



Western Australia

Rules of Harness Racing 1999

Compare between:

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Western Australia

[As amendments are no longer published in full in the *Gazette*, the rules may be obtained from the Western Australian Trotting Association.]

Western Australian Trotting Association Act 1946

Rules of Harness Racing 1999

Schedule

Part 1

Clubs

1. Registration of clubs

The Controlling Body shall keep a register of all harness racing clubs granted registration.

2. Registration procedure

- (1) A club desiring to promote or conduct meetings or races may make application to the Controlling Body for registration.
- (2) An application shall be made in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body may determine.
- (3) The Controlling Body may grant registration upon such terms and conditions as it thinks fit.
- (4) Registration may be refused by the Controlling Body without assigning any reason.
- (5) Registration may be cancelled by the Controlling Body for breach of a rule or a term or condition of registration.

LR 2. Application for registration

- (1) *An application for registration shall be made to the Controlling Body not less than 2 months before the expiration of any existing registration.*
- (2) *An applicant shall forward copies of its financial reports and accounts to the Controlling Body not less than 2 weeks before the expiration of any existing registration.*
- (3) *An unregistered club may make application for registration at any time and its application shall be accompanied by copies of its financial reports and accounts.*
- (4) *An application shall be made on form LR 2-A.*

- (5) *Any change to the information furnished on the form shall be notified to the Controlling Body within 7 days of the change occurring.*
- (6) *It is a term and condition of registration under rule 2 that a registered club shall keep worker's compensation and public risk insurance current during the term of registration.*
- (7) *It is a term and condition of registration under rule 2 that a registered club which makes application to a person or body (other than the Controlling Body) for permission to conduct a meeting or race or for the allocation of dates for a meeting or race, shall forward a copy of its application and any associated correspondence and documentation to the Controlling Body.*

3. Races at agricultural shows

- (1) Persons or bodies who desire to promote or conduct races at agricultural shows or similar events may make application to the Controlling Body for permission to do so or for registration.
- (2) The application shall be made in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body may determine.
- (3) The Controlling Body may grant permission or registration upon such terms and conditions as it thinks fit
- (4) Permission or registration may be refused by the Controlling Body without assigning any reason.
- (5) At the conclusion of the agricultural show or event the person or body granted permission or registration under this rule shall forthwith supply to the Controlling Body such reports, documents and other information as the Controlling Body may require.

LR 3. Applications by agricultural show societies

- (1) *An application for registration shall be made to the Controlling Body not less than 2 months before the expiration of any existing registration.*
- (2) *An unregistered show society may make application for registration at any time.*
- (3) *An application shall be made on form LR3-A.*

- (4) *Any change to the information furnished on the form shall be notified to the Controlling Body within 7 days of the change occurring.*
- (5) *It is a term and condition of registration under rule 3 that a registered show society shall keep workers' compensation and public risk insurance current during the term of registration.*
- (6) *It is a term and condition of registration under rule 3 that a registered show society shall promptly supply the Controlling Body with such reports, documents and information as the Controlling Body may require.*

4. Inspection and measurement of tracks

Before registration can be granted under rule 2 the track proposed to be used for the conduct of meetings or races must be inspected by a person nominated by the Controlling Body and the Controlling Body must approve the use of the track.

5. Certificate of track dimensions

Each club shall whenever required by the Controlling Body to do so, furnish the Controlling Body with a certificate relating to the dimensions of the club's track made by such person and containing such information and certification and complying with such requirements as the Controlling Body may determine.

LR5. Requirement for certificate

- (1) *Each Club shall provide the Controlling Body with a certificate by a competent civil engineer or surveyor certifying by statutory declaration the exact length of the Club's track measured one metre horizontally from that portion of the inside fence which projects furthest over the track, or where there is no fence from the inside boundary of the track delineated by flexi poles.*
- (2) *Such certificate shall be endorsed by the Secretary of the Club, and shall be placed on the records of the Controlling Body.*
- (3) *The Controlling Body may waive the necessity for such certificate on such terms and conditions as it may deem fit.*
- (4) *Each track shall be re-measured and re-certified in the event of any changes or relocation of the running rail or flexi poles.*

6. Qualifying/requalifying supervisors

- (1) Clubs, persons or bodies granted permission or registration under rule 3, and such other persons as the Controlling Body may determine, may make application to the Controlling Body for the appointment of persons as qualifying/requalifying supervisors.
- (2) The application shall be made in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body may determine.
- (3) The Controlling Body may make appointments upon such terms and conditions as it thinks fit.
- (4) An application may be refused by the Controlling Body without assigning any reason.
- (5) Subject to the terms and conditions imposed under sub rule (3), qualifying/requalifying supervisors may —
 - (a) at or in respect of races promoted or conducted at agricultural shows or similar events exercise the powers conferred on stewards by these rules;
 - (b) supervise the conduct of official trials.

LR 6. Application form

Application for appointment of a person as a Qualifying/Requalifying supervisor shall be made on form LR6-A.

7. Harness racing associations

- (1) The secretary or other office holder of a harness racing association shall submit the association's constitution, rules, or any amendments thereto, to the Controlling Body for approval.
- (2) The constitution, rules, or amendments thereto, as the case may be, have no force or effect unless approval is given by the Controlling Body.
- (3) The secretary or other office holder of a harness racing association shall comply with a direction or request of the Controlling Body.
- (4) A person who fails to comply with sub rule (1) or sub rule (3) is guilty of an offence.

8. Information and reports

A club or an official shall when directed by the Controlling Body furnish it with information or investigate and report upon a matter.

9. Exclusion from racecourse

- (1) A club may exclude from its racecourse, premises or other place under its control, a person under disqualification or a person currently warned off or excluded from a racecourse.
- (2) A club shall immediately inform the Controlling Body of action taken under sub rule (1) and the reasons for that action.
- (3) If the Controlling Body disallows the action the club shall rescind it.
- (4) A club shall act under sub rule (1) if so directed by the Controlling Body.
- (5) A club which fails to comply with sub rule (2) or sub rule (3) or a direction given under sub rule (4) is guilty of an offence.

10. Offence - unregistered races

- (1) A club shall not promote or conduct meetings or races unless it is registered under these rules.
- (2) A club which fails to comply with sub rule(1) is guilty of an offence.
- (3) An office bearer of a club or body which fails to comply with sub rule(1) is guilty of an offence.

11. Offence — agricultural shows

- (1) A person or body shall not, in the absence of permission or registration granted under rule 3, promote or conduct races at agricultural shows or similar events.
- (2) A person or body shall not promote or conduct races at agricultural shows or similar events otherwise than in accordance with the terms and conditions of permission or registration granted under rule 3.
- (3) A person or body who fails to comply with any provision of this rule or with rule 3(5) is guilty of an offence.

- (4) An office bearer of a body which fails to comply with any provision of this rule or with rule 3(5) is guilty of an offence.

