM HORSE HANDLERS

SUMMARY OF AMENDMENT

Racing Australia is of the view that investigators' powers are unnecessarily limited by their inability to take samples from horse handlers. Given investigators have power to take samples from riders, there is no reason why they should be restricted from taking samples from horse handlers.

Accordingly, Racing Australia recommends that investigators' powers are made consistent with Stewards' powers in this regard.

Amendments effective from 1 August 2018

AR 8E(1) BE AMENDED AS FOLLOWS:

AR 8E

(1) The Principal Racing Authority may from time to time appoint one or more persons to undertake investigations at the direction of the Principal Racing Authority and such investigators shall have and may exercise all the powers, duties and authorities conferred on Stewards by AR 8(b),(c), (jj), (jjj), (k)(ii), AR 8B and AR 8C.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 56AA

ONLY LICENSED TRAINERS TO TRAIN HORSES

SUMMARY OF AMENDMENT

There is no rule that expressly prohibits a person who is not licensed by a PRA as a trainer from training a horse at a registered racecourse, training track or training facility.

Although AR 56A provides that only horses trained by a licensed trainer are permitted to run in races, trials etc, Racing Australia is of the view that there should be a rule in place which restricts unlicensed persons from training horses at registered training premises. Among other things, such a rule would help Stewards ensure that all persons training horses are subject to the obligations imposed on licensed trainers, and limit the use of dummy trainers.

Racing Australia supports the inclusion of a power to penalise a person who is party to a breach of the rule.

Amendments effective from 1 August

AR 56AA BE ADDED AS FOLLOWS:

AR 56AA

(1) A person can only train a horse at a registered racecourse, training track or training facility if the person has been issued with a licence or permit to train from the Principal Racing Authority where the horse is being trained.

(2) Any person who breaches, or is party to a breach of, subrule (1) may be penalised.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 64

LIFETIME BANS FOR UNSAFE OR UNSOUND HORSES

SUMMARY OF AMENDMENT

Racing Australia recommends that the rule which empowers Stewards to prevent or suspend unsafe horses from engaging in trackwork, jump-outs, trials and races be clarified and expanded to ensure that such horses are not participating and creating safety risks for themselves, as well as other horses and riders.

It is noted that:

(a) AR 64(1)(b) is expanded to include pre-race behaviour in addition to barrier manners, which would allow the Stewards to prevent or suspend from participating in trackwork, jumpouts, trials and races horses that are unruly or dangerous in the mounting enclosure and/or preliminary (such as rearing, kicking or bucking).

(b) A new AR 64(1)(c) is added to provide the Stewards with an express power to prevent or suspend a horse from participating in trackwork, jump-outs, trials and races where they are of the opinion that it is not suitable to do so. This view may (but need not) be informed by a veterinarian's diagnosis of a particular injury or because the horse's veterinary history over the course of its career.

(c) AR 64(1) is amended to clarify that the Stewards' power to prevent or suspend unsafe/unsound horses from participating in trackwork, jump-outs, trials and races includes the power to order a lifetime ban on the horse's participation in the industry. It is clear from the wording of the existing subrule (2) that subrule (1) allows both temporary and permanent bans, but this should be made clear in subrule (1) so there can be no dispute.

Amendments effective from 1 August 2018

AR 64 BE DELETED AND REPLACED AS FOLLOWS:

AR 64

- (1) Without limiting any power contained in these Rules, the Stewards may prevent or suspend a horse from participating in track work, or from starting in any jump-out, official trial or race, for any period and upon any conditions that the Stewards consider appropriate if, in the Stewards' opinion:
 - (a) the horse has a galloping action or races in a manner which is likely to pose a safety risk to either itself, any other horse, or to any person;
 - (b) the horse has barrier manners which are considered to be unruly or intractable and/or which may pose a safety risk to itself or any other horse in a race or to any person.
- (2) Where the Stewards suspend or prevent a horse from starting in any jump-out, official trial or race for a temporary period in accordance with AR 64(1), the Stewards may also order that the horse not be permitted to be nominated or entered for any official trial or race (as applicable) until the horse has:
 - (a) participated to the satisfaction of the Stewards in any test, jump-out or official trial (or series of tests, jump-outs or official trials); and/or

(b) passed any veterinary examination or any other examination considered appropriate.

