

AMENDMENTS TO RULES OF RACING

Amendment No 167 – Issued 29 December 2016

Racing Australia has approved the following amendments to the Australian Rules of Racing, effective from 1 January 2017.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 137A(5)

SUMMARY OF AMENDMENT

The Racing Australia Board has determined that a Stewards' discretion will be incorporated into AR 137A(5) so that Stewards enforcing the rule have regard to the circumstances of the race including distance and context of the race, such as a staying race or a rider endeavouring to encourage his mount to improve.

Amendments effective from 1 January 2017

AR 137A(5) BE DELETED AND REPLACED AS FOLLOWS:

~~AR 137A~~

~~(5) Subject to the other requirements of this rule:~~

- ~~(a) In a race, official trial or jump-out prior to the 100 metre mark;~~
 - ~~(i) The whip shall not be used in consecutive strides.~~
 - ~~(ii) The whip shall not be used on more than 5 occasions.~~
 - ~~(iii) The rider may at his discretion use the whip with a slapping motion down the shoulder, with the whip hand remaining on the reins.~~
- ~~(b) In the final 100 metres of a race, official trial or jump-out, a rider may use his whip at his discretion.~~

AR 137A

(5) Subject to the other requirements of this rule:

- (a) In a race, official trial or jump-out prior to the 100 metre mark;
 - (i) The whip shall not be used in consecutive strides.
 - (ii) The whip shall not be used on more than 5 occasions save and except where there have only been minor infractions and the totality of the whip use over the whole race is less than permitted under AR 137A(5)(a) and (b) and also having regard to the circumstances of the race including distance and context of the race, such as a staying race or a rider endeavouring to encourage his mount to improve.
 - (iii) The rider may at his discretion use the whip with a slapping motion down the shoulder, with the whip hand remaining on the reins.
- (b) In the final 100 metres of a race, official trial or jump-out, a rider may use his whip at his discretion.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 1A

SUMMARY OF AMENDMENT

The definition of “A Class Five Race” as it is currently shown in the Australian Rules of Racing has been reviewed.

It has always been the intent of the definition and the practical application that a multiple 2-year-old Listed winner is an Open Class horse and ineligible to run in both Class Five and Class Six races.

Racing Australia has resolved that the definition of a Class Five Race under AR 1A should be amended by adding the additional wording from the definition of a Class Six Race.

Amendments effective from 1 January 2017

AR 1A CLASS FIVE RACE BE DELETED AND REPLACED AS FOLLOWS:

~~A CLASS FIVE RACE is one restricted to horses which, at the time of starting, have not won more than five races on the flat, provided that in determining the eligibility of any horse no account shall be taken of any wins in Class A, Class B or Trophy races, other than a win as a Maiden horse.~~

~~Further provided that, notwithstanding the foregoing provisions, the winner of either of the following races shall be ineligible:~~

~~(a) any Group Race; or~~

~~(b) any Listed Race or Restricted Listed Race in which horses older than 2YO could run.~~

A CLASS FIVE RACE is one restricted to horses which, at the time of starting, have not won more than five races on the flat provided that, in determining the eligibility of any horse, no account shall be taken of any wins in Class A, Class B or Trophy races other than a win as a Maiden horse.

Further provided that, notwithstanding the foregoing provisions, the winner of the following races shall be ineligible:

(a) any Group Race; or

(b) any Listed Race or Restricted Listed Race in which horses older than 2yo could run; or

(c) more than one Listed Race or Restricted Listed Race in which 2yos only could run.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 28

SUMMARY OF AMENDMENT

Recent cases of fraudulent behaviour have highlighted the issue of secret commissions.

Those cases have been dealt with under the current Rules of Racing relating to dishonest, corrupt and fraudulent behaviour. However, the Board of Racing Australia has decided to introduce a new rule which specifically relates to secret commissions.

The rule will apply to all persons involved in the selling and trading of Thoroughbreds.

Any such person must not receive, solicit or offer any payment or benefit that has not been fully disclosed and consented to by all parties involved in the ownership, sale and purchase of that horse.

Amendments effective from 1 January 2017

AR 28 BE ADDED AS FOLLOWS:

AR 28

(1) This rule applies to:

- (a) any person bound by these Rules (**person**); and
- (b) any Named Horse or Unnamed Horse (for the purpose of this rule, "relevant horse").

(2) Any person who is in any way party to or involved in the sale of a relevant horse, must not, directly or indirectly:

- (a) seek or solicit from any person for himself or herself or for any other person any benefit;
- (b) receive for himself or herself or for any other person or entity any benefit,

unless the person has first:

(i) fully disclosed, in writing, to the registered owner(s) of the relevant horse that the person:

- A. will be seeking or soliciting for himself or herself or for any other person a benefit;
- B. will receive for himself or herself or for any other person a benefit; and

(ii) obtained the written consent of more than 75% of the registered ownership to seek or solicit, and/or to receive, the benefit.

