

AMENDMENT TO RULES OF RACING

Amendment No 153 - Issued 1 July 2015

The Racing Victoria Board has approved the following amendments to the Victorian Local Rules of Racing, effective from 1 July 2015.

AMENDMENT TO THE LOCAL RULES OF RACING: LR 6A

Amendment effective from 1 July 2015

LR 6A BE AMENDED AS FOLLOWS:

THE RACING APPEALS AND DISCIPLINARY BOARD

LR 6A Appointment and Functions

- (1) Appointment: The Directors may:
 - appoint not less than five persons and not more than fifteen persons, to constitute the Racing Appeals and Disciplinary Board (the "RAD Board");
 - (b) appoint from amongst the persons appointed under LR 6A(1)(a):
 - (i) a Chair of the RAD Board; and
 - (ii) two Deputy Chairs of the RAD Board to discharge the duties of the Chair in his or her absence, who must be qualified lawyers of not less than seven years standing and who, whilst holding office, must not own or have an interest in any racehorse nor hold office in any Racing Club;
 - (c) appoint from amongst the persons appointed under LR 6A(1)(a) an Executive RAD Board Member who may be appointed to act in the position, and exercise all functions and powers, of the Chair or Deputy Chair of the RAD Board for the purpose of hearing and determining a proceeding under LR 6A(3), as required, and who must have previously been appointed as a Chair or Deputy Chair; and
 - (d) define the term of office and remuneration of persons appointed to constitute the RAD Board.

(1A) Transitional Appointment: Where:

- (a) the term of a person who has been appointed as a Chair or Deputy Chair under LR 6A(1)(b) is due to expire; and
- (b) at the time of the expiry of the term, that person is or will be acting as Chair or Deputy Chair in a proceeding which has commenced but not yet been heard and/or determined.

that person will be appointed as an Executive RAD Board Member in accordance with LR 6A(1)(c) and will exercise all functions and powers of the Chair or Deputy Chair of the RAD Board under these Rules for the purpose of the completion of the hearing and/or determination of the relevant proceeding.

- (3) Constitution for hearing proceedings: To hear and determine any of the matters referred to in LR 6A(2), the RAD Board must be constituted as follows:
 - (a) for any proceeding in respect of a charge for a Serious Offence where a charged person has not indicated prior to the hearing that he or she will plead guilty to the charge (or all charges if there is more than one charge): by a panel of three or five members of the RAD Board (as determined by the Chair) selected by the Chair, and which must include the Chair (or the Executive RAD Board Member appointed to act in the position of the Chair), or either of the Deputy Chairs (or the Executive RAD Board Member appointed to act in the position of Deputy Chair), or all of them;
 - (b) for any proceeding:

- in respect of a charge for a Serious Offence where the charged person(s) has (or have) indicated prior to the hearing that he or she (or they) will plead guilty to the charge (or all charges if there is more than one charge); or
- (ii) which arises pursuant to a decision referred to in LR 6A(2)(a)-(d), or pursuant to any matter referred in accordance with LR 6A(2)(f):

by the Chair (or the Executive RAD Board Member appointed to act in the position of the Chair) or a Deputy Chair (or the Executive RAD Board Member appointed to act in the position of the Deputy Chair) sitting alone or, if so directed by the Chair in his or her discretion in respect of a particular proceeding, a panel of three members of the RAD Board selected by the Chair which must include the Chair (or the Executive RAD Board Member appointed to act in the position of the Chair) or either of the Deputy Chairs (or the Executive RAD Board Member appointed to act in the position of Deputy Chair) or all of them;

(c) in the event of the Chair, and the Deputy Chairs and the Executive RAD Board Member being not available for a particular proceeding, another member of the RAD Board who is a qualified lawyer of not less than seven years standing may be selected by the Chair or either of the Deputy Chairs to act as Chair for that proceeding.

Racing Australia (formerly the Australian Racing Board) has approved the following amendments to the Australian Rules of Racing, effective from 1 August 2015.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 45B

SUMMARY OF AMENDMENT

Currently AR 45B provides that a horse that is aged 12 years or more 'shall not be permitted to start in any race unless it has undergone a pre-race veterinary examination which satisfies the Stewards that the horse should be permitted to start.' The effect of this rule is to allow horses aged 12 years or more to race, but only after a veterinary examination which is to the satisfaction of the Stewards.

The Australian Racing Board sought advice from the Veterinary and Analysts Committee (VAC) in respect of an appropriate compulsory retirement age of horses. The critical premise of the advice obtained was the fundamental importance of animal welfare, and related public perception.

The VAC's advice, which is supported by data, research and sound welfare policy, recommended a new rule which prohibits horses from racing once they reach 13 years of age, and also that more stringent steps be taken to approve 12 year old horses to race.

Furthermore, VAC recommended that AR 45B be re-drafted to require that any horse aged 12 years must obtain the Stewards' permission to race during its 12 year old racing season.

The re-drafted rule sets out more comprehensive provisions in respect of how the Stewards' permission is to be granted.

