AMENDMENTS TO AUSTRALIAN RULES OF RACING

AR99 Disqualification of Wrong Horse Which Competed in Race or Trial

Summary:

Under AR 234, PRAs/Stewards may disqualify a horse entered or run in any race under a fraudulently false description or in connection with any other improper or dishonourable action or practice. This rule was designed to deal with matters which generally involve an element of misconduct.

However, there is no rule which expressly provides for disqualification where the wrong horse competes and misconduct is not present, such as the wrong horse running as a result of trainer error. Cases in Victoria and Queensland have highlighted that such offences would be better dealt with under a specific rule, rather than relying on AR 234.

Following a recommendation from the Chairmen of Stewards Committee, Racing Australia has introduced a specific rule – AR 99(2) – which gives PRAs/Stewards the express power to disqualify the wrong horse which competed in a race or official trial (for example, due to neglect or carelessness). Under the rule, there is no need to establish that the wrong horse competing was the result of fraudulent or improper practice or dishonourable action before disqualifying the horse.

Amend AR 99 as follows:

AR 99 Obligation to ensure an identified horse is presented and races

(1) The trainer of a horse and/or the trainer's authorised representative must ensure, including by reference to the horse's Thoroughbred Identification Card, that if a horse is engaged to run in any race or official trial, the correct horse:

    (a) is brought to the racecourse;

    (b) is presented to start in the relevant race or official trial;

    (c) starts in the relevant race or official trial.

(2) Where a horse is brought to a racecourse, is presented to start in a race or official trial, and/or starts in a race or official trial, contrary to the provisions of subrule (1), a PRA or the Stewards must disqualify that horse from the relevant race or official trial.

Date of effect: 1 January 2022