(3) Any person who is in any way party to or involved in the purchase of a relevant horse, must not, directly or indirectly:

- (a) seek or solicit from any person for himself or herself or for any other person any benefit;
- (b) receive for himself or herself or for any other person or entity any benefit;

(c) offer to provide, or provide, to any vendor of the relevant horse, or to any other person (including a person acting, or purporting to act, on behalf of the vendor), any benefit in connection with the sale of the horse,

unless the person has first:

(i) fully disclosed, in writing, to the prospective purchaser(s) of the relevant horse that the person will:

- A. be seeking or soliciting for himself or herself or for any other person a benefit;
- B. receive for himself or herself or for any other person a benefit;

C. be offering to provide to any vendor of the relevant horse, or to any other person (including a person acting, or purporting to act, on behalf of the vendor), a benefit in connection with the sale of the horse; and

(ii) obtained the written consent of more than 75% of the prospective purchasers to seek or solicit, to receive and/or to provide, the benefit.

(4) Where, in the course of one transaction, a person acts, or purports to act, on behalf of both:

- (a) a registered owner (or owners) of a relevant horse in connection with the sale of a relevant horse; and
 - (b) a purchaser (or purchasers) of a relevant horse in connection with the purchase of the same relevant horse,
- that person must comply with the provisions of both sub-rules (2) and (3).

(5) For the purpose of the consent required by AR 28(2)(ii) and AR 28(3)(ii), consent shall be deemed to have been given by a person where that person fails to provide reasonable notice of dissent in writing within 72 hours of receiving the written disclosure pursuant to AR 28(2)(a)(i) or AR 28(3)(i).

(6) For the purpose of this rule:

- (a) "benefit" includes any valuable consideration, rebate, commission, gratuity, profit, fee, benefit or payment of any kind, whether direct or indirect, and to be provided at any time;
- (b) a reference to the sale and/or purchase of a relevant horse includes the sale or purchase of a share or beneficial interest in that horse.

- (7) The purchase price of a relevant horse must be disclosed on the relevant Transfer of Ownership form lodged with the relevant Principal Racing Authority, 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 Principal Racing Authority (or in the case of Tasracing, the delegated 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.
- (9) Any person who refuses or fails to comply with any requirement of this rule may be penalised.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 69(c)

SUMMARY OF AMENDMENT

ASIC has announced that the maximum number of members in a registered syndicate will increase from 20 to 50.

Amendments effective from 1 January 2017

AR 69(c) BE AMENDED AS FOLLOWS:

AR 69 Subject to AR 69F, a horse shall not be entered or raced except by:

- (a) A natural person, or a combination of not more than twenty natural persons.
- (b) A syndicate.
- (c) A combination of one or more registered syndicates and/or natural persons totalling in all not more than ~~ten~~ [fifty](#).

Provided the syndicate has been registered in accordance with the Rules of Racing and complies with the Regulations.

The Racing Victoria Board has approved the following amendments to the Victorian Local Rules of Racing, effective from 1 January 2017.

AMENDMENT TO THE LOCAL RULES OF RACING:

SUMMARY OF AMENDMENT

Both the Racing Victoria Board and the Integrity Council have previously supported in-principle, the development of rules to address misconduct towards racing officials and integrity processes.

A detailed discussion paper was submitted to the Council's meeting of 5 December and recommended the introduction of two new rules prohibiting intimidating, abusive or threatening conduct against racing officials.

The Council reviewed and endorsed the following rule amendments:

Amendments effective from 1 January 2017

FIRST LISTED LR 66AA BE RENUMBERED LR 66A AS FOLLOWS:

~~LR 66AA Electric Apparatus~~

LR 66A Electric Apparatus

For the purposes of AR 175(hh):

- (a) where an electric apparatus is designed to deliver an electric shock to a person or animal, it shall be deemed to be capable of affecting the performance of a horse in a race or training gallop,
- (b) the Stewards may give written permission for a person to possess an electric apparatus under such conditions as they see fit.

LR 66AA AND LR 66AB BE ADDED AS FOLLOWS:

LR 66AA No intimidating or abusive conduct

A person must not, at any time or for any purpose:

- a. engage in any form of intimidation or abusive conduct (either physical, verbal or otherwise), in any way related to racing, of:
 - i. any Steward, Official, or employee or officer of Racing Victoria;
 - ii. any person representing Racing Victoria and/or its employees or officers;
 - iii. any employee or officer of a Club or Association;
 - iv. the Racing Appeals and Disciplinary Board, any member of the Board; or
 - v. any person who is, or may be, a witness in any investigation, inquiry or disciplinary proceeding under the Rules; or
- b. encourage, incite, provoke or procure any other person on their behalf, to engage in any form of intimidation or abusive conduct (either physical, verbal or otherwise), in any way related to racing, of:
 - i. any Steward, Official, or employee or officer of Racing Victoria;
 - ii. any person representing Racing Victoria and/or its employees or officers;
 - iii. any employee or officer of a Club or Association;
 - iv. the Racing Appeals and Disciplinary Board, any member of the Board; or
 - v. any person who is, may be, or has been a witness in any investigation, inquiry or disciplinary proceeding under the Rules.

