

1. Scope

The Australian Rules of Racing AR.1 contains the following definitions:

“**Registrar of Racehorses**” and the “**Registrar**” mean Racing Australia or any agent appointed by it.

“**Deputy Registrar of Racehorses**” and “**Deputy Registrar**” mean any person appointed to act as such by a Principal Racing Authority provided that the name of the appointed person is notified as soon as practicable to the Registrar of Racehorses.

This policy applies only to the “**Registrar of Racehorses**” and the “**Registrar**” as defined in AR.1. It does not apply to the “**Deputy Registrar of Racehorses**” and “**Deputy Registrar**” as defined in AR.1.1

The Australian Rules of Racing AR.22 states:

AR.22. If a registered horse be transferred to a new owner, the transferee shall apply for registration of the transfer to the Registrar or a Deputy Registrar on the prescribed form. Any such application by a syndicate shall be sufficient if signed by a majority of the trustees or by the registered manager thereof.

The Registrar or Deputy Registrar or the Stewards may, whether or not the transfer has been effected, inquire into the bona-fides of the transaction and the identity of the persons or horses concerned, and whether they or any of them are under any disability under the Rules. If the Registrar, Deputy Registrar or the Stewards is or are not satisfied as to the bona fides of the transaction or the identity of the persons or horses concerned, or determine that they or any of them are subject to a disability under the Rules, the Registrar, Deputy Registrar or the Stewards may reject the application for transfer or, if it is already effected, set aside that transfer. Until such transfer is registered the horse shall not be permitted to start in any race without the leave of the Principal Racing Authority or the Stewards who may impose such conditions as they see fit.

2. Policy

The position of the Registrar of Racehorses (**Registrar**) in relation to ownership disputes is as follows:

1. The Registrar’s role is to record on the register of racehorses (**Register**) information (as provided to it) regarding the ownership and identity of thoroughbred horses for racing in Australia. It is a function critical to the integrity of the racing industry. The Registrar’s role and responsibilities in the racing industry are governed by the Australian Rules of Racing.
2. The Registrar is not responsible for determining the legal ownership of thoroughbred horses. The Registrar simply records the information (as provided to it) as to ownership of thoroughbred horses.
3. Where the Registrar is advised in writing that there is a dispute concerning the ownership of a thoroughbred horse (**Dispute**) which is:
 - (a) recorded on the Register; or
 - (b) the subject of an application to be recorded on the Register,the Registrar will immediately make an entry on the Register that there is a Dispute. As a consequence, the Registrar will not process any changes to the ownership details entered on the Register and will not process any pending application to be recorded on the Register.
4. It is not the role of the Registrar, nor does it have the power, to resolve ownership disputes. Such disputes are private, civil matters that should be resolved between the parties accordingly.
5. It is not necessary to join the Registrar in any court proceedings, arbitration, mediation or other dispute resolution process relating to the Dispute. The joinder of the Registrar will lead to additional and unnecessary legal costs in respect of which the Registrar will seek appropriate costs orders against the parties to the relevant dispute resolution process.

6. The Registrar will comply with the terms of any court order, arbitral award, mediation agreement or other settlement agreement relating to the Dispute (to the extent it is required to do so) following service of such order, award or agreement on the Registrar. Further, the Registrar will make any changes to the Register required by the terms of such order, award or agreement.
7. Where the Registrar is advised in writing of a Dispute and it is not resolved in any court proceedings, arbitration, mediation or other dispute resolution process, the Registrar reserves its rights to resolve the registration of the horse under the Australian Rules of Racing including but not limited to AR.22.
8. Where the Registrar is advised in writing of a Dispute, the Registrar will advise all owners of the horse entered on the Register as well as those on the ownership application of the Dispute and the actions taken by the Registrar.