<u>AR 64</u>

(1) Without limiting any power contained in these Rules, the Stewards may prevent or suspend a horse from participating in track work, or from starting in any jump-out, official trial or race, for any period (including indefinitely) and upon any conditions that the Stewards consider appropriate if, in the Stewards' opinion:

(a) the horse has a galloping action or races in a manner which is likely to pose a safety risk to itself, any other horse, or any person;

(b) the horse has barrier manners which are, or has exhibited pre-race behaviour which is, considered to be unruly or intractable and/or which may pose a safety risk to itself, any other horse, or any person;

(c) the horse is unsuitable to participate in track work, or start in any jump-out, official trial or race, including without limitation because of any veterinary diagnosis or history.

(2) Where the Stewards suspend or prevent a horse from starting in any jump-out, official trial or race for a temporary period in accordance with AR 64(1), the Stewards may also order that the horse not be permitted to be nominated or entered for any official trial or race (as applicable) until the horse has:

(a) participated to the satisfaction of the Stewards in any test, jump-out or official trial (or series of tests, jump-outs or official trials); and/or

(b) passed any veterinary examination or any other examination considered appropriate.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 80E(3) & AR 177B(7)

PROHIBITING SUPPLY / PROCUREMENT OF PROHIBITED SUBSTANCES AND UNREGISTERED PRODUCTS

SUMMARY OF AMENDMENT

Racing Australia recommends specific offences for the supply and procuring of:

(a) prohibited substances which are not permitted to be administered to a horse at any time; and

(b) substances which should not be in the possession of licensed persons.

Racing Australia considers the Rules need the flexibility to deal with persons who (or attempt to) supply or procure such substances/products, even if they are not found in that person's possession, or that that person has actually administered the substance.

The rules are intended to support the industry's drug-free racing position, and to allow the Stewards to deal adequately with offences which may lead to the administration of substances which are prohibited at all times or to the possession of substances which persons are not permitted to possess.

Amendments effective from 1 August 2018

AR 80E(3) BE ADDED AS FOLLOWS:

AR 80E

- (1) Any person commits an offence if he has in his possession or on his premises any substance or preparation that has not been registered or labelled, or prescribed, dispensed or obtained, in compliance with the relevant State or Commonwealth legislation.
- (2) The Stewards may take possession of any substance or preparation mentioned in sub-rule (1), and may use it as evidence in any relevant proceedings.
- (3) (a) A person must not supply, attempt to supply, or be a party to the supply or attempted supply of any substance or preparation to another person (including but not limited to, a trainer or any person on behalf of a trainer), which is a substance or preparation that is not permitted to be in a person's possession or on a person's premises in accordance with AR 80E(1).
 - (b) A person must not procure, attempt to procure, or be a party to the procuring or attempted procuring of a substance or preparation that is not permitted to be in a person's possession or on a person's premises in accordance with AR 80E(1).

(c) Any person who breaches any provision of this subrule commits an offence.

- (d) For the purposes of this subrule:
 - (i) "supply" includes the selling, giving, transporting, sending, delivering or distributing (or possessing for any such purpose) of a substance or preparation;
 - (ii) "procure" includes the purchase and/or receipt of a substance or preparation.

