



AMENDMENTS TO AUSTRALIAN RULES OF RACING

Registration of Foals and Owners

Summary:

Racing Australia believes that it is necessary for integrity and animal welfare purposes that Unnamed Horses and their owners be identified and subject to the Australian Rules of Racing. Traceability is the cornerstone of integrity and will also underpin the industry's drive on animal welfare standards. The fact that significant numbers of Unnamed Thoroughbreds are not regulated by any authority is unacceptable to prevailing community standards.

It should be noted that fewer than 20 Rules of Racing apply to horses prior to them being registered as racehorses. The vast majority of the rules relate to racehorses in competition and licenced persons. However, key integrity rules relating to anabolic steroids and gene doping would apply from birth as well as a requirement to account for the location and fate of Unnamed Horses.

Racing Australia aims to strengthen even further breeding and racing's transparency and accountability.

From 1 August, 2016, a foal will not be accepted into the Australian Stud Book unless Foal Ownership Declaration Forms have been submitted by all beneficial owners who agree to be bound by the Rules of Racing. Additionally, the Foal Ownership Declaration Form brings the foal under the Rules of Racing. Importantly, the Manager's Foal Ownership Declaration Form provides the location of the foal. Subsequent changes in the location of the foal/Unnamed Horse must be notified except in limited circumstances.

Racing Australia is introducing the following 7 new rules to bring foals and their owners under the Rules of Racing:

- (1) AR.1 – Added definitions to Australian Rules of Racing for the registration of foals and owners.**
- (2) AR.1 – Amended definition to Australian Rules of Racing for the registration of foals and owners.**
- (3) AR.14B – New registration rule of foals and declaration of ownership.**
- (4) AR.15 – Registration of a horse to race which is conditional on AR.14B being complied with.**
- (5) AR.54A - Horse location rule enabling traceability for all horses.**

(6) AR.64J – Death rule for welfare, integrity and traceability purposes.

(7) AR.64JA – Retirement or non-commencement of racing rule for welfare, integrity and traceability purposes.

The specific and detailed rules follow.

1. Add new definitions to AR.1 as follows:

“**Mare Return**” means a return lodged with the Australian Stud Book for each mare declaring (a) the outcome of the mare’s covering by a stallion, or (b) the decision not to have the mare covered.

“**Foal Ownership Declaration**” means the form required to be lodged by the Manager, or his or her Authorised Agent, with the Registrar within 30 days of the Mare Return lodgement. The Declaration must set out the names of each person with a Beneficial Interest in that foal from its birth to the date of the Declaration.

“**Beneficial Interest**” means a person who by agreement or other legal arrangement has the right to some profit distribution or other like benefit from ownership of a horse even though title to the horse is in another’s name or any individual or group of individuals that either directly or indirectly has the power to vote or influence business decisions in respect of the horse.

“**Unnamed Horse**” means an Eligible Horse that has not been registered to race pursuant to AR.15.

“**Named Horse**” means an Eligible Horse that has been registered to race pursuant to AR.15.

“**Eligible Horse**” means a horse which is eligible to be registered under these Rules but has not yet been registered under these Rules.”

Date of Effect: 1 August, 2016

2. Amend the definition of “Manager” in AR.1 as follows:

“**Manager**” means the first-named person recorded by the Registrar of Racehorses in the official ownership records including the Foal Ownership Declaration, transfer or lease (if leased) of a horse or if the horse is owned or leased by a syndicate, the person first-named in the certificate of registration of the syndicate, subject always to the provisions of AR.57(1). If the horse is owned or leased by more than one syndicate, the first-named person appearing in the certificate of registration of the first-named syndicate shall be deemed to be the manager.”

Date of Effect: 1 August, 2016

3. Add AR.14B as follows:

“AR.14B.