12. Offence - unregistered club

- (1) A person shall not take part in, or be employed or engaged in or about, or be connected with, any meeting, race or event promoted or conducted by a club not registered under these rules.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

13. Disqualification of horse

Any horse owned, trained, raced or driven by any person convicted of an offence under rule 12, may be disqualified from racing and prevented from being trained on any racecourse or track.

Part 2

Stewards

14. Appointment

- (1) The Controlling Body may appoint stewards.
- (2) One steward shall be appointed Chairman of Stewards and another may be appointed Deputy Chairman of Stewards.
- (3) The Chairman shall be the Chief Steward at any meeting or race officially attended by the Chairman unless the Chairman otherwise directs.
- (4) The Deputy Chairman shall be the Chief Steward at any meeting or race officially attended by the Deputy Chairman unless the Chairman is also in official attendance or the Deputy Chairman otherwise directs.
- (5) At any meeting or race attended by stewards one shall be the Chief Steward including the case where only one steward is in attendance.
- (6) At any meeting or race attended by more than one steward the Chief Steward shall have a casting as well as a deliberative vote.

- (7) The Controlling Body may substitute other names for Chairman of Stewards and Deputy Chairman of Stewards and these rules will then be read accordingly.

LR 14. Appointment of Stewards

- (1) Rule 14(1) shall not apply.

Footnote:

The power of the Committee to appoint stewards is conferred by the Bylaws.

- (2) Notwithstanding rule 14(2), the Committee may appoint 2 Deputy Chairmen of Stewards, and may, from time to time, designate which of them is to be the Chief Steward at any meeting or race at which the Chairman is not in official attendance.
- (3) Rule 14(4) shall not apply.
- (4) For the purpose of rule 14(7), the reference to “Deputy Chairman” shall be taken to be reference to “Deputy Chairmen”.

[Local Rule 14 inserted in Gazette 22 January 2002 p.361.]

15. Powers

Stewards are empowered —

- (a) to direct and control at any meeting or race the activities of officials, owners, qualifying/requalifying supervisors, trainers, drivers, bookmakers, clerks, persons attending horses and anyone else appointed, employed or engaged in or about the meeting or race;
- (b) to entertain and determine all matters under question or in dispute at or arising out of a meeting or race, or concerning the meaning or application of these rules, or concerning any aspect of the harness racing industry.
- (c) at any meeting or race to appoint or remove any person from or to any office, position, responsibility or task;
- (d) to exclude or direct the removal of a person from a racecourse;
- (e) to suspend or disqualify any person from participating in or being employed or engaged in or about the harness racing industry;

- (f) to furnish information about any person excluded, directed or warned off any racecourse to such persons and in such form as they consider appropriate;
- (g) to stop, restart, rerun, postpone or abandon any race;
- (h) to declare any race void;
- (i) to postpone any meeting;
- (j) to make announcements or issue publications or notices;
- (k) to inspect, examine or test in such manner as they consider appropriate any person, horse, racetrack, stable, stud, artificial breeding station or other place, document, equipment, vehicle or substance;
- (l) to provide reports and recommendations about or arising out of any inquiry, investigation or determination or upon any subject connected with the harness racing industry to the Controlling Body;
- (m) to impose fines;
- (n) to impose any other penalties provided for in these rules;
- (o) to utilise any equipment;
- (p) to confiscate or take possession of any substance or equipment or document permanently or for a period;
- (q) to substitute any driver at a meeting or race;
- (r) to suspend or disqualify any driver;
- (s) to control the number of starters in a race;
- (t) to withdraw, bar or disqualify a horse from a race, or declare a horse to be a non starter, or late scratching;
- (u) to reinstate a horse withdrawn or scratched or direct that a horse start in a race;
- (v) to exclude a horse from a barrier draw;
- (w) to handicap or rehandicap a horse;
- (x) to take possession of a horse, alive or dead;
- (y) to order the removal or destruction of a horse;
- (z) to authorise or direct an autopsy of a horse;
- (aa) to bar a horse from racing;
- (ab) to make declarations and orders with respect to betting;

- (ac) to engage the assistance or services of any person as a deputy or in any other capacity;
- (ad) to order payment by a person of costs or expenses incurred by the stewards in the performance of their duties; and
- (ae) to do anything else reasonably necessary to the performance of their duties.

LR 15. Power to enter premises

- (1) *Without limiting rule 15, the stewards are empowered to enter upon land and premises owned or occupied by a licensed or registered person or occupied by permission or licence of a licensed or registered person or where any registered horse is kept in the performance of any of the stewards' powers under these rules.*
- (2) *A steward who enters and remains upon land or premises under this rule, shall not thereby commit a trespass thereon and no action shall be brought or maintained against the steward or the Controlling Body for any damages or relief in respect of such entry or remainder.*

16. Powers exercisable at agricultural shows etc.

The stewards may, at races conducted at agricultural shows or similar events and at official trials and time trials, exercise the powers conferred upon them by these rules.

17. Stewards may require trial

- (1) The stewards may require a horse to be trialled.
- (2) If the stewards are not satisfied with the performance of a horse trialled pursuant to sub rule (1), they may declare it ineligible to race for such period as they think fit.

18. Presence of stewards at meetings

Except with the approval of the Controlling Body, a club shall not conduct a meeting or race in the absence of the stewards.

LR 18. Controlling Body steward not present at meeting

In the event that no steward appointed by the Controlling Body is present at any meeting the following persons in order of priority shall act as a steward:

- (a) *a steward appointed by the Controlling Body but not for that meeting;*
- (b) *an official of the Controlling Body or member of the committee of the Controlling Body;*
- (c) *a Club steward;*
- (d) *the chairman or president of the Club;*
- (e) *a member of the Club;*
- (f) *a starter approved by the Controlling Body.*

19. Cadet and assistant stewards

- (1) The Controlling Body may appoint cadet and assistant stewards.
- (2) Persons appointed under sub rule (1) may exercise such powers of a steward as the Controlling Body may determine and are subject to the provisions of rule 20.

LR 19. Rule 19 not to apply

Rule 19 shall not apply.

Footnote: The appointment of stewards is dealt with by the Bylaws.

20. Conflicts of interest

- (1) No steward shall exercise any power conferred by these rules in respect of any matter in which the steward has a financial or family interest or which in any other way gives rise to a conflict of interest.
- (2) No steward shall bet or have a financial interest in any bet on a race.
- (3) No steward shall be engaged, whether alone or in any type of association with others, in any business or activity involving the ownership, breeding, sale, lease, training, racing or management of horses connected with the harness racing industry.
- (4) Unless the Controlling Body directs otherwise, the office of a steward is vacated if the steward does any of the things mentioned in this rule.
- (5) Unless the Controlling Body directs otherwise, a steward's office is vacated if the steward's spouse or de facto partner becomes involved

in or acquires an interest in any business or activity described in sub rule (3).

[Rule 20 amended in Gazette 30 June 2003 p.2628.]

LR 20. Rule 20 not to apply

Rule 20 shall not apply.

Footnote: The suspension of stewards and related matters are dealt with by the Bylaws.

