

AMENDMENTS TO RULES OF RACING

Amendment No 147 – Issued 30 January 2015

The Australian Racing Board (ARB) has approved the following amendments to the Australian Rules of Racing, effective from 1 February 2015.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 64G and AR 196(5)

SUMMARY OF AMENDMENT

AR 64G currently makes it an offence to stomach-tube, attempt to stomach-tube, cause to be stomach-tubed or to be a party to the stomach-tubing of a horse on the day of a race, official trial or jump-out (prior to the relevant event), or during the one clear day prior to the day of the race, official trial or jump-out.

The ARB has amended AR 64G to include an express offence for a person to be a party to an attempted stomach-tubing. Whilst AR 175(l) provides a general offence to attempt to commit a breach of the Rules, it was considered preferable for there to be an express provision for this offence. AR 64G has also been re-structured to make it consistent with other rules preventing certain conduct during the one clear day prior to racing, such as AR 178AA which restricts the administration of alkalinising agents during the one clear day prior to a race, official trial or jump-out.

As a result of the amendments to AR 64G, the Board has also consequentially amended AR 196(5) to make it clear that a minimum penalty of 12 months disqualification applies to breaches of AR 64G if the relevant conduct involves the stomach-tubing or attempted stomach-tubing of a horse on race-day or during the one clear day prior to the relevant race day.

Amendment effective from 1 February 2015

AR 64G BE DELETED AND REPLACED AS FOLLOWS:

AR 64G

- ~~(1) No person, without the permission of the Stewards, may stomach-tube, attempt to stomach-tube, cause to be stomach-tubed or be a party to the stomach-tubing of a horse which is engaged to be run in:~~
- ~~(a) a race: at any time on the day of the race prior to the start of that race or during the one Clear Day prior to the day of the race; or~~
- ~~(b) an official trial or jump-out: at any time on the day of official trial or jump-out prior to the start of that event or during the one Clear Day prior to the day of the official trial or jump-out.~~
- ~~For the purpose of this rule, "stomach-tubed" and variations of that term means any application to a horse of a naso-gastric tube.~~
- ~~(2) Any horse that has been stomach-tubed contrary to the provisions of AR 64G(1)(a) or (b) may be prohibited from starting in any relevant race, official trial or jump-out.~~
- ~~(3) Any horse that has been stomach-tubed contrary to the provisions of AR 64G(1)(a) may be disqualified from the relevant race in which it started.~~

AR 64G

- (1) A horse which is engaged to run in any race, official trial or jump-out must not be stomach-tubed without the permission of the Stewards:
- (a) at any time on the day of the scheduled race, official trial or jump-out and prior to the start of such event; and
- (b) at any time during the one Clear Day prior to 12:01am on the day of the scheduled race, official trial or jump-out.
- (2) Any person who, without the permission of the Stewards:
- (a) stomach-tubes a horse;
- (b) attempts to stomach-tube a horse;
- (c) causes a horse to be stomach-tubed; or
- (d) is a party to the stomach-tubing of a horse, or an attempt to stomach-tube a horse.

- contrary to this rule, commits an offence and may be penalised.
- (3) Where the Stewards are satisfied that a horse has, or is likely to have been, stomach-tubed contrary to the provisions of this rule, the Stewards may prevent the horse from starting in any relevant race, official trial or jump-out.
- (4) Where a horse has been stomach-tubed contrary to this rule, the horse may be disqualified from any relevant race in which the horse competed.
- (5) For the purpose of this rule, "stomach-tubed" and variations of that term means any application to a horse of a naso-gastric tube.