AR 177B(7) BE ADDED AS FOLLOWS:

AR 177B

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- (7) (a) A person must not supply, attempt to supply, or be a party to the supply or attempted supply of any substance or preparation to another person (including but not limited to, a trainer or any person on behalf of a trainer), which is:
 (i) a prohibited substance as specified under AR 177B(2); or
 - (ii) a substance or preparation that could give rise to an offence under AR 177B if administered to a horse at any time. (b) A person must not procure, attempt to procure, or be a party to the procuring or attempted procuring of:
 - (i) a prohibited substance as specified under AR 177B(2); or

(ii) a substance or preparation that could give rise to an offence under AR 177B if administered to a horse at any time. (c) Any person who breaches any provision of this subrule commits an offence and may be penalised.

(d) For the purposes of this subrule:

(i) "supply" includes the selling, giving, transporting, sending, delivering or distributing (or possessing for any such purpose) of a substance or preparation;

(ii) "procure" includes the purchase and/or receipt of a substance or preparation.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 87A(2)

LEADING HORSES

SUMMARY OF AMENDMENT

Racing Australia recommends AR 87A(2) be amended to expressly allow the use of stallion chains, which are already permitted by the Stewards in all States and Territories.

Amendments effective from 1 August 2018

AR 87A(2) BE AMENDED AS FOLLOWS:

AR 87A

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(2) While being led outside the confines of any stable premises every horse shall have a bit in its mouth, which bit shall be attached to a lead <u>or a stallion chain</u>.

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AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 134A

DECLARATION OF NON-STARTERS

SUMMARY OF AMENDMENT

Racing Australia considers that the rule which allows Stewards to declare a horse a nonstarter where it has been materially prejudiced from finishing in the top 3 places due to an incident at the start of the race (provided it doesn't finish in the top 3) should be expanded to the top 4 places. Such a change accords with first 4 betting and the deductions that flow when a horse is declared a non-starter.

Further, Racing Australia is of the view that occurrences at the start of a race that materially affect a horse's chance (which are the subject of this rule), should be expanded to include other outside influences – for example, where the starter inadvertently activates the false start siren after a fair start and one horse is affected.

Amendments effective from 1 August 2018

AR 134A BE DELETED AND REPLACED AS FOLLOWS:

AR 134A If in the opinion of the Stewards any horse was riderless at the time a start was effected, or was encumbered by equipment applied with the permission of or at the direction of the Starter, or if a horse was denied a fair start and such occurrence materially prejudiced the chances of that horse finishing in first, second or third placing, the Stewards may declare such a horse to be a non-starter and may make such order regarding betting as provided for separately in the Rules of Betting. Provided that a horse which is ultimately declared first, second or third placing in a race shall not be declared a non-starter.

AR 134A If in the opinion of the Stewards any horse was:

(a) riderless at the time a start was effected; or

- (b) was encumbered by equipment applied with the permission of or at the direction of the starter; or
- (c) denied a fair start; or
- (d) encumbered by any outside influence after gaining a fair start,

and such occurrence materially prejudiced the chances of that horse finishing in first, second, third or fourth placing, the Stewards may declare such a horse to be a non-starter and may make such order regarding betting as provided for separately in the Rules of Betting. Provided that a horse which is ultimately declared first, second, third or fourth placing in a race shall not be declared a non-starter.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 135

ADVANTAGING ANOTHER RUNNER

SUMMARY OF AMENDMENT

Racing Australia recommends the addition of a new rule which requires riders to ride their horses in a manner that:

- (a) only benefits their horse's own best interests; and
- (b) does not advantage any other horses or riders.

While the current running and handling rules require that horses be run on their merits and that riders take all reasonable and permissible measures to obtain the best place in a race, Racing Australia is of the view that the proposed rule would further strengthen this suite of rules from an integrity perspective. In addition to seeking to prevent any corrupt conduct affecting the running of a race, such a rule would also limit the use of pacemakers and team/stable riding practices.

The proposed drafting is in accordance with the International Agreement on Breeding, Racing & Wagering model rule, save for the exception in respect of horse and rider safety. Such an exception is necessary to ensure that the rule does not create any perverse outcomes, such as a jockey riding in a manner that is in his horse's best interests but is unsafe to others.