Part 3

Meetings and Races

21. Dates for meetings and races

- (1) The Controlling Body may allocate to clubs and associations the dates on which meetings and races may be conducted.
- (2) Applications for dates must be lodged with the Controlling Body by the time stipulated by the Controlling Body.

22. Change of date

The date of a meeting shall not be changed except with the consent of the Controlling Body.

23. Nominations and acceptances

- (1) A horse may be nominated for acceptance in a race.
- (2) Only the Controlling Body can accept nominations.
- (3) A horse shall be nominated by the persons, in the manner and form, and with the accompanying documentation, information and fees determined by the Controlling Body.
- (4) Without limiting sub rule (3), the Controlling Body may require the nominator of a horse to supply names and particulars of persons with an interest in the horse.
- (5) A horse cannot be nominated if it is not registered under these rules or if a current stable return has not been lodged.

[(6) repealed]

- (7) A horse in which a disqualified person and the spouse or de facto partner, or parent, sibling or child of a disqualified person have an interest shall not be nominated for a race without the consent of the Controlling Body.
- (8) A nomination is not voided by the death of 1 or more of the connections or nominator of the horse.
- (9) A nomination cannot be made after the closing time shown on the approved program except when the closing time is extended by the Controlling Body.
- (10) A nomination cannot be altered or otherwise changed after the closing time except with the consent of the Controlling Body or the stewards.
- (11)
 - (a) The Controlling Body shall not accept the nomination of a horse after attaining the age of 14 years.
 - (b) Notwithstanding part (a) of this rule the Controlling Body may at its discretion accept the nomination of a horse that has attained the age of 14 years subject to confirmation of the horse's fitness to compete by the Controlling Body's official veterinarian.
- (12) A disqualified horse cannot be nominated for or start in a race.
- (13) The Controlling Body may reject a nomination without assigning any reason.

[Rule 23 amended in Gazette 28 April 2000 p.2046; 20 September 2002 p.4697; 30 June 2003 p.2628.]

LR 23. Nomination form

- (1) *Where nomination is made in writing form LR23-A shall be used.*
- (2) *Nominations shall be lodged with the Controlling Body in accordance with the advertised racing program.*
- (3) *If the last race of a nominated horse was outside the jurisdiction of the Controlling Body it must receive clearance from the Controlling Body of the place where that race occurred.*

24. Nomination for heats and qualifying divisions

Nominations for any race may be called for in heats or in qualifying divisions.

25. Stable returns

- (1) A stable return must be lodged with the Controlling Body by the connections of a horse within the time and in the manner and form determined by the Controlling Body.
- (2) On a change of trainer or any other particular specified by the Controlling Body a fresh stable return must be lodged.
- (3) If, after a horse is accepted but before the race is run, some dealing in or change of interest or event specified by the Controlling Body occurs, particulars thereof shall be furnished to, and in the manner and form determined by, the Controlling Body.
- (4) A person who fails to comply with any provision of this rule is guilty of an offence.

LR 25. *Stable return form*

- (1) *A stable return shall be made on form LR25-A.*
- (2) *Whenever a horse comes under the control of a trainer with the intention of preparing the horse to participate in racing, Part A of the form R25-A shall immediately be completed and lodged with the Controlling Body.*
- (3) *In the event of a change to any of the particulars entered on Part A of form R25-A a fresh stable return containing the current particulars shall immediately be lodged with the Controlling Body.*

26. Security of horses

- (1) The Controlling Body may in respect of any race determine that security arrangements apply.
- (2) Where a determination is made under sub rule (1) the connections of every horse accepted for the race shall upon acceptance or by such other time determined by the Controlling Body, notify the Controlling Body where the horse will be located from the time of notification until the start of the race.

- (3) Notification under sub rule (2) shall be in writing or given in such other form as the Controlling Body may require.
- (4) From the time of notification until the start of the race the connections shall ensure that the horse is located where it is notified to be and that it is available for inspection and testing by the stewards.
- (5) A horse tested under sub rule (4) which is found to have a prohibited substance in or on its body or is considered by the stewards to be otherwise unfit to race shall be withdrawn from the race.
- (6) Where security arrangements apply the Controlling Body may appoint persons to maintain surveillance of a horse.
- (7) The connections or other persons in charge of a horse shall not frustrate or hinder, or endeavour to frustrate or hinder, persons appointed under sub rule (6) from carrying out their duties.
- (8) Where security arrangements apply the connections shall comply with any direction given by the Controlling Body which, in its opinion, is necessary or conducive to the more effective implementation of those arrangements.
- (9) Without restricting the scope of sub rule (8), the Controlling Body may direct that a horse be brought to a nominated place by a certain time.
- (10) Where the connections or other persons fail to comply with any provision of this rule, the stewards may withdraw the horse from the race.
- (11) A person who fails to comply with any provision of this rule is guilty of an offence.

27. Programs

- (1) No club or other person or body shall publish or issue a program for a meeting or race except with the approval of the Controlling Body.
- (2) A draft of the proposed program shall be sent to the Controlling Body within the time, in the manner and form, and containing the information specified by the Controlling Body.
- (3) The Controlling Body may amend the draft or require the club or other person or body to amend it.

- (4) Approved programs shall be published or issued in accordance with the directions of the Controlling Body.

28. Starters

- (1) The number of starters in a race is not to exceed the number fixed by the Controlling Body.
- (2) The Controlling Body shall determine the starting positions for a race.

29. Divisions

With the approval of the Controlling Body a race may be run in divisions.

30. Unfitness to race

- (1) The connections of a horse accepted for a race who are aware that the horse is not fit to race shall withdraw it.
- (2) The connections of a horse brought to a meeting to compete shall immediately inform the stewards if the horse shows signs of unfitness to race or has been injured in any way.
- (3) A horse described in sub rule (2) shall not start except with the approval of the stewards.
- (4) A person who fails to comply with sub rule (1) or sub rule (2) is guilty of an offence.

31. Period during which withdrawn horse not to race

A horse withdrawn from a race because of unfitness or injury shall not race within 6 days next following the date of withdrawal and within 6 days next following the date of the race from which it was withdrawn, except with the permission of the stewards.

32. Racing twice at same meeting

A horse may race twice at the same meeting provided the races are not less than 1 hour apart and the horse is passed by veterinary examination as fit to compete.

33. Notification of win

If a horse handicapped for a race wins another before the first race is run, the connections must as soon as possible after the win notify the stewards in the manner and form determined by the Controlling Body.

34. Conditions and restrictions of races

- (1) The Controlling Body may make determinations concerning the conduct of a meeting or the running of a race.
- (2) Without restricting the scope of sub rule (1) determinations made thereunder may relate to the conditions, requirements, rights and privileges attaching to a meeting or race and the racing procedure which must or may be adopted by drivers during the course of a race.

35. Conditions as to ages and distances

The Controlling Body may impose conditions or restrictions concerning the ages at which and distances over which horses may be trialled or raced.