AR 196(5) BE DELETED AND REPLACED AS FOLLOWS:

AR 196

~~(5) Where a person is found guilty of a breach of any of the Rules listed below, a penalty of disqualification for a period of not less than the period specified for that Rule must be imposed unless there is a finding that a special circumstance exists whereupon the penalty may be reduced:~~

- ~~(i) AR 64G(1)(a) – 12 months~~
- ~~(ii) AR 83(d) – 2 years~~
- ~~(iii) AR 84 – 2 years~~
- ~~(iv) AR 135(d) – 3 years~~
- ~~(v) AR 175(aa) – 5 years~~
- ~~(vi) AR 175(h)(i) – 3 years~~
- ~~(vii) AR 175(hh)(i) – 2 years~~
- ~~(viii) AR 177B(6) – 2 years~~
- ~~(ix) AR 178E – 6 months~~
- ~~(x) AR 178H(2) – 2 years~~

~~For the purpose of this sub-rule, a special circumstance is as stipulated by each Principal Racing Authority under its respective Local Rules.~~

AR 196

(5) Where a person is found guilty of a breach of any of the Rules listed below, a penalty of disqualification for a period of not less than the period specified for that Rule must be imposed unless there is a finding that a special circumstance exists whereupon the penalty may be reduced:

AR 64G(2) (where the stomach-tubing or attempt to stomach-tube occurred on race day or on the one Clear Day prior to race day for a horse engaged to run in a race on that race day) – 12 months

AR 83(d) – 2 years

AR 84 – 2 years

AR 135(d) – 3 years

AR 175(aa) – 5 years

AR 175(h)(i) – 3 years

AR 175(hh)(i) – 2 years

AR 177B(6) – 2 years

AR 178E – 6 months

AR 178H(2) – 2 years

For the purpose of this sub-rule, a special circumstance is as stipulated by each Principal Racing Authority under its respective Local Rules.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 182 and AR 183F

SUMMARY OF AMENDMENT

The ARB has approved changes to the rules which impose restrictions on disqualified and suspended persons.

The ARB considered that the Rules ought to be flexible enough to provide restrictions on disqualified or suspended persons so that they do not act to undermine or negatively impact upon the image of racing during their disqualification/suspension. It was considered preferable for there to be an express power to place certain restrictions on suspended or disqualified persons in respect of entering racecourses or other places, participating in media and other matters.

The amendments and additions to the rules are explained and set out below.

1. The ARB has approved amendments to AR 182 to:
 - a. include further restrictions on disqualified persons, including restrictions which prevent disqualified persons:
 - i. conducting or assisting with thoroughbred breeding in Australia (AR 182(1)(l));
 - ii. attending or participating in thoroughbred racehorse sales or related events (AR 182(1)(m));
 - iii. permitting or authorising any other person to conduct any activity associated with thoroughbred racing, thoroughbred racehorse sales and/or breeding for or on behalf of the disqualified person (AR 182(1)(n)); and/or
 - iv. receiving any direct or indirect financial or other benefit from thoroughbred racing and/or breeding in Australia (AR 182(1)(o)).
 - b. in addition to the restrictions contained in AR 182(1), provide an express power for a Principal Racing Authority (or other body which imposed the penalty of disqualification) to order that a disqualified person:
 - i. not participate in social media or mainstream media in relation to any racing or wagering matter;
 - ii. to adhere to such other restrictions as may be necessary or desirable to prevent conduct by the disqualified person that could be prejudicial to the image or interests or welfare of racing (see new AR 182(2)).
2. In addition, the ARB has added a new AR 183F to provide an express power for a Principal Racing Authority (or other body which imposed a penalty of suspension) to order that a suspended person:
 - a. not enter designated places at racecourse except at times or on conditions as may be specified in the order;
 - b. not participate in social media or mainstream media in relation to any racing or wagering matter;
 - c. adhere to such other restrictions as may be necessary or desirable to prevent conduct by the suspended person that could be prejudicial to the image or interests or welfare of racing.