Amendments effective from 1 August 2018

AR 135 BE DELETED AND REPLACED AS FOLLOWS:

AR 135

- (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 disgualified.

(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).

<u>AR 135</u>

- (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) Except where the safety of any horse or rider in a race requires otherwise, every horse must be ridden in such a manner to benefit only its own best interests and not to the advantage of other horses or riders.
- (d) <u>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.</u>
- (e) <u>Any person who:</u>
 - (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).

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR137A

POSSESSION OF NON-APPROVED AND MODIFIED WHIPS

SUMMARY OF AMENDMENT

Racing Australia is of the view that the rule prohibiting use of whips which have not been approved by Racing Australia and whips that have been approved by Racing Australia but have been modified should be extended to include possession of such whips. Racing Australia believes that this will strengthen the rule and further limit the use of such whips by riders.

Amendments effective from 1 August 2018

AR 137A (1) & (2) BE DELETED AND REPLACED AS FOLLOWS:

AR 137A

- (1) (a) Only padded whips of a design and specifications approved by a panel appointed by the Australian Racing Board may be carried in races, official trials or jump-outs.
 - (b) Every such whip must be in a satisfactory condition and must not be modified in any way.
 - (c) The Stewards may confiscate any whip which in their opinion is not in a satisfactory condition or has been modified.
 - (d) Any rider who has been found guilty of a breach of this subrule may be penalised. Provided that the master and/or other person who is in charge of an apprentice jockey at the relevant time may also be penalised unless he satisfies the Stewards that he took all proper care to ensure the apprentice complied with the rule.
- (2) Only padded whips of a design and specifications approved by a panel appointed by the Australian Racing Board may be carried in trackwork.

<u>AR 137A</u>

- (1) (a) Only padded whips of a design and specifications approved by Racing Australia ("approved whip") may be carried in races, official trials, jump-outs or trackwork.
 - (b) Every approved whip must be in a satisfactory condition and must not be modified in any way.
 - (c) The Stewards may confiscate any whip which:
 - (i) is not an approved whip; or
 - (ii) is an approved whip which, in their opinion, is not in a satisfactory condition or has been modified in any way.
 - (d) Any rider who has been found guilty of a breach of this rule may be penalised. Provided that the master and/or other person who is in charge of an apprentice jockey at the relevant time may also be penalised unless he satisfies the Stewards that he took all proper care to ensure the apprentice complied with the rule.
- (2) Any person who has in his or her possession:
 - (a) a whip which is not an approved whip; or
 - (b) an approved whip which has been modified in any way, commits an offence and may be penalised.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 137AB

POSSESSION OF STOCKWHIP

SUMMARY OF AMENDMENT

Racing Australia recommends the addition of a new offence under the Rules which prohibits the possession of a stockwhip in relation to racing, training and pre-training.

Under AR 175(w), it is an offence for any person to use a stockwhip on a horse in any circumstances relating to racing, training, or pre-training. Racing Australia is of the view that a possession offence would significantly strengthen the current rule and further improve welfare practices. Stewards would be assisted by not having to prove actual use on a horse, which can be difficult.

Importantly, the proposed rule includes an exemption from the possession offence where the person satisfies Stewards that such possession at the person's premises is unrelated to training or pre-training a horse. For example, where horses are pre-trained on a property that also includes cattle.

Amendments effective from 1 August 2018

AR 137AB BE ADDED AS FOLLOWS:

AR 137AB A person may be penalised if the person has in his or her possession a stockwhip:

- (a) at a racecourse;
- (b) at a thoroughbred racing stable; or

(c) at premises otherwise used for training or pre-training a horse, unless the person satisfies the Stewards that the stockwhip is in his or her possession at those premises for reasons unrelated to the training or pre-training of a horse.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 140(a)

NOTIFICATION OF CONDITIONS, TREATMENTS, ETC

SUMMARY OF AMENDMENT

Racing Australia believes the current rule requiring trainers to notify Stewards of conditions, treatments etc that may affect a horse's performance in a race by acceptance time or as soon as possible thereafter should be widened as follows:

(a) Include notification obligations on a person in control of the horse, in addition to those imposed on the trainer. (Any person in control of the horse who has knowledge as to the horse's condition etc should be subject to the same obligations as the trainer.)