LR 35. Racing by 2 year olds

- (1) *A horse shall not compete in a race before 1st October in the racing year in which it attains the age of 2 years.*
- (2) *A horse shall not before 1st May in the racing year in which it attains the age of 2 years compete in a race in excess of 2200 metres.*
- (3) *A horse shall not compete in a trial before it attains the age of 2 years.*

36. No race less than 1609 metres

A race shall not be less than 1609 metres except with the approval of the Controlling Body.

37. Officials - appointment

A club shall ensure that all officials necessary in the opinion of the Controlling Body for the proper conduct of a meeting and its associated activities are appointed and are in attendance at the meeting.

38. Officials removal

- (1) The Controlling Body may at any time disallow the appointment of a person as an official of a club or direct the removal from office of a person appointed as an official.
- (2) A club which fails to comply with any direction given under sub rule (1) is guilty of an offence.

39. Appointment of deputies

An official at a meeting may not appoint a deputy or assistant except with the approval of the stewards.

40. Restrictions on officials

- (1) A person acting as an official at a meeting or a deputy of such person shall not -
 - (a) bet or have a financial interest in any bet at that meeting; or
 - (b) discharge any official function in respect of a race in which the person or deputy is financially interested or which may otherwise give rise to a conflict of interest.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

41. Appointed times

At all meetings, the appointed time for a race in relation to a horse entered for it is 60 minutes before the time fixed for the start of the race or such other period determined by the Controlling Body.

42. Failure to meet appointed time

- (1) If a horse is not at the racecourse by the appointed time mentioned in or determined under rule 41, the owner or trainer shall notify the club or other body conducting the meeting of that fact and the club or other body shall inform the stewards.
- (2) A horse not at the racecourse by the appointed time mentioned in or determined under rule 41 may be withdrawn by the stewards.
- (3) An owner or trainer who fails to comply with sub rule (1) or an official or representative of a club or other body who has been notified by an

owner or trainer and fails to inform the stewards or fails to ensure they are informed, is guilty of an offence.

43. Reporting attendance

- (1) A driver engaged to drive a horse in a race shall report his or her attendance at the racecourse to the trainer or person left in charge of the horse at least 60 minutes before the time fixed for the start of the race.
- (2) If a driver fails to report as required by sub rule (1) the trainer shall immediately notify the stewards.
- (3) A person who fails to comply with any provision of this rule is guilty of an offence.

[Rule 43 amended in Gazette 27 October 2000 p.6031.]

LR43. Drivers to report attendance

- (1) A driver engaged to drive a horse in a race shall report his or her attendance at the racecourse to the club or other body conducting the meeting at least 60 minutes before the time fixed for the start of the race.
- (2) A person who fails to comply with sub-rule (1) is guilty of an offence.

[Local Rule 43 inserted in Gazette 20 July 2001 p.3709.]

43A. Licensed persons reporting before leaving course

- (1) A driver, trainer or person in charge of a horse engaged in a race and the horse shall remain on the racecourse for at least 30 minutes after the race unless permission to leave is granted by the stewards.
- (2) A person who fails to comply with sub-rule (1) is guilty of an offence.

[Rule 43A inserted in Gazette 10 January 2003 p.40.]

44. Tactics

- (1) A driver or 1 or more of the connections of a horse intending to adopt during a race tactics contrary to the horse's usual racing pattern shall, as soon as practicable, so notify the stewards.
- (2) The stewards may approve or disapprove the change of tactics.

- (3) A person who fails to comply with sub rule (1) or changes tactics without approval given under sub rule (2) is guilty of an offence.

45. Inspection

- (1) A horse is ineligible to start in a race unless a steward or other person authorised by the Controlling Body is satisfied by physical inspection that the horse is the horse described in the registration certificate.
- (2) Where a steward or authorised person is satisfied in terms of sub rule (1), but considers some amendment is required to the certificate, the steward or authorised person shall take delivery of the certificate from the holder and forward the same and explanatory report and recommendation to the Controlling Body.
- (3) Where a steward or authorised person is not satisfied in terms of sub rule (1) the steward or authorised person shall prohibit the horse from racing and take possession of the certificate.
- (4) Where a steward or authorised person is satisfied in terms of sub rule (1) the steward or authorised person shall sign the certificate in the space provided thereon.

46. Medical matters

A club conducting a meeting shall have in attendance 2 trained ambulance officers properly equipped and an ambulance or some other suitable vehicle.

47. Accidents

A driver involved in an accident at a meeting must attend the medical or ambulance officer for assessment and any consequential treatment and must not drive in any subsequent race except with the approval of the stewards.

48. Human consumption of products

The Controlling Body may make determinations concerning consumption of food, beverages, drugs, and substances by persons discharging official duties, driving or managing horses or otherwise participating in meetings or races or having a connection with the harness racing industry and for the testing and examining of such persons.

49. Judging

- (1) Races shall be judged by the judge or the judge's substitute.
- (2) Horses may be photographed at the finish of a race to assist the judge to determine finishing positions.
- (3) Horses shall be placed by the judge according to the order in which the horses' noses pass the winning post.
- (4) Provided part of its driver's body is in or touching the sulky as a horse passes the winning post, it is a finisher.
- (5) The judge may correct a mistake.
- (6) The judge's decision is final.
- (7) Notwithstanding sub rule (6) where, in the opinion of the stewards, the judge has made a manifest error, which the judge declines to correct having been afforded opportunity to do so, or where in the opinion of the stewards the judge was not in a position to determine the result, the stewards shall stand the judge down for such period as they think fit.
- (8) Where sub rule (7) applies, the stewards become the judges of the race in question.
- (9) Notwithstanding sub rule (8) the stewards may declare a race void if the judge or a substitute was not in a position to determine the result.

50. Timekeeping

- (1) The timekeeper shall take the time of the first horse and, where possible, the times of all other finishers.
- (2) A manual or electronic timing device or both of them may be used.
- (3) The timekeeper shall make an appropriate entry of the times taken and sign it.
- (4) Times so taken and entered are the official times and upon entry are to be publicly announced.
- (5) Times taken and entered cannot be altered except at the direction of the stewards.

51. Recording races

- (1) A club shall video tape to a standard required by the Controlling Body each race conducted by the club and furnish a copy of the tape to the stewards.
- (2) If so directed by the Controlling Body a club shall record races in some other way and furnish a copy of the recording to the stewards.

52. All clear

- (1) The all clear steward at a meeting shall be the chief steward or some other steward appointed by the chief steward.
- (2) Where only 1 steward attends a meeting, that steward shall be the all clear steward.
- (3) After each race the all clear steward shall inspect placed horses and their drivers.
- (4) Placed horses and their drivers shall attend for inspection in the order in which they were placed.
- (5) A driver who fails to attend for inspection is guilty of an offence.
- (6) The horse driven by a driver found guilty of an offence under sub rule (5) may be disqualified from the race.
- (7) Sub rules (5) and (6) do not apply where the attendance of the driver has been dispensed with by the all clear steward.
- (8) After inspection and if there is no protest the all clear steward shall declare "all clear" and the declaration shall be announced or published by the club or other body conducting the meeting.
- (9) Unplaced horses and their drivers shall remain on the track as directed by the all clear steward until inspection under sub rule (3) is concluded.
- (10) In this rule "placed horses" are horses so designated by the all clear steward.

