

## **Trainer & owner rights & obligations under the TOR Rules & Standard Training Agreement (STA)**

Since the commencement of the Trainer and Owner Reforms (TOR) in August 2017 Racing Australia has been continually monitoring its effectiveness, including via feedback from Principal Racing Authorities and industry participants.

Trainers and owners are reminded the TOR Rules and STA have created new rights and obligations in respect of their training arrangements and dispute resolution processes. It is important that trainers and owners read the TOR Rules and the STA and understand how they affect them.

### **Key rights & obligations under TOR Rules & STA**

- **STA is deemed to apply between trainer and owners.** Unless they have a separate written training agreement they are automatically bound by all the terms in the STA – they don't need to sign the agreement.
- **STA may be varied.** Trainer and owners may agree in writing to change any terms in the STA (provided they are not required by the TOR Rules).
- **How the new dispute resolution process works.**
  - ✓ Trainer must issue fees notice to manager within 7 days of appointment.
  - ✓ Manager has 14 days to object to fees notice, otherwise acceptance is deemed.
  - ✓ Trainer must issue invoice to owner by 15<sup>th</sup> of month following provision of services.
  - ✓ Owner must pay or dispute invoice by end of month invoice received.
  - ✓ If invoice is not disputed by end of month, trainer may file an Enforcement Action Application (EAA) seeking: (1) stop transfer of horse to another trainer or owner; (2) freeze owner's prizemoney and pay to trainer. Filing an EAA immediately bars owner from disputing invoice.
  - ✓ If invoice is disputed, within 14 days either party can request a Training Disputes Tribunal (TDT) to resolve dispute. If a TDT hearing is not sought, no action will follow.
  - ✓ TDT can order payment of unpaid fees to trainer and continuation of EAA actions.
  - ✓ PRA can take disciplinary action against defaulting owner under Rules of Racing.
- **Trainers' other rights against defaulting owners under STA.** These include: lien over owner's share, sale of owner's share, suspending training and retention of documents, gear, trophies etc.

### **Changes to STA (effective 1 August 2018)**

The following changes to the STA take effect on 1 August 2018.

- Clause 1.1 – revised agreement start date.
- Clause 3.1 & 3.3 – provision of fees notice by trainer.
- Clause 8.1(d) – trainer’s retention of horse ID documents.
- Clause 8.1(h) – trainer’s right to sell defaulting owner’s share.
- Clause 8.2 – process for trainer to sell defaulting owner’s share.
- Clause 14 – resolution of disputes not concerning payment.

The revised STA is available here