Amendment effective from 1 August 2015

AR 45B BE DELETED AND REPLACED AS FOLLOWS:

AR 45B A horse that is aged 12 or more years shall not be permitted to start in any race unless it has undergone a pre-race veterinary examination which satisfies the Stewards that the horse should be permitted to start.

AR 45B

- (1) Subject to AR.45B(2), a horse that is aged 12 years is not permitted to race.
- (2) The Stewards may give their express permission for a horse aged 12 to start in a race or races 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; and
 - b. the Stewards are satisfied that the horse is suitable to race.
- (3) Any permission granted by the Stewards pursuant to AR 45B(2) expires at the conclusion of the horse's 12 year old racing season, or earlier as provided by the Stewards.
- (4) Upon a horse turning 13 years of age, it is immediately retired and de-registered under these Rules and is ineligible to race, trial or be trained.
- (5) If a horse aged 12 participates in any race without permission given by the Stewards in accordance with this rule or if a horse over 12 years participates in a race:
 - a. the trainer and any other relevant person may be penalised; and/or
 - b. the horse may be disqualified for the relevant race.

The Racing Victoria Board has approved the following amendments to the Racing Victoria Bookmakers' Licence Levy Rules 2012, effective from 1 August 2015, subject to the relevant Ministerial approvals.

AMENDMENT TO THE RV BOOKMAKERS' LICENCE LEVY RULES 2012

SUMMARY OF AMENDMENT

In May 2015, the Racing Victoria Board approved a new race fields policy for 2015/16 providing for an increase of the 1.0% turnover threshold from \$5.5 million to \$15 million to assist smaller wagering service providers, including on-course bookmakers, to remain viable and to continue to service all punters.

Under the Gambling Regulation Act 2003, Victorian bookmakers are exempt from requiring approval to publish or use Victorian race fields. In order to ensure there is no discrimination between the treatment of local bookmakers and their out of state counterparts, the structure of the levy payable by Victorian bookmakers under the Racing Victoria Bookmakers' Licence Levy Rules 2012 has mirrored the prevailing race fields product fee.

Accordingly, amendments of the levy rules have been approved which will apply the \$15 million threshold to all bookmakers and replace the previous provision where bookmakers within partnerships could aggregate their collective turnover for the purposes of calculating their assessable turnover. The amendments will also update a reference to provisions of the *Gambling Regulation Act 2003* as a consequence of the amendments to the Act coming into operation on 1 July 2015.

The new threshold will benefit any bookmakers who were previously exceeding or likely to exceed the \$5.5 million threshold. The dismantling of the partnership provision means that the threshold applicable to partnerships of three or more bookmakers will slightly decrease. For example, the threshold for a partnership of three bookmakers was previously \$16.5 (\$5.5 million x 3) million, but will now become \$15 (\$5 million x 3) million. However, based on 2014/15 turnover performance levels, this change is unlikely to have any adverse impacts on any partnerships in the foreseeable future.

Amendments to the rules require the Minister's approval under the *Racing Act 1958* which in turn is subject to compliance with the requirements of the *Subordinate Legislation Act 1994*. Those requirements include the need for the preparation of a Regulatory Impact Statement unless the Minister grants an exemption on the basis that the rules do not impose a significant economic or social burden on a sector of the public.

Amendment effective from 1 August 2015

(Subject to relevant Ministerial approvals)

RVL BOOKMAKERS LICENCE LEVY RULES BE AMENEDED AS FOLLOWS:

- 2 DEFINITIONS AND INTERPRETATION
- 2.1 Definitions

"Wagering Service Provider" means a wagering service provider as defined in Chapter 4, Part 2, Division 1A of the Gambling Regulation Act.

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Schedule 1 Levy on Victorian Races PART C: Levy payable in respect of a Month Turnover exceeds the Turnover Threshold during or prior to the Month 6. Levy = AL + NPL + AMB 6.1 AL is the Aggregate Levies. **PART D: Definitions** 7.2 the following words and expressions will have the following meanings: Qualifying Partnership means a partnership as defined in section 5 of the Partnership Act 1958 (Vic) (Partnership Act) but excluding an incorporated limited partnership (as defined in the Partnership Act) where: (a) each partner is a natural person; (b) each partner is licensed as a bookmaker under law; (C) unless RVL provides its prior written consent, each partner: (i) is jointly liable for all the obligations of the partnership, without limitation or restriction; (ii) is entitled to share in the income of the partnership on an equal basis; and (iii) is actively involved in the business of the partnership; and (d) the partnership is constituted by an agreement wholly in writing. Turnover Threshold means: (a) for all Bookmakers other than a Qualifying Partnership, \$5.5 million; (b) where the Bookmaker is a Qualifying Partnership: \$5.5 million x P where P is the number of partners in the Qualifying Partnership; or (c) where the Bookmaker is granted a Licence for the first time during a Period, for the period between the Bookmaker being granted the Licence and the next occurring 31 July: the amount under paragraph (a) or (b) (as applicable) \$15 million $\times \frac{M}{12}$ where M is the number of Months prior to the next occurring 31 July the Bookmaker will hold the Licence.

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