[Rule 52 amended in Gazette 30 November 1999 p.5953.]

53. Cancellation - transfer - postponement

- (1) Subject to the approval of the Controlling Body a meeting may be cancelled or postponed for a period not exceeding 7 days.
- (2) A postponed meeting is cancelled if not held within 7 days of the date originally allocated to it.

54. Return of fees

If a meeting is cancelled nomination and acceptance fees shall be returned to the nominators.

55. Transfer to another race by stewards

A horse nominated for a race may be transferred to another race at the same meeting by the stewards or handicappers.

56. Insufficient nominations

- (1) Where the Controlling Body considers that insufficient nominations have been received for a race the Controlling Body or with its approval the club conducting the meeting, may cancel the race or transfer the nominations to another race or extend nominations for such race.
- (2) Where action is taken under sub rule (1) the club or a person authorised by the Controlling Body shall before declaration of acceptances inform the nominators of the affected horses of such action.
- (3) A nominator on being informed pursuant to sub rule (2) may withdraw the nomination.

57. Rescission of scratching

If a meeting is postponed scratchings may be rescinded with the approval of the stewards.

58. Stops for lighting failure

If during a race held under artificial lights, a lighting failure occurs which is either total or would render racing hazardous, drivers shall pull up their horses and the race will cease.

59. Reruns

Where a race is rerun all horses shall compete unless permission to withdraw is given by the stewards.

60. Fees for nomination and acceptance

The nominator and owner of a horse is each liable for all fees relating to nomination or acceptance.

61. Notice of fees

- (1) A club must give reasonable notice to a nominator of the amount and payment date of any fee due and payable in respect of any race.
- (2) A club which fails to comply with sub rule (1) loses any right to the fees payable.

62. Disqualification for non payment

- (1) If fees payable in respect of a horse's participation in a race are not paid before the start, the stewards may disqualify the horse.
- (2) If fees are paid by cheque or other instrument requiring clearance, then if that cheque or instrument is not cleared with the bank or financial house the stewards may disqualify the horse.

63. Review of racing performance

- (1) The stewards may review the racing performance of a horse.
- (2) If the stewards are satisfied that the racing performance of a horse is inconsistent or otherwise unsatisfactory they may declare it ineligible to race for such period as they think fit.
- (3) The chairman or deputy chairman of stewards may form the opinion and exercise the power conferred by sub rule (2).
- (4) To act under sub rule (3) it is not necessary that the chairman or deputy chairman should have been present on any occasion when the horse concerned raced and the chairman or deputy chairman as the case may be may form an opinion and reach a decision on the basis of information furnished by stewards who were present.

LR 63. Deputy Chairman

For the purpose of rule 63(3) and 63(4), the reference to “Deputy Chairman” shall be taken to be reference to “Deputy Chairmen”.

[Local Rule 63 inserted in Gazette 22 January 2002 p. 361.]

64. Disqualification - incorrect barrier

If a horse fails to start in a race from its correct handicap mark or its correct barrier position it may be disqualified or declared a non-starter in that race.

65. Disqualification - ineligibility

If the stewards find that a horse was ineligible to compete in a race they may disqualify it from the race or declare such horse a non-starter and make any consequent changes to the placings.

66. Disqualification - miscellaneous

A horse may be disqualified from a race or placed behind another runner if the horse -

- (a) crosses a horse without being clear of it;
- (b) jostles or interferes with a horse unless solely in response to the action taken by another horse or driver;
- (c) forces a passage where there is insufficient room;
- (d) forces a horse out of its ground;
- (e) races on the inside of a marker post or if its sulky or part thereof goes on the inside of a marker post;
- (f) interferes with another runner so as to cause that runner, or cause its sulky or any part thereof, to go inside a marker post;
- (g) being in the home straight and having a clear uninterrupted run to the post, changes course and thereby prejudices the chances of another runner.

67. Information by club

At the conclusion of a meeting the club which conducted it shall immediately forward to the Controlling Body such information about

the meeting, and in such manner and form, as the Controlling Body may require.

68. Report by chief steward

The chief steward of a meeting shall forward to the Controlling Body within such time after the conclusion of the meeting as the Controlling Body may appoint, a report about the meeting in such form and with such content as the Controlling Body may direct.

69. Match races

A match race will not be run with less than 2 starters.

70. Futurity races

- (1) The Controlling Body may determine a race to be a futurity race.
- (2) Futurity races shall be run under such rules as the Controlling Body may determine.

LR 70. Definition of futurity race

A futurity race is:

- (a) *any race which requires payment of a sire or mare eligibility payment, foal nomination fee, nomination fee or sustaining fee to any conducting Club or to any organisation acting on behalf of such Club more than 12 months before the running of such race; or*
- (b) *any race graduation to the progeny of any stallion or group of stallions for which any eligibility payments are held for more than 12 months prior to such race by any Club or by any person or organisation acting on behalf of or as agent for or trustee for any conducting Club; or*
- (c) *any sire or stallion stakes races as defined in the Australian Harness Racing Council Reciprocal Handicapping Agreement clause 1.24 is specially exempted from this definition.*

LR 70A. Approval of futurity races

- (1) *All futurity races shall be approved by the Controlling Body of the State in which the futurity race is to be conducted.*

- (2) *No approval shall be granted for the conducting of a futurity race other than to a Club licensed to conduct meetings in Western Australia.*
- (3) *Any application for approval of a futurity race shall be made at least 6 months prior to the date of first advertisement of the race or the date for first payment of nomination or eligibility fees, whichever is the earlier.*
- (4) *All applications for approval of a futurity race shall:*
- (a) be made annually to the Controlling Body;*
 - (b) include the proposed conditions of the race;*
 - (c) provide satisfactory evidence of the financial viability of the race;*
 - (d) provide particulars of the sire or mare eligibility payment, foal nomination fee, nomination fee or sustaining fee to be paid for nominated horses and the proposed dates for payment of all fees;*
 - (e) include a copy of the proposed trust deed and particulars of the proposed trustees who will manage the funds. Provided that if appropriate, the Controlling Body may appoint a trustee or trustees to manage the funds; and*
 - (f) provide particulars of sums to be deducted for printing, postage, stationery and for advertising and promotion of the race.*
- (5) *No approval shall be granted for a futurity race unless the agreement of the Australian Harness Racing Council is first obtained thereto in respect of any application for a futurity race where:*
- (a) the sire eligibility payment or any other fee or fees payable by the stallion owner or lessee is in excess of 15% of the advertised service fee for that stallion or in the case of private stallions which do not have an advertised service fee a sire eligibility payment in excess of \$100 will apply. (In the case of stallions which have previously stood as public stallions the maximum allowable sire eligibility fee will be 15% of that stallion's last advertised service fee);*