AR 182 BE DELETED AND REPLACED AS FOLLOWS:

AR 182

- ~~(1) Except with the consent of the Principal Racing Authority that imposed the disqualification, and upon such conditions that they may in their discretion impose, a person disqualified by the Stewards or a Principal Racing Authority shall not during the period of that disqualification:~~
- ~~(a) Enter upon any racecourse or training track owned, operated or controlled by a Club or any land used in connection therewith;~~
 - ~~(b) Enter upon any training complex or training establishment of any Club or licensed person;~~
 - ~~(c) Be employed or engaged in any capacity in any racing stable;~~
 - ~~(d) Ride any racehorse in any race, official trial, jump-out or test;~~
 - ~~(e) Enter or nominate a horse for a race or official trial;~~
 - ~~(f) Subscribe to any sweepstakes;~~
 - ~~(g) Race or have trained any horse whether as owner, lessee or otherwise;~~
 - ~~(h) Share in the winnings of any horse;~~
 - ~~(i) Participate in any way in the preparation for racing or training of any racehorse;~~
 - ~~(k) Open a betting account, operate an existing betting account, transact a bet or have a bet transacted on his/her behalf, have any interest in or share in any bet, receive a benefit from any bet placed with a licensed wagering operator in connection with any thoroughbred race meeting held in Australia.~~
- ~~[amended 1/2/01, 30/4/03, 1/9/00, 11/4/12]~~
- ~~(2) Except with the consent of the Principal Racing Authority that imposed the disqualification, no person who in the opinion of the Principal Racing Authority or the Stewards is a close associate of a disqualified person shall be permitted to train or race any horse. [sub-rule (2) amended 1/10/00, 30/4/03]~~
- ~~(3) Unless otherwise determined by the Principal Racing Authority that imposed or adopted the penalty, the period of disqualification of any person who contravenes any of the provisions of sub-rule (1) of this rule, shall automatically recommence as from the most recent date of such contravention, and the person may also be subject to further penalty. [added 1/12/10]~~
- ~~(4) The provisions of sub-rule (3) shall apply to any person to whom AR 182 applies, regardless of when such penalty that gives rise to the application of the rule was imposed. [added 1/12/10]~~

AR 182

- (1) Except with the consent of the Principal Racing Authority that imposed the disqualification, and upon such conditions that they may in their discretion impose, a person disqualified pursuant to these Rules must not, during the period of that disqualification:
- (a) enter upon any racecourse or training track owned, operated or controlled by a Club or Principal Racing Authority or any land used in connection with such properties;
 - (b) enter upon any training premises, complex or establishment of any Club, Principal Racing Authority or licensed person;
 - (c) be an office holder, official, member or employee of any Club or Principal Racing Authority;
 - (d) be employed by, or otherwise engaged to provide any service in any capacity to, any thoroughbred racing stable;
 - (e) ride any racehorse in any race, official trial, jump-out or test;
 - (f) enter or nominate any horse for a race or official trial whether acting as agent or principal or in any other capacity;
 - (g) subscribe to any sweepstakes;
 - (h) race or have trained any horse whether as owner, lessee or in any other capacity;
 - (i) share in the winnings of any horse;
 - (j) participate in any way in the preparation for racing or training of any racehorse;
 - (k) open a betting account, operate an existing betting account, transact a bet or have a bet transacted on his/her behalf, have any interest in or share in any bet, receive a benefit from any bet placed with a licensed wagering operator in connection with any thoroughbred race meeting held in Australia;
 - (l) conduct or assist with thoroughbred breeding in Australia;
 - (m) attend or participate in thoroughbred racehorse sales or related events;
 - (n) permit or authorise any other person to conduct any activity associated with thoroughbred racing, thoroughbred race horse sales and/or breeding for or on behalf of the disqualified person; and/or
 - (o) receive any direct or indirect financial or other benefit derived from thoroughbred racing and/or breeding in Australia.
- (2) In addition to any of the restrictions that may apply in respect of a disqualified person, including those set out in AR 182(1), the Principal Racing Authority or the body which imposed the disqualification may order the disqualified person:
- (a) not to participate in social media or mainstream media in relation to any racing or wagering matter;
 - (b) to adhere to such other restrictions as may be necessary or desirable to prevent conduct by the disqualified person that could be prejudicial to the image or interests or welfare of racing.
- (3) Except with the consent of the Principal Racing Authority that imposed the disqualification, no person who in the opinion of the Principal Racing Authority is a close associate of a disqualified person shall be permitted to train or race any horse.
- (4) A disqualified person who breaches an order made pursuant to AR 182(2) is guilty of an offence and may be penalised.