LR 66AB No threatening conduct

A person must not:

- a. make any express, implied, conditional or unconditional threat (whether physical, verbal or otherwise), in any way related to racing, toward:
 - i. any Steward, Official, or employee or officer of Racing Victoria;

- ii. [any person representing Racing Victoria and/or its employees or officers;](#)
 - iii. [any employee or officer of a Club or Association;](#)
 - iv. [the Racing Appeals and Disciplinary Board, any member of the Board; or](#)
 - v. [any person who is, may be, or has been a witness in any investigation, inquiry or disciplinary proceeding under the Rules.](#)
- b. [encourage, incite, provoke or procure any other person on their behalf, to make any express, implied, conditional or unconditional threat \(whether physical, verbal or otherwise\), in any way related to racing, toward:](#)
- i. [any Steward, Official, or employee or officer of Racing Victoria;](#)
 - ii. [any person representing Racing Victoria and/or its employees or officers;](#)
 - iii. [any employee or officer of a Club or Association;](#)
 - iv. [the Racing Appeals and Disciplinary Board, any member of the Board; or](#)
 - v. [any person who is, may be, or has been a witness in any investigation, inquiry or disciplinary proceeding under the Rules.](#)

CURRENT LR 66A BE RENUMBERED LR 66AC AS FOLLOWS:

LR 66A – Person employed must not lay a horse

[LR 66AC Person employed must not lay a horse](#)

For the purposes of AR 175B(2) a person employed by a trainer in connection with the training or care of racehorses includes any person registered in accordance with LR 39B and any reference to employment includes a reference to such registration.

CURRENT SECOND LISTED LR 66AA BE RENUMBERED LR 66AD AS FOLLOWS:

LR 66AA – Prohibition on betting with Non-Approved Wagering Service Providers

[LR 66AD Prohibition on betting with Non-Approved Wagering Service Providers](#)

- (1) A person bound by these Rules must not:
 - (a) place a bet (including any lay bet) on Victorian thoroughbred racing with a Non-Approved Wagering Service Provider; or
 - (b) have a bet (including any lay bet) placed on his or her behalf, or otherwise have an interest in a bet placed, on Victorian thoroughbred racing with a Non-Approved Wagering Service Provider.
- (2) Where the Stewards reasonably suspect that a person bound by these Rules has, or may have, placed a bet on Victorian thoroughbred racing with a Non-Approved Wagering Service Provider:
 - (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 Service Provider used by or on behalf of the person, including any username, password or other security information.
- (3) For the purpose of this Rule, Non-Approved Wagering Service Provider:
 - (a) means a wagering service provider, as defined in section 1.3 of the *Gambling Regulation Act 2003 (Vic)* (**GR Act**) which did not hold, at the time the relevant bet or bets were placed, approval from Racing Victoria to publish, use or otherwise make available in the course of business, in Victoria or elsewhere, a race field (as defined in section 1.3 of the GR Act) in accordance with section 4.2.3C of the GR Act.
 - (b) does not include the wagering and betting licensee or the wagering and betting operator (as defined by the GR Act); or
 - (c) does not include a bookmaker licensed by Racing Victoria.

AMENDMENT TO THE LOCAL RULES OF RACING: LR 6A

SUMMARY OF AMENDMENT

Both the Racing Victoria Board and the Integrity Council have previously supported the extension of the Racing Appeals & Disciplinary Board's jurisdiction to hear appeals against decisions made under trainer user agreements.

Amendments effective from 1 February 2017

LR 6A(2) BE AMENDED AS FOLLOWS:

LR 6A Appointment and Functions

- (2) **Function:** The function of the RAD Board is to hear and determine:
- (a) appeals from the decisions of the Committee of any Racing Club made under the Rules;
 - (b) appeals from the decisions of the Stewards made under the Rules;
 - (c) appeals from the decisions of the RVL Directors in exercising any power conferred on Stewards by the Rules;
 - (d) appeals from the decisions of the RVL Directors to refuse an approval of an off-course premises for remote betting usage under section 4C of the Racing Act 1958 or to cancel or suspend an approval or to vary or refuse to vary an approval condition under section 4D of the Racing Act 1958;
 - (e) charges laid by the Stewards pursuant to LR 6C(2) and other charges in accordance with LR 6C(6) and (7); **and**
 - (f) notwithstanding LR 6C(1) or any other rule, any matter referred to it by the RVL Directors, either of the Directors' own motion or upon a recommendation from the Stewards; **and**
 - (g) appeals by any Trainer from any decision of any Racing Club arising from, or relating to, a Trainer User Agreement and pursuant to which decision the Trainer's access to the racecourse managed by the Racing Club is suspended for a period in excess 48 hours or the Trainer is fined an amount equal to or greater than \$500.

For the purposes of LR 6A(2)(g), a "Trainer User Agreement" means an agreement between a Racing Club and a Trainer which provides for the terms and conditions upon which the Trainer may access and use the racecourse managed by the Racing Club for the purposes of training racehorses under the care and control of the Trainer. For the avoidance of doubt, any agreement, licence or lease which confers a proprietary interest on any party is not a Trainer User Agreement.

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>