(b) Include notification by nomination time where the condition is present, treatment is administered etc before nomination time. (Stewards should be made aware of this information by nomination time, in order to allow them to make any relevant enquiries and/or make the information public. Making the information public is particularly important in the context of betting markets which open prior to acceptances.)

(c) Include notification of any surgery performed which may affect a horse's performance in a race. (A strict interpretation of the rule as currently drafted may not include surgery performed on a horse, which is likely to affect its performance in a race. Stewards and punters should be aware of this information.)

Amendments effective from 1 August 2018

AR 140(a) BE DELETED AND REPLACED AS FOLLOWS:

AR 140

(a) The trainer of a horse that is included in the final acceptors for a race must:

(i) ensure that such horse is fit and properly conditioned to race; and

(ii) report to the Stewards:

- (a) by acceptance time, any occurrence, condition, or treatment that may affect or impact on the horse's performance in the race where the occurrence takes place, condition is present or treatment is administered before acceptance time;
- (b) as soon as is practicable, any occurrence, condition, or treatment that may affect or impact on the horse's performance in the race where the occurrence takes place, condition is present or treatment is administered after acceptance time.

<u>AR 140</u>

- (a) The trainer of a horse, or any person that is in control of a horse, that is nominated for a race must:
 - (i) ensure that the horse is fit and properly conditioned to race; and
 - (ii) report to the Stewards:
 - (a) by nomination time, any occurrence, condition, surgery or treatment that may affect or impact on the horse's performance in the race where the occurrence takes place, condition is present, surgery is performed or treatment is administered before nomination time;
 - (b) as soon as is practicable after nomination time and before acceptance time, any occurrence, condition, surgery or treatment that may affect or impact on the horse's performance in the race where the occurrence takes place, condition is present, surgery is performed or treatment is administered after nomination time and before acceptance time;
 - (c) if the horse is accepted for the race as soon as is practicable, any occurrence, condition, surgery or treatment that may affect or impact on the horse's performance in the race where the occurrence takes place, condition is present, surgery is performed or treatment is administered after acceptance time.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 141A(1)

HORSES ARRIVING ON COURSE

SUMMARY OF AMENDMENT

Racing Australia recommends that the requirement that horses are presented for racing wearing appropriate plates and tips is amended to bring forward that requirement to the time that horses arrive on course.

Racing Australia reports increasing instances of horses not being appropriately shod at the relevant time, which results in unnecessary delays prior to the start of races. The revised rule would allow Stewards to check each horse's plates and tips when they are being unloaded from floats when arriving on course, and for any issues to be rectified at that time, rather than just prior to a race.

The proposed amendment contains a discretion for the Stewards to permit a trainer to bring his/her horse onto the course without its racing plates and tips.

Amendments effective from 1 August 2018

AR 141A(1) BE DELETED AND REPLACED AS FOLLOWS:

AR 141A

(1) No horse shall be permitted to start in any race unless it is fully shod with plates or tips that conform to the requirements of AR 141B, provided that in exceptional circumstances, the Stewards may permit a horse to run barefooted or partly shod. The trainer bears sole responsibility for ensuring that horses are presented for racing in compliance with AR 141B.

