

## AMENDMENT TO RULES OF RACING Amendment No 212 – Issued 15 May 2023

Racing Australia has approved the following amendments to the Australian Rules of Racing.

## AMENDMENTS TO THE AUSTRALIAN RULES OF RACING: AR88B, AR78 & AR297:

# HORSES RETURNING FROM EXTENDED LAYOFFS, INJURIES ETC., 12+ YEAR OLD HORSES & DECISION TO RETIRE NAMED HORSE

## SUMMARY OF AMENDMENT

Racing Australia has introduced nationally consistent policies to address the following issues:

1. Horses that have not started in a race for 12 months or longer - returning to training and racing;

2. Horses that have experienced a cardiac arrhythmia after a race - returning to training and racing;

3. Horses that have suffered a major fracture and/or undergone major orthopaedic surgery – mandatory reporting and returning to training and racing;

- 4. Horses aged 12 years pre- and post-race veterinary inspections; and
- 5. Horses that have been retired from racing reinstatement for training and racing.

Each of these policies seek to improve horse welfare outcomes by clearly defining the protocols that must be adhered to when a horse is returning to training/racing after an extended period or serious injury. These policies are given force under the Rules of Racing as Racing Australia Codes of Practice. While participants have general obligations to comply with such Codes and may be penalised for noncompliance (see AR 16 and AR 233), new rules have been introduced to impose specific obligations regarding participants' compliance with these new Codes, as follows:

• New AR 88B in Part 5 – Eligibility of horses to race, Division 2 – Restrictions/ exclusions in relation to participation of horses in races etc for 1-3 above;

- Amendments to AR 78 for 4 above; and
- Amendments to AR 297 for 5 above.

## AR 88B BE ADDED AS FOLLOWS:

#### AR 88B Horses returning from extended layoffs, injuries etc.

(1) Where a horse has not participated in a race for 12 months or more, the trainer and any other person in charge of the horse must comply with the Racing Australia Code of Practice: Horses that have not started for 12+ months (as amended from time to time) in respect of any future running of the horse in a race, official trial or jump-out.

(2) Where a horse is detected with a cardiac arrhythmia, or where a cardiac arrhythmia has been identified, following a race, official trial, jump-out, or at any other time, including, but not limited to, following track work, the trainer and any other person in charge of the horse must;

(a) report the detection or identification of a cardiac arrhythmia to the Stewards without delay, and

(b) comply with the Racing Australia Code of Practice: Cardiac arrhythmias detected during postrace inspections (as amended from time to time) in respect of any future training of the horse and/or running of the horse in a race, official trial or jump-out.

(3) Where a horse has sustained a major fracture and/or undergone major orthopaedic surgery, the trainer and any other person in charge of the horse must comply with the Racing Australia Code of Practice: Compulsory reporting of major fractures, orthopaedic surgery and approval of affected horses to return to racing (as amended from time to time) in respect of reporting such events and any future training of the horse and/or running of the horse in a race, official trial or jump-out. For the purposes of this subrule, "major fracture" and "major orthopaedic surgery" have the meanings given to them in the Code of Practice.

## AR 78 BE AMENDED AS FOLLOWS:

## AR 78 12+ year old horses

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(2) The Stewards may give their express permission for a horse aged 12 years to start in a race/s during its 12 year old racing season, if:

(a) the trainer provides to the Stewards a veterinary report in respect of the horse's condition and suitability to race, and any other information, examination or report as required by the Stewards;

(b) the trainer complies with the Racing Australia Code of Practice: Veterinary Inspections for 12 year old horses (as amended from time to time); and

(c) the Stewards are satisfied that the horse is suitable to race.

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## AR 297 BE AMENDED AS FOLLOWS:

## AR 297 Decision to retire named horse.

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(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 <u>unless he or she complies with the Racing Australia Code of Practice:</u> <u>Reinstatement of a retired racehorse (as amended from time to time) and obtains</u> the express permission of a PRA or the Stewards.

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## Amendments effective from 1 June 2023



# AMENDMENT TO RULES OF RACING Amendment No 212 – Issued 15 May 2023

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

## AMENDMENT TO THE VICTORIAN LOCAL RULES OF RACING: LR 104A & LR104B

## COMMENCEMENT OF SUSPENSIONS

#### SUMMARY OF AMENDMENT

Upon review of LR 104A (commencement of suspension) the following amendment has been made to clarify the commencement period.

Midnight is taken as the start of the day. The proposed amendment seeks to clarify that a suspension does not begin until the midnight immediately following the imposition of penalty. The commencement of a suspension at midnight following the imposition of penalty has always been the practice of the Stewards; however, as currently written, LR 104A could be read as "backdating" an imposed penalty to the beginning of the day (midnight) on which it was imposed.