- (a) This Rule applies to all Eligible Horses.
- (b) An Eligible Horse cannot be registered under these Rules unless, within 30 days of the Mare Return lodgement, the Foal Ownership Declaration has been lodged by the Manager, or his or her Authorised Agent, with the Registrar.
- (c) Save that in its sole and absolute discretion the Registrar may extend the time specified in subrule (b) to no greater than 90 days including but not limited to a case where a legally qualified veterinary surgeon certifies in writing that such extension is in the best interests of the health of the Eligible Horse.
- (d) Between the time specified in subrule (b) (or any extension of same) and the time an Eligible Horse is first registered under these Rules, all transfers of ownership of such Eligible Horse must be submitted by the transferee, within four weeks of each such transfer taking place, by lodging the prescribed form and paying the prescribed fee.
- (e) Any transfer of ownership application by a syndicate under subrule (d) shall be sufficient if signed by a majority of the members or by the registered manager thereof.
- (f) It is a condition precedent to any application or lodgement under this rule that the Manager, or his or her Authorised Agent, lodging the Foal Ownership Declaration or making application undertakes to be bound by these Rules and, upon action being taken in compliance with this rule (including a syndicate as applicable), the Eligible Horse and its owners thereby become subject to, and agree to be bound by, the Rules.
- (g) It is a requirement of subrule (f) that any person lodging the Foal Ownership Declaration on behalf of other persons is to warrant in writing that they have the authority to give the undertaking specified in subrule (f) on behalf of those other persons.”

Date of Effect: 1 August, 2016

4. Amend AR.15(1) as follows:

“AR.15. (1) Every application to register any horse to race, which has complied with AR.14B, shall contain or be accompanied by the following particulars, viz.:
...”

Date of Effect: 1 August, 2016

5. Add AR.54A as follows:

“AR.54A. (1) The Manager of an Unnamed Horse (or his or her Authorised Agent) must disclose:

- (a) the location of the Unnamed Horse upon request by Racing Australia and/or the relevant Principal Racing Authority, including as required under any registration, ownership transfer or other form; and
- (b) any change in the previously notified location of the Unnamed Horse, to the satisfaction of the relevant Principal Racing Authority, within seven days of that change occurring.

(2) Any person who fails to provide details as to knowledge of the location in accordance with the provisions of the Rules may be penalised.”

Date of Effect: 1 August, 2016

6. Amend AR.64J as follows:

“**AR.64J.** (1) Upon the death of a Named Horse, which has not been retired from racing pursuant to AR.64JA, the Manager, or his or her Authorised agent, must, within 24 hours of the horse being deceased, notify Racing Australia by lodging the Death Notification form prescribed by Racing Australia and must not dispose of the horse without the written approval of the relevant Principal Racing Authority unless a veterinary certificate as to cause of death is provided.

(2) Upon the death of an Unnamed Horse, the Manager, or his or her Authorised agent must, within 48 hours of the horse being deceased, notify Racing Australia by lodging the Death Notification form prescribed by Racing Australia.

(3) Any person who fails to comply with the provisions of sub-rules (1) or (2) commits a breach of these Rules unless he or she proves to the satisfaction of the Stewards that he or she was not aware, and could not reasonably have been aware, of the death of the horse.”

Date of Effect: 1 August, 2016

7. Amend AR.64JA as follows:

“**AR.64JA.** (1) Where a decision has been made to retire, or not commence racing an Eligible Horse, the Manager, or his or her Authorised Agent, of the horse at the time of that decision must, within one month of that decision, notify the Registrar by updating the Stable Return or lodging the relevant Retirement form prescribed by Racing Australia.

(2) Where a form has been lodged in accordance with AR.64JA(1), the horse will cease to be eligible to race or to be trained and is ineligible to race or to be trained unless it is reinstated to race or to be trained.

(3) Where a horse ceases to be eligible to race or to be trained under this Rule, the horse may not be reinstated to race or to be trained except with the express permission of the Stewards.

(4) Any person who fails to comply with AR.64JA(1) or (3) commits a breach of these Rules and may be penalised.”

Date of Effect: 1 August, 2016