- (b) *any nomination fee for mares or foals exceeding \$20 or such amount as may be determined from time to time by the Australian Harness Racing Council;*
- (c) *more than one payment for progeny is required to retain eligibility in any one racing year except for the first acceptance fee and final acceptance fee in the year in which the race is to be held;*
- (d) *the conditions of the race do not make provision for entry of all sires subject to payment of a sire eligibility payment or all foals subject only to payment of a foal nomination fee where no eligibility conditions apply; or*
- (e) *the conditions provide that the conducting Club shall add an amount of not less than 10% as the Club's contribution to stakemoney of all stallion nomination fees, foal nomination fees, mare eligibility fees, nomination fees and sustaining fees and acceptance fees as included in the application for approval.*

LR 70B. Club obligations

A Controlling Body shall not grant approval to a Club to conduct a futurity race unless the conducting Club undertakes to:

- (a) *notify the Controlling Body of all nominations, including stallion nominations where applicable, within 30 days of the date of closing of nominations;*
- (b) *notify the Controlling Body of all payments made within 30 days of the due date for payment together with a list of entrants that remain eligible;*
- (c)
 - (i) *provide a balance sheets and statement of accounts to the Controlling Body within 60 days of the conduct of the event; and*
 - (ii) *provide an annual audited account of each futurity race to the Controlling Body within 90 days of the end of the Club's financial year;*
- (d) *guarantee the minimum advertised stakemoney of such futurity race;*

- (e) *arrange for the payment of all monies in respect of nomination, acceptance or sustaining payments to the trustees on receipt of same.*

LR 70C. Insufficient nominations

In the event of an approved futurity race failing to attract sufficient nominations to ensure the financial viability thereof, the conduction Club shall within 30 days of the date of closing of nominations elect to either:

- (a) *cancel the race and refund payments to the nominators; or*
- (b) *provide to the Controlling Body a guarantee by way of bank guarantee or such other form of security as may be acceptable to the Controlling Body to the extent of the anticipated short fall of funds necessary to generate the proposed stakemoney.*

LR 70D. Minimum stakemoney

No futurity race shall be conducted for less than the advertised minimum stakemoney.

71. Derby

The word "Derby" in the name of a race shall be used only in respect of a race for 3 year old horses.

72. Claiming races

- (1) The Controlling Body may determine a race to be a claiming race.
- (2) Subject to rule 77 a horse cannot be claimed unless a claiming race is conducted and an official result declared.
- (3) An official who is in any way involved in the conduct of a claiming race is ineligible to claim a horse from that race.

73. Entitlement to claim

- (1) In or with respect to a claiming race a person shall not -
 - (a) claim directly or indirectly a horse owned, trained or driven by that person;
 - (b) claim a horse for another person unless authorised in writing to do so;

- (c) enter into an agreement to claim or not to claim or to prevent or attempt to prevent a person from claiming a horse.
- (2) A person who fails to comply with any provision of this rule is guilty of an offence.

74. Claim by syndicate

Notwithstanding rule 73 a horse owned by a syndicate or otherwise jointly owned may, where the syndicate or joint ownership arrangement is being dissolved, be claimed by a member of that syndicate or party to the joint ownership arrangement.

75. Conditions for claiming races

- (1) The terms, conditions and procedures relating to the nomination of horses in a claiming race, the organisation and conduct of the race and the claiming of a horse from the race, shall be as determined by the Controlling Body.
- (2) Subject to any determination made under sub rule (1) the following applies -
 - (a) a claimant must lodge with the Controlling Body or club conducting the race before its commencement, in cash or by bank cheque, the amount of the claiming price plus the fees payable in respect of transfer of registration;
 - (b) a current claiming race authorisation form duly completed and signed by the owner must be on file with the Controlling Body before the close of nominations for the claiming race in which the owner's horse is to be a starter;
 - (c) the claiming price for a horse in a claiming race is to be printed in the racebook;
 - (d) a claim must be made on the approved form and be placed in the claim box not less than 15 minutes before the start of the race and once made cannot be withdrawn;
 - (e) the claim box shall be under the control of the chief steward;
 - (f) the Chief Steward shall open the claim box no earlier than 15 minutes before the start of the race and no later than immediately after the race and determine the claims;

- (g) should more than 1 claim be made for the same horse the successful claimant shall be determined by the chief steward by conducting a ballot;
- (h) a claimed horse with its head collar or halter and a detailed schedule in writing of the harness used on the horse and without altering or removing the horse's shoes, shall be delivered immediately by the original owner or his trainer or authorised agent to the successful claimant upon authorisation of the chief steward;
- (i) every horse claimed shall race in the claiming event in the interest and for the account of the person who owned it at the time of acceptance for the race but, subject to paragraph (m) of this sub rule, title to the horse shall vest in the person who becomes the successful claimant immediately upon the start of the race and regardless of death or injury to the horse during the race;
- (j) the chief steward may require a claimant to declare that he or she is claiming the horse on the claimant's own account;
- (k) for 30 days after claiming, a horse is ineligible to start in a race in the interest and for the account of the person who owned it at the time of acceptance for the claiming race, nor during that period shall the horse remain in or return to the ownership, care or management of that person unless it be reclaimed out of another claiming race;
- (kk) for 30 days after claiming, a horse shall not remain in or return to the care or management of the trainer who trained it at the time of claiming except with the permission of the Chairman of Stewards, unless it be reclaimed out of another claiming race;
- (l) any eligible horse in the declared field for a claiming race including emergencies can be claimed;
- (m) if a claimed horse returns a positive swab, the claimant may repudiate the claim and deliver the horse to the person who was the owner at the time of its acceptance for the claiming race;
- (n) where a horse is accepted for a claiming race, no transfer of ownership shall have any legal effect during the period

commencing from date of acceptance and terminating upon the declaration of an official result in the claiming race;

- (o) the club conducting a claiming race shall pay the price to the former owner as soon as possible after the transfer to the successful claimant has been registered by the Controlling Body.

[Rule 75 amended in Gazette 27 October 2000 p.6031; 28 December 2001 p.6728; 10 January 2003 p.40.]

LR 75. Application form - claiming race

- (1) *The owner, lessee and any other person with an interest in a horse to be nominated for a claiming race must complete form LR 75-A and lodge it with the Controlling Body.*
- (2) *A person claiming a horse in a claiming race must complete form LR 75-B and place it in the claim box.*
- (3) *If required by the Controlling Body a claimant shall pay as directed a sum by way of premium to insure the claimant's risk.*

76. Offences - claiming races

- (1) A person who fails to comply with paragraph (h) or paragraph (j) of rule 75(2) is guilty of an offence.
- (2) A person who deals with a horse contrary to the requirements of paragraph (k) of rule 75(2) is guilty of an offence.
- (3) Where a claimant repudiates a claim under paragraph (m) of rule 75 (2) the owner of the horse at the time of its acceptance for the claiming race -
 - (a) is liable to reimburse the claimant for moneys spent on the horse's care and sustenance;
 - (b) shall hold the claimant indemnified against any claim for the horse's care and sustenance and also any claim arising out of the death of, or injury to, the animal not directly attributable to the negligence of the claimant.
- (4) A person who fails to comply with any provision of sub rule (3) is guilty of an offence.