## LR 104A BE AMENDED AS FOLLOWS:

#### LR 104A Commencement of suspensions

(1) Subject to LR 104B and these Rules, the commencement of a suspension imposed by the Stewards upon a rider for a riding or whip offence under these Rules shall take effect from midnight on the <u>following the</u> date that the Stewards made their decision to suspend the rider unless the Stewards in their discretion otherwise require the suspension to take immediate effect.

(2) If the Stewards impose a suspension on a rider for a particular number of race meetings, the duration of that suspension will be determined by calculating the race meetings as scheduled at the time the suspension was imposed, irrespective of whether a race meeting is subsequently abandoned, transferred or otherwise changes during the period of suspension or deferment.

## DEFERMENT OF SUSPENSIONS

#### SUMMARY OF AMENDMENT

Upon review of LR 104B (deferment of suspensions) and after consultation with the Victorian Jockeys Association, the RV Board approved an amendment to LR 104B(2).

The proposed amendment, endorsed by the RV Board, ensures:

(a) that the Local Rule remains consistent with its original application that riders may defer the start of a race riding suspension incurred on Cup day and/or Derby day, up to 3 days only; and (b) that there is consistency and clarity throughout LR 104B in the use of the term "engagement".

At present, LR104B(1) uses the term "engagement" but LR 104B(2) also uses the term "declared". "Declared" has a specific meaning in the Rules, as per LR 63A

## LR 63A Declaration of riders

(1) Time: The nominator or trainer of a horse accepted as a starter in any race must declare the name of the rider to Racing Australia no later than the following time (or such other time as the Directors of Racing Victoria may direct):

(a) at a time specified by Racing Victoria and advertised in Inside Racing for each meeting.

(b) emergency acceptor obtaining a start in a race: no later than 8.00 am on the day of the race.

An "engaged" rider is one that has accepted to ride a horse in a race, but not yet necessarily declared.

The amendment to LR 104B(2) prefers the term "engaged" in order

- i. to ensure consistent use of that term throughout LR 104; and
- ii. because a rider may not necessarily be declared to ride at a race meeting to be held in 3 days where acceptances have not yet been taken.

## LR 104B(2) BE AMENDED AS FOLLOWS:

## LR 104B Deferment of suspensions

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- (2) Where:
  - (a) a rider receives a period of suspension imposed by the Stewards under these Rules for an incident that occurred on Derby Day or Melbourne Cup Day; and
  - (b) at the time that the Stewards determined to suspend the rider, final acceptances have been taken and the rider holds has an engagement or engagements and is declared to ride on one of the next 3 days, and the rider has notified the Stewards of such engagement(s),

then that period of suspension can be deferred by the Stewards, in their discretion, until the rider has fulfilled all of their <u>declared engaged</u> rides, but the period of deferment must not be more than three days following the issue of the suspension. If that rider:

- (c) has riding engagements the day following the issue of the suspension, they must fulfil those engagements; and
- (d) is able to obtain release(s) from the owner(s) or trainer(s) involved from other riding engagements (two days to three days following the issuing of the suspension), and the rider notifies the Stewards of this, then the period of suspension may (in the Stewards' discretion) begin as soon as all riding engagements have been released.

Amendments effective from 15 May 2023

## AMENDMENT TO THE VICTORIAN LOCAL RULES OF RACING: LR 42

## **APPRENTICE ALLOWANCES IN VICTORIA**

#### SUMMARY OF AMENDMENT

Under LR42 as currently written, apprentice jockeys are not under an express obligation to provide the Stewards with due notification of their minimum riding weight. As a matter of custom and practice, apprentice jockeys are required to give the Stewards such notification. The proposed amendment seeks to formalise the current practice by requiring apprentice jockeys to inform the Stewards as to what part of their available allowance they are claiming, down to their minimum riding weight. Further, if an apprentice jockey seeks to adjust their claim, there is now an express process whereby the apprentice jockey must notify the Stewards in advance with a view to obtaining the Stewards' permission to do so. Such information is also made available to the public and is well regarded by form analysts and wagerers.

#### *LR 42 BE AMENDED AS FOLLOWS:*

#### LR 42 Apprentice allowances in Victoria

- (1) An apprentice jockey may claim a weight allowance in accordance with the three-tier scale provided for in AR 143 other than in Group and Listed Races or where the conditions of the race provide for no allowances.
- (2) <u>Every apprentice jockey who claims an allowance shall maintain and notify the stewards of his or</u> <u>her minimum riding weight in accordance with LR 42(iii).</u>
- (3) Every apprentice jockey shall, where the conditions of the race permit, claim that portion of their available allowance down to their notified minimum riding weight. Should any apprentice seek to adjust the amount they intend to claim so as to ride above or below their notified minimum riding weight then they must by no later than 5.00pm 2 days prior to the meeting concerned, obtain the permission of the Stewards to do so.