(5) Unless otherwise determined by the Principal Racing Authority that imposed or adopted the penalty, the period of disqualification of any person who contravenes any of the provisions of rule AR 182(1), shall automatically recommence as from the most recent date of such contravention, and the person may also be subject to further penalty.

(6) The provisions of subrule (5) shall apply to any person to whom AR 182(1) applies, regardless of when such penalty that gives rise to the application of the rule was imposed.

AR 183F BE ADDED AS FOLLOWS:

AR 183F

In addition to any of the restrictions that may apply to a suspended person under the Rules, the Principal Racing Authority or the body which imposed the suspension may order the suspended person:

(1) not to enter designated places at racecourses except at times or on conditions as may be specified in the order;

(2) not to participate in social media or mainstream media in relation to any racing or wagering matter; and

(3) to adhere to such other restrictions as may be necessary or desirable to prevent conduct by the suspended person that could be prejudicial to the image or interests or welfare of racing.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 196(1) and (2)

SUMMARY OF AMENDMENT

AR 196(1) and (2) prescribe upper monetary limits of \$75,000 for:

- (a) the imposition of fines for any breach of the Rules; and
- (b) the forfeiture of a rider's percentage of prize money for a breach of AR 137A (whip offences).

The ARB believes it is necessary for the scope of financial penalties to remain an effective deterrent. Whilst the upper limit of monetary penalties is not often reached, the Rules need to remain relevant and this includes the upper limit which may be imposed as monetary penalty.

The upper limit of monetary penalties for general Rule breaches has not increased in over 15 years and has therefore not kept up with increases in prize money and inflation over that time. It is noted that, in particular, prize money has increased at major carnivals such as the Sydney Championships and the Melbourne Spring Carnival.

The ARB therefore decided to raise the relevant monetary limits in AR 196(1) and (2) for fines (or forfeitures for AR 196(2)) from \$75,000 to an amount not exceeding \$100,000.

Amendment effective from 1 February 2015

AR 196(1) AND (2) BE DELETED AND REPLACED AS FOLLOWS:

~~AR 196~~

- ~~(1) Subject to subrule (2) of this Rule any person or body authorised by the Rules to penalise any person may, unless the contrary is provided, do so by disqualification, suspension, reprimand, or fine not exceeding \$75,000. Provided that a disqualification or suspension may be supplemented by a fine. [fine increased 1/8/99; sub-rule amended 1/12/05; deleted and replaced 1/8/09; amended 1/9/09]~~
- ~~(2) In respect of a breach of AR 137A the Stewards may in addition to the penalty options conferred on them under subrule (1) of this Rule order the forfeiture of the rider's riding fee and/or forfeiture of all or part of the rider's percentage of prizemoney notwithstanding that the amount exceeds \$75,000. [sub-rule added 1/11/01; deleted and replaced 1/8/09]~~

AR 196

- (1) Subject to sub-rule (2) of this Rule any person or body authorised by the Rules to penalise any person may, unless the contrary is provided, do so by disqualification, suspension, reprimand, or fine not exceeding \$100,000. Provided that a disqualification or suspension may be supplemented by a fine.
- (2) In respect of a breach of AR 137A the Stewards may in addition to the penalty options conferred on them under sub-rule (1) of this Rule order the forfeiture of the rider's riding fee and/or forfeiture of all or part of the rider's percentage of prizemoney notwithstanding that the amount exceeds \$100,000.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 196(4)

SUMMARY OF AMENDMENT

The current AR 196(4) allows the operation of a penalty to be suspended for a period not exceeding 12 months. The suspension of the operation of a penalty for a period can act as a significant deterrent to the disciplined person breaching the rules during that period.

The ARB considers it appropriate and desirable to introduce this reform and to give racing authorities scope to impose penalties with sufficient deterrent effect. Many conduct breaches are due to volatility of personalities and a longer period of suspension of penalty (which may be viewed in a similar way to a bond) will provide a greater deterrent to re-offending.

The ARB therefore decided that AR 196(4) be amended to extend the period for which the operation of a penalty may be suspended from 12 months to two years.