<u>AR 141A</u>

- (1) (a) No horse shall be permitted to start in any race unless it is fully shod with plates or tips that conform to the requirements of AR 141B, provided that in exceptional circumstances the Stewards may permit a horse to run barefooted or partly shod.
 - (b) The trainer is at all times responsible for ensuring that horses with race engagements comply with AR 141B from the time when they arrive on course, except where the Stewards permit otherwise.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 143

WEIGHING IN LIGHT

SUMMARY OF AMENDMENT

AR 143(a) currently refers to a rider being allowed to weigh in light by a half kilogram "for the weight of his bridle". This is creating confusion as to whether other items should be included and the reality is that the rider is simply allowed a half kilogram.

Accordingly, Racing Australia recommends that the reference to the bridle is removed.

Amendments effective from 1 August 2018

AR 143 BE AMENDED AS FOLLOWS:

AR 143 Subject to AR 146, if a horse carries less weight than the weight it should carry:

(a) It shall be disqualified for the race, provided that a rider shall be allowed by the Clerk of the Scales a half kilogram for the weight of his bridle; and

(b) Notwithstanding paragraph (a), the rider and/or any other person at fault may be penalised.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 175D

PROHIBITION ON BETTING WITH NON-APPROVED WAGERING OPERATORS

SUMMARY OF AMENDMENT

Racing Australia recommends the introduction of a rule to prohibit industry participants from betting with non-approved (likely offshore) wagering operators that are not subject to racefields regulations.

Betting with non-approved wagering operators is a significant integrity risk for the industry. PRAs and Stewards have no visibility as to who is betting with such wagering operators as they have no powers to require the production of customers' betting records. This necessarily limits their ability to inquire into and investigate a range of integrity matters.

Further, given that non-approved wagering operators are not subject to racefields regulations and their associated fees, the industry suffers a financial detriment each time a bet on Australian thoroughbred races is placed with such a wagering operator.

Amendments effective from 1 August 2018

AR 175D BE ADDED AS FOLLOWS:

<u>AR 175D</u>

(1) A person bound by these Rules must not:

- (a) place a bet on Australian thoroughbred racing with a Non-Approved Wagering Operator; or
 - (b) have a bet placed on his or her behalf, or otherwise have an interest in a bet placed, on Australian thoroughbred racing with a Non-Approved Wagering Operator.
- (2) Where the Stewards reasonably suspect that a person bound by these Rules has, or may have, placed a bet on Australian thoroughbred racing with a Non-Approved Wagering Operator:
 - (a) the Stewards may direct the person to produce, and the person must produce, all relevant documents and devices, including but not limited to, the person's computer, mobile telephone, and betting records; and
 - (b) the Stewards may direct the person to provide, and the person must provide, the Stewards with access to the account (or accounts) with the Non-Approved Wagering Operator used by or on behalf of the person, including any username, password or other security information.

(3) A person who fails to comply with any provision of this rule may be penalised.

(4) For the purpose of this rule:

(a) a "Non-Approved Wagering Operator" means any wagering operator, including a totalizator operator, bookmaker, corporate bookmaker, betting exchange or other wagering service provider, that does not hold a current licence, approval or authority to use or publish the thoroughbred racefields of a State or Territory in accordance with the relevant State or Territory legislation and/or regulations; and

(b) a "bet" includes a lay bet.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 177C, AR178, AR 178G & AR 200A

ELEVATED HYDROCORTISONE LEVELS FROM ENDOGENOUS ORIGIN

SUMMARY OF AMENDMENT

Racing Australia has noted that there continues to be instances where the threshold for hydrocortisone has been exceeded for endogenous reasons rather than administration of a prohibited substance. There are instances of this occurring, such as to warrant an exception in the Rules, similar to the exception that applies in respect of testosterone. Accordingly, AR 177C should be extended to include hydrocortisone.

Further, given that AR 178G essentially duplicates AR 177C, Racing Australia is of the view that AR 178G can be deleted, with some additional minor amendments to AR 177C, AR 178 and AR200A.

