



Appeal Guidelines for Late Lodgement of Foal Ownership Declarations

Racing Australia (**RA**) is responsible for administering the Australian Rules of Racing (**Rules**) along with the Principal Racing Authority (**PRA**) in each state and territory.

Any party required to submit a Mare Return and/or a Foal Ownership Declaration must do so under the Rules, in particular AR 285, AR 286 and AR 287.

If a party is late in submitting a Foal Ownership Declaration (**FOD**) to RA and RA has applied AR 287 where a horse cannot be registered for racing, then an appeal process is available to that party in relation to the application of AR 287.

These guidelines are provided to assist persons (**Applicant**) who are making an application to RA for the exercise of the discretion available to RA in AR 287 (1). RA is not limited by these guidelines in deciding whether to refuse to register a Thoroughbred for racing and to apply AR 285, AR 286 or AR 287.

The timely registration of foals is a serious issue relevant to traceability of horses and the Rules reflect certain timeframes and standards to ensure appropriate levels of traceability. The Registrar of Racehorses (**Registrar**), an employee of RA, is responsible for keeping records in relation to horses registered under the Rules.

Fees

Foal Ownership Declarations that are lodged after 60 days (i.e more than 60 days after the birth of the foal) will be accepted and charged the current applicable fee (\$140 in 2025 or as updated) but the horse will be flagged as not eligible to race in Australia.

An email will be sent to the Managing Owner advising of this ineligibility and providing a link to lodge an appeal if required.

If it is elected to appeal the ineligibility, a fee of \$500 will be charged for the appeal which will be heard by an independent third party. If the appeal is successful, the ineligibility to race will be removed and the appeal fee will be refunded and the current applicable late fee (\$360 in 2025 or as updated) will be charged.

Appeal Submission

An appeal must be submitted (1) in writing to RA in the form required by RA accessed through the email sent to the Managing Owner and (2) with payment of the applicable fees.

The appeal will only be considered lodged at the time the submission and payment of the appeal fee is confirmed as received electronically by RA.

An appeal on the ineligibility of the horse to race due to late lodgment of the FOD will not be accepted by RA more than 90 days after the Managing Owner receives the email notification of a late FOD submission.

Appeal Criteria

If it is elected to appeal the ineligibility, an appeal can only be upheld if special, exceptional or extenuating circumstances are proven and supported by documentation or appropriate evidence.

The appeal submission must provide written reasons why the FOD was submitted later than 60 days after the birth of the foal. The general criteria for which the Applicant is required to provide information are that matters of special, exceptional or extenuating circumstances existed that prevented the completion of obligations to lodge documentation when it was due.

Appropriate Evidence and Documents

In addition to a written submission describing the relevant circumstances to be considered, documentary evidence will be required to support the written submission describing special, exceptional or extenuating circumstances for late lodgement of the FOD. These supporting documents are to explain or are intended to prove the Applicant's claim.

Documents submitted may include, but are not limited to:

- medical or other health practitioner certificates and records
- financial records, professional reports
- weather, environmental, building or engineering reports, insurance records, declarations by government or other relevant authorities
- statements or documents from telecommunications providers, technology providers, technology experts, utility providers
- expert or witness statements, applicant statements in the form of statutory declarations

Appeal Process

The Appeal process will be administratively managed by a Secretary who is an officer of Racing Australia.

The decision whether an Appeal is successful or not will be made by an independent legal expert based on the written documents submitted. One member of an Appeal panel will be allocated the appeal for decision.

The decision regarding the Appeal will be advised to the Applicant within 21 days of lodgement of the Appeal, unless otherwise advised.