Amendment effective from 1 February 2015

AR 196(4) BE DELETED AND REPLACED AS FOLLOWS:

AR 196

~~(4) — Any person or body authorised by the Rules to penalise any person may in respect of any penalty in relation to the conduct of a person, other than a period of disqualification or a warning off, suspend the operation of that penalty either wholly or in part for a period not exceeding 12 months upon such terms and conditions as they see fit. [added 1/6/11]~~

AR 196

(4) Any person or body authorised by the Rules to penalise any person may in respect of any penalty imposed on a person in relation to the conduct of a person, other than a period of disqualification or a warning off, suspend the operation of that penalty either wholly or in part for a period not exceeding two years upon such terms and conditions as they see fit.

AMENDMENT TO THE AUSTRALIAN RULES OF RACING: AR 177C and AR 178G

SUMMARY OF AMENDMENT

Racing authorities have recognised a phenomenon of elevated testosterone levels in excess of the threshold for testosterone in AR 178C(1)(g)(i) in race day urine samples arising from unusual endogenous adrenal gland production in certain geldings. These findings were repeatable in the affected individuals. Subsequently, new AR 177C and AR 178G were introduced to deal with the consequences of these unusual findings in the affected geldings.

More recently, a similar issue has been identified in a very small number of female thoroughbreds, again a repeatable phenomenon in the affected individuals.

As for geldings, there is the need to address the consequences of atypical endogenous elevations in affected female racehorses in terms of the disqualification of the horse and the culpability of the trainer.

Therefore, the ARB has decided that AR 177C and AR 178G be amended to include provision for atypical endogenous testosterone production in female horses leading to elevations in urinary testosterone concentrations in excess of the threshold specified in AR 178C(1)(g)(ii).

Amendment effective from 1 February 2015

AR 177C BE DELETED AND REPLACED AS FOLLOWS:

~~AR 177C In the case of the presence of testosterone (including both free testosterone and testosterone liberated from its conjugates) above a mass concentration of 20 micrograms per litre being detected in a urine sample taken from a gelding prior to or following its running in any race it is open to the Stewards to find that the provisions of AR 177 or 178H do not apply if on the basis of the scientific and analytical evidence available to them they are satisfied that the detected level in the sample was of endogenous origin or as a result of endogenous activity. [added 1/10/12, amended 1/11/13]~~

AR 177C In the case of the presence of testosterone (including both free testosterone and testosterone liberated from its conjugates) above a mass concentration of 20 micrograms per litre being detected in a urine sample taken from a gelding, or above a mass concentration of 55 micrograms per litre being detected in a urine sample taken from a filly or mare, prior to or following its running in any race, it is open to the Stewards to find that the provisions of AR 177 or AR 178H do not apply if on the basis of the scientific and analytical evidence available to them they are satisfied that the detected level in the sample was of endogenous origin or as a result of endogenous activity.

AR 178G BE DELETED AND REPLACED AS FOLLOWS:

~~AR 178G~~

~~In the case of the presence of testosterone (including both free testosterone and testosterone liberated from its conjugates) above a mass concentration of 20 micrograms per litre being detected in a urine sample taken from a gelding prior to or following its running in any race it is open to the Stewards to find that the provisions of AR 178 or AR 178H do not apply if on the basis of the scientific and analytical evidence available to them they are satisfied that the detected level in the sample was of endogenous origin or as a result of endogenous activity. [added 1/10/12, amended 1/11/13]~~

AR 178G

In the case of the presence of testosterone (including both free testosterone and testosterone liberated from its conjugates) above a mass concentration of 20 micrograms per litre being detected in a urine sample taken from a gelding, or above a mass concentration of 55 micrograms per litre being detected in a urine sample taken from a filly or mare, prior to or following its running in any race, it is open to the Stewards to find that the provisions of AR 178 or AR 178H do not apply if on the basis of the scientific and analytical evidence available to them they are satisfied that the detected level in the sample was of endogenous origin or as a result of endogenous activity.

To view the current version of the Rules of Racing, please visit the following link to the Racing Victoria website: http://www.racingvictoria.net.au/p_Rules_of_Racing.aspx