Amendments effective from 1 August 2018

AR 177C BE DELETED AND REPLACED AS FOLLOWS:

AR 177C In the case of the presence of testosterone (including both free testosterone and testosterone liberated from its conjugates) above a mass concentration of 20 micrograms per litre being detected in a urine sample taken from a gelding, or above a mass concentration of 55 micrograms per litre being detected in a urine sample taken from a filly or mare, prior to or following its running in any race, it is open to the Stewards to find that the provisions of AR 177 or AR 178H do not apply if on the basis of the scientific and analytical evidence available to them they are satisfied that the detected level in the sample was of endogenous origin or as a result of endogenous activity.

AR 177C In the case of the presence of:

(1) testosterone (including both free testosterone and testosterone liberated from its conjugates) above a mass concentration of 20 micrograms per litre being detected in a urine sample taken from a gelding, or above a mass concentration of 55 micrograms per litre being detected in a urine sample taken from a filly or mare; or

(2) hydrocortisone above a mass concentration of 1.0 milligrams per litre being detected in a urine sample taken from a horse,

prior to or following its running in any race, it is open to the Stewards to find that the provisions of AR 175(h)(ii), AR 177, AR 178 or AR 178H do not apply if, on the basis of the scientific and analytical evidence available to them, they are satisfied that the detected level in the sample was of endogenous origin or as a result of endogenous activity.

AR 178 BE AMENDED AS FOLLOWS:

AR 178 Subject to <u>AR 178G <u>AR 177C</u></u>, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.

AR 178G BE DELETED AS FOLLOWS:

AR 178G

In the case of the presence of testosterone (including both free testosterone and testosterone liberated from its conjugates) above a mass concentration of 20 micrograms per litre being detected in a urine sample taken from a gelding, or above a mass concentration of 55 micrograms per litre being detected in a urine sample taken from a filly or mare, prior to or following its running in any race, it is open to the Stewards to find that the provisions of AR 178 or AR 178H do not apply if on the basis of the scientific and analytical evidence available to them they are satisfied that the detected level in the sample was of endogenous origin or as a result of endogenous activity.

AR 200A BE AMENDED AS FOLLOWS:

AR 200A As at the date on which AR 177C and AR 178G takes effect, all urine samples taken from horses prior to that date which have not been adjudicated upon by the Stewards shall be dealt with subject to those new Rules.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 178F(2)

TREATMENT RECORDS TO INCLUDE TAKING BLOOD SAMPLES

SUMMARY OF AMENDMENT

Racing Australia believes that a trainer's obligation in respect of their treatment records should be expanded to include the taking of blood samples. This will provide Stewards with greater transparency and allow lines of inquiry into reasons for taking blood samples and the results of any analysis.

The proposed addition may also assist trainers where they seek to prove that they have not breached the race day/one clear day injection rules.

Amendments effective from 1 August 2018

AR 178F (2) BE AMENDED AS FOLLOWS:

AR 178F

- (1) A trainer must record treatment and medication administered to each horse in his or her care by midnight on the day on which the administration was given, and each record must include the following information:
 - (a) the name of the horse;
 - (b) the date and time of administration of the treatment or medication;
 - (c) the name of the treatment or medication administered (brand name or active constituent);
 - (d) the route of administration including by injection, stomach tube, paste, topical application or inhalation);
 - (e) the amount of medication given (if applicable);
 - (f) the duration of a treatment (if applicable);
 - (g) the name and signature of person or persons administering and/or authorizing the administration of the treatment or medication.
- (2) For the purposes of this rule:
 - (a) "treatment" includes:
 - (i) shock wave therapy;
 - (ii) acupuncture (including laser treatment);
 - (iii) chiropractic treatment;
 - (iv) the use of any electrical stimulation device (including transcutaneous electrical nerve stimulation (TENS));
 - (v) magnetic field therapy;
 - (vi) ultrasound;
 - (vii) any form of oxygen therapy, including hyperbaric oxygen therapy; and
 - (viii) the taking of a blood sample; and

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