- (5) A person who refuses to accept delivery of a horse pursuant to paragraph (m) of rule 75(2) is guilty of an offence.
- (6) Where a horse is involved in an offence arising under this rule, the Controlling Body may take such action with respect to the horse as it thinks fit.

77. Claims in non-claiming races

- (1) With the approval of the Controlling Body a horse may be claimed in a race which is not a claiming race.
- (2) Where approval is given under sub rule (1) the provisions of rules 73, 74, 75 and 76 apply to the race in question unless the Controlling Body makes any alterations to suit the requirements of a particular race.

78. Official trials and other matters

- (1) The Controlling Body may determine a race or event to be an official trial, or a time trial.
- (2) A race or event referred to in sub rule (1) shall be conducted in accordance with the conditions determined by the Controlling Body.

79. Time performances and records

- (1) The Controlling Body may determine a race or event to be a performance against time.
- (2) Performances against time must take place at meetings held in accordance with these rules.
- (3) The club conducting the meeting shall give such notice and publish such advertisement as the Controlling Body determines.

80. Conditions

- (1) In performances against time a horse must endeavour to equal or better a specified time.
- (2) A losing performance shall not be recorded.

81. Pacemakers

- (1) In performances against time a horse may be assisted by one or more horses acting as pacemakers.
- (2) Pacemakers must not precede the assisted horse nor be harnessed with or otherwise attached to it.

82. Breaking

If a horse breaks during a performance against time it shall be disqualified from that trial.

83. Use of whip

In performances against time the whip shall be used solely in a way which complies with these rules.

84. Swab requirement

The result of a performance against time shall not be an official record unless a swab is taken before and/or after the trial and found negative.

85. Approval of records

- (1) A record time, whether in respect of a race or performance against time, is one which has been approved as a record time by the Controlling Body.
- (2) Application for approval may be made in the manner and form determined by the Controlling Body.
- (3) An application shall be accompanied by such documentation, information and fees as the Controlling Body may determine.

LR 85. Application form - record time

A person seeking approval of a record time must arrange for form R85-A to be completed and submitted to the Controlling Body.

LR 85A. Record requirements

- (1) *A record can only be made in a public race or performance against time, and the horse must pace or trot according to the rules.*

- (2) *The race or performance against time shall be started by an officially appointed starter. The time shall be taken by 3 timekeepers or one timekeeper and an approved electronic timing device. The race or performance against time shall be supervised by the stipendiary stewards or judge officially appointed by the Controlling Body.*
- (3) *The record of the race or performance against time must be signed by the starter, the timekeepers and/or electronic timing operator, the stipendiary steward or judge and forwarded to the Controlling Body who, in turn, will forward it to the Australian Harness Racing Council for inclusion or otherwise in the official list.*
- (4) *In every official race, or performance against time, the time taken shall be placed in the record in minutes, seconds and tenths of seconds.*
- (5) *When the timekeepers fail to act or agree no official time shall be announced or recorded unless the time has been taken by an approved electronic device in which case the latter time shall be announced and recorded.*
- (6) *In the event that the time taken by the official timekeepers shall differ from that taken by an electronic timing device the later time shall prevail and be regarded as the official time for announcement and entry into the record unless it is shown that the electronic timing device has failed, when the time taken by the official timekeepers shall be the official time.*

[Local Rule 85A amended in Gazette 30 November 1999 p.5953.]

LR 85B. Sulkies, gear and equipment

In order that a race or performance against time only approved types of sulkies shall be used. The use of wheel discs shall be optional but the equipment and gear used on the horse shall be orthodox and such as is normally used by the horse that is racing.

LR 85C. Track measurement requirements

In order that a race or performance against time may be recognised as official, every Club not having already done so, shall provide the Controlling Body with the certificate of a licensed civil engineer or land surveyor that he has measured the track in accordance with Rule 5.

86. Offences - incorrect barrier

A person who allows a horse to start or fails to prevent it from starting in a race from an incorrect handicap mark or from an incorrect barrier position is guilty of an offence.

87. Offence - ineligible horse

- (1) If a horse is ineligible for a race, its connections shall not nominate it for the race, or allow it to start or fail to prevent it starting, in a race.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

88. Withdrawal

- (1) Where a horse is withdrawn -
 - (a) after the declaration of acceptances for a race; or
 - (b) where there is no TAB betting on the race, after the declaration of handicaps,

the stewards may require the owner or trainer to satisfy them that there was good and sufficient reason for such withdrawal.

- (2) A person who fails to give the satisfaction required under sub rule (1) is guilty of an offence.
- (3) The horse concerned may be barred by the stewards from participating in a race for a period specified by them, or pending satisfaction of such conditions as they impose.

89. Reporting things affecting horses' performance

- (1) After the running of any race and for a period of 7 days thereafter if the owner, trainer, driver, stablehand or any person in charge of a horse is aware of or has knowledge of anything which may have affected the horse's performance in that race, he or she shall report it immediately to the stewards.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

Part 4

Licences

90. Grant of licences and other matters

- (1) The Controlling Body may by licence regulate any activity connected with the harness racing industry.
- (2) An application for a licence shall be made by the persons in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body may determine.
- (3) The Controlling Body may grant a licence for such period and upon such terms and conditions as it thinks fit.
- (4) An application for a licence may be refused by the Controlling Body without assigning any reason.
- (5) A licence may be suspended or cancelled—
 - (a) by the Controlling Body or by the Stewards for breach of a term or condition of the licence; or
 - (b) by the Controlling Body where the Controlling Body is satisfied that the person holding the licence is not a fit and proper person to be associated with harness racing
- (6) The type, grade or class of a licence held by a person may be varied by the Controlling Body or by the stewards.
- (7) The terms or conditions attaching to a type, grade or class of licence may be varied by the Controlling Body.

[Rule 90 amended in Gazette 17 July 2001 p.3638.]

