



AMENDMENTS TO AUSTRALIAN RULES OF RACING

Proposed Amendment - AR 109A and AR 223

Summary

Racing Australia considered the implications for the Australian Rules of Racing resulting from the decision of the Court of Appeal of Queensland in *Queensland Racing Integrity Commission v Endresz; Racing Queensland Board v Endresz* [2024] QCA 76.

Racing Australia in consultation with the PRAs recommended the introduction of a new rule and one amendment to an existing rule in the Australian Rules of Racing.

The new Rule 109A addresses the principles of procedural fairness and natural justice under the Rules of Racing for a horse owner to be given notice of, and an opportunity to be heard at, an investigation or stewards' inquiry into a matter relating to a horse with the notice being given to the trainer or trainer's representative.

The amendment to AR 223 concerns the withholding of prizemoney pending a protest or inquiry. The sub rule (c) change clarifies that any relevant investigation or inquiry is not required to have commenced for prizemoney to be withheld.

Consultation with and by the PRA's was undertaken between May 2024 and August 2024. The PRA's have confirmed their support for this amendment.

1. Introduce a new rule AR 109A as follows:

AR109A Trainer conclusively treated as representative of the owner for the purposes of the principles of procedural fairness and natural justice

(1) For the purposes of the principles of procedural fairness and natural justice (where applicable under any part of the Rules), the owner or owners of a horse shall be conclusively treated as having been given adequate notice of any matter relating to a horse, and/or an adequate opportunity to be heard in relation to that matter, where such notice and/or an opportunity to be heard is given to the trainer of that horse or the trainer's authorised representative.

(2) For the avoidance of doubt, any right or entitlement of an owner or owners pursuant to the principles of procedural fairness and natural justice to receive notice of any matter relating to a horse, and/or an adequate opportunity to be heard in relation to that matter, separate from or additional to (1) above, is excluded."

Date of effect: 1 November 2024

2. Amend AR 223 as follows:

AR 223 Withholding of prizes pending consideration of a protest or inquiry

Whenever:

- (a) a protest has been lodged; or
- (b) an investigation or inquiry which may affect the placing of a horse has been instituted; or
- (c) any action is taken or **is** about to be taken which may lead to an investigation or inquiry which may affect the placing of a horse ~~has been instituted~~,

any prize due in respect of a horse may be withheld pending the consideration of the protest, investigation or inquiry”.

Date of effect: 1 November 2024