For the avoidance of doubt this means that notification for a Saturday meeting shall be 5.00pm the preceding Thursday.

#### Amendment effective from 15 May 2023

#### AMENDMENT TO THE VICTORIAN LOCAL RULES OF RACING: LR 100A

#### AGREEMENT BETWEEN WAGERING OPERATORS AND RACING PARTICIPANTS

#### SUMMARY OF AMENDMENT

At its April 2023 meeting, the Racing Victoria (RV) Board endorsed a new Local Rule of Racing (LR 100A). LR 100A (above) will come into effect on 1 August 2023. LR 100A prohibits trainers, jockeys, stablehands or any other person licensed to engage in thoroughbred horses from entering into an exclusive commercial arrangement with a wagering services provider. The prohibition is because of the possible conflict of interest that might arise in having a licensed person (such as a jockey or trainer) involved in an arrangement where they get paid by a WSP for information or insight relating to thoroughbred racing in Victoria.

If an industry participant has an existing commercial arrangement or understanding with a WSP, they must now inform the RV Stewards. Depending on the nature of the arrangement, the RV Stewards may recommend to the RV Board that the arrangement continue or be approved. The final decision to approve will be with the RV Board.

Wagering service providers will also be informed by the RV Stewards of their responsibilities not to approach licensed persons with such arrangements unless prior approval has been sought from the RV Board.

## LR 100A BE ADDED AS FOLLOWS:

## <u>LR 100A</u>

- (1) <u>A trainer, jockey, stablehand or any other person engaged or employed in the training or racing of</u> <u>thoroughbred horses must not:</u>
  - (a) <u>unless approved by the Racing Victoria Board in writing, enter into, or be a party to, any exclusive</u> <u>arrangement, agreement or understanding, either directly or indirectly, with any party, whether</u> <u>it be a wagering operator, a person or entity representing a wagering operator or a third party,</u> <u>that results, or might result, in:</u>
    - (i) <u>a wagering operator referring to a person in subrule (1) (including any image, video or other</u> recording of that person) or seeking to link that person to any advertising, commentary or <u>promotions</u>;
    - (ii) <u>a wagering operator conferring special privileges or concessions upon any person in subrule</u> (1) which are, or might be, prejudicial to the image of racing;
    - (iii) any person in subrule (1), or a close associate of that person, directly or indirectly, receiving and accepting a pecuniary or other gift or other consideration from a wagering operator such that a perception of conflict of interest arises or leads to behaviour that may be deemed improper, corrupt or fraudulent; or
    - (iv) <u>that person putting or being otherwise influenced to put, their secondary interest before or</u> <u>above his or her primary interest such that that a perception of conflict of interest arises or</u> <u>leads to behaviour that may be deemed improper, corrupt or fraudulent.</u>
- (2) For the purposes of this rule:
  - (a) <u>the "exclusive" nature of the arrangement, agreement or understanding pertains to the provision</u> of exclusive information only, which may be provided by a trainer, jockey, stablehand or any other person engaged or employed in the training or racing of thoroughbred horses to a wagering operator
  - (b) <u>a "primary interest" is the activity for which the person holds a licence, registration or permit</u> from a Principal Racing Authority or is engaged in or associated with thoroughbred racing; and
  - (c) <u>a "secondary interest" is:</u>
    - *(i) any material reward, gift, favour or benefit in kind not directly arising from or in addition to the primary interest; or*
    - *(ii) any favour for any immediate family member or other person with whom the person has a close professional or personal relationship.*
  - (d) <u>"advertising" is to include the definition and application found in LR 66 (Prohibition on display</u> of advertising)

- (3) For the purposes of this rule, an owner who holds a financial interest in the horse only and does not play any active role in the training or racing of the horse is not subject to subrule (1).
- (4) <u>A wagering operator must not, without the approval of the Racing Victoria Board in writing refer to</u> in, seek to link to and/or base any advertising, commentary or promotions in any form of media (including social media) to a family member or other person with whom the person has a close personal or professional relationship engaged in or associated with the training or racing of thoroughbred horses, other than in circumstances where such reference is in the normal course of the wagering operator's wagering operations.
- (5) <u>Any person who commits a breach of this rule may be penalised, and the Racing Victoria Board may</u> make any such other order as it considers appropriate.

#### Amendment effective from 1 August 2023

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>