LR 90. Driver's licence

- (1) *Application for a driver's licence Grades C, B or A shall be made on form R90-A.*
- (2) *A Grade C licence shall not be granted to a person younger than 15 years and a Grade B or Grade A licence shall not be granted to a person younger than 16 years.*
- (3) *Unless the material is already on file with the Controlling Body an applicant for a driver's licence of each grade shall furnish with the application -*

- (a) *two recent passport photographs;*
 - (b) *certified extract of birth;*
 - (c) *the applicant's police certificate.*
- (4) *The Controlling Body at any time may request an applicant or licensee to furnish further copies of the material mentioned in subrule (3).*
- (5) *An applicant for a driver's licence shall be interviewed by the stewards.*
- (6) *A successful applicant will be issued with a licence card or document by the Controlling Body which must be produced to the stewards or persons authorised by the Controlling Body on demand.*
- (7) *An applicant or licensee shall immediately notify the Controlling Body of any change to personal particulars.*
- (8) *It is a term and condition of a driver's licence that all training modules specified by the Controlling Body shall be completed satisfactorily by the licensee.*
- (9) *The holder of a driver's licence -*
 - (a) *Grade C, is licensed to drive at trials, shows and gymkhanas;*
 - (b) *Grade B, has the driving licence rights mentioned in (a) and is licensed to drive at graduation meetings and, other than in races of a metropolitan class, at country or provincial meetings, including country or provincial class meetings at metropolitan sites;*
 - (c) *Grade A, has the driving licence rights mentioned in (a) and (b) and is licensed to drive at any meeting.*
- (10) *The holder of a driver's licence who, on expiration of the licence, desires to make application for a new licence of the same grade may make such application on form R 90-B.*
- (11) *The holder of a driver's licence Grade C who desires to upgrade to a Grade B licence, shall make application on form R 90-C.*
- (12) *The holder of a driver's licence Grade B who desires to upgrade to a Grade A licence, shall make application on form R 90-D.*

- (13) *If required by the Controlling Body an applicant for a driver's licence shall pay as directed a sum to effect insurance relating to the applicant in such amount and of such type as the Controlling Body may decide.*

[Local Rule 90 amended in Gazette 30 November 1999 p.5953.]

LR 90A. Trainers licence

- (1) *Application for a trainer's licence Grades C, B or A shall be made on form LR 90-A.*
- (2) *A trainer's licence will not be granted to a person younger than 18 years.*
- (3) *Local rules 90(3), (4), (5), (6), (7), (8), (10) and (13) apply equally to an applicant for a trainer's licence, a licensed trainer and a trainer's licence, as the case may be.*
- (4) *An applicant for a trainer's licence must furnish 2 references from licensed trainers with the application and must own, lease or otherwise have available for use stables which in the opinion of the Controlling Body are suitable for the training of standardbred horses.*
- (5) *If required by the Controlling Body evidence shall be furnished of the financial capacity of an applicant for a trainer's licence Grades C or A to operate a training establishment.*
- (6) *An applicant for a trainer's licence Grade A must have satisfactorily completed all training modules applicable to a trainer's licence Grade B and held such licence for not less than 12 months unless the Controlling Body decides otherwise.*
- (7) *The holder of a trainer's licence -*
- (a) *Grade C, is licensed to prepare, educate and exercise a horse, but cannot trial it or nominate it to race.*
 - (b) *Grade B, is licensed to train a horse which the person owns or partly owns or which is owned by the person's spouse, de facto partner, parent, sibling or child;*
 - (c) *Grade A, is licensed to train any horse.*
- (8) *The Controlling Body may grant a trainer's licence to a person to train only in partnership and each partner shall be subject to any*

disability, fine, suspension, disqualification or other penalty that may be imposed under the rules on any partner.

[Local Rule 90A amended in Gazette 30 June 2003 p.2628.]

LR 90B. Stablehands licence

- (1) *Application for a stablehand's licence shall be made on form L 90-A.*
- (2) *A stablehand's licence shall not be granted to a person younger than 14 years.*
- (3) *Local rules 90(3), (4), (6), (7), (8), (10) and (13) apply equally to an applicant for a stablehand's licence, a licensed stablehand and a stablehand's licence, as the case may be.*
- (4) *The holder of a stablehand's licence is licensed, under the supervision or instructions of a licensed trainer, to -*
 - (a) *carry out trackwork;*
 - (b) *assist with the training, management, care and control of horses;*
 - (c) *assist with pre-race preparation of, and post race procedures affecting, a horse.*

LR 90C. Studmasters and artificial breeding technicians licence

- (1) *Application for a studmaster's licence or an artificial breeding technician's licence shall be made on form LR 90-E.*
- (2) *A licence referred to in subrule (1) will not be granted to a person younger than 18 years.*
- (3) *Local rules 90(3), (4), (6), (7), (8), (10) and (13) apply equally to an applicant for a studmaster's licence or an artificial breeding technician's licence, a person holding either licence, and to either licence, as the case may be.*
- (4) *The holder of a studmaster's licence is licensed -*
 - (a) *to take responsibility for the care and control of horses at a stud;*
 - (b) *to take responsibility for breeding activities at a stud other than those for which an artificial breeding technician is responsible.*

- (5) *The holder of an artificial breeding technician's licence who is a registered veterinary surgeon, is licensed to carry out all techniques and procedures of artificial breeding.*
- (6) *The holder of an artificial breeding technician's licence who is not a registered veterinary surgeon, is licensed to carry out all techniques and procedures of artificial breeding apart from those relating to embryo transfer.*
- (7) *The holder of an artificial breeding technician's licence may hold and deal with semen collected from a stallion not standing in Australia during the breeding season.*

LR 90D. Medical standards

- (1) *An applicant who fails to satisfy the medical requirements attaching to a licence, may be licensed to perform such activities as the Controlling Body deems appropriate.*
- (2) *Sub rule (1) does not apply to an applicant for a driver's licence.*

91. Offences - licences

- (1) A person shall not carry on an activity regulated by licence -
 - (a) if that person is not the holder of a current licence;
 - (b) if the person's licence is suspended; or
 - (c) except in accordance with the terms and conditions of the licence.
- (2) A person who fails to comply with any provision of sub rule (1) is guilty of an offence.
- (3) Notwithstanding sub-rule 1(b), unless otherwise determined by the Stewards a driver suspended for a period not exceeding 3 months is eligible to drive in a trial other than a time trial.

[Rule 91 amended in Gazette 28 December 2001 p.6728.]

Part 5

Horses

92. Age

- (1) The age of a horse shall be reckoned as beginning on 1st September in the racing year in which it is foaled provided it is foaled on or after that date.
- (2) If a horse is foaled before the date mentioned in sub rule (1) its age shall be reckoned as beginning on 1st September in the preceding year.

93. Eligibility for registration - progeny

- (1) A horse shall not be eligible for registration unless it is the progeny of a registered standardbred sire and a registered standardbred mare and its registration conforms with the Stud Book Regulations of the Australian Harness Racing Council.
- (2) A horse shall not be eligible for naming and/or registration and entry in the Australian Stud Book if it is the produce of genetic engineering procedures other than embryo transfer or some other procedure approved by the Controlling Body.
- (3) The progeny of a mare inseminated by transported semen shall not be eligible for naming and/or registration and entry in the Australian Stud Book unless all steps taken to bring that progeny into being have been in accordance with these rules and the regulations made thereunder.
- (4) The Controlling Body shall not register a horse foaled outside its jurisdiction unless the horse is eligible for registration in an Australian State or Territory or its place of foaling.

94. Eligibility - branding

- (1) A horse shall not be eligible for registration unless it is branded or otherwise identified in accordance with the requirements of the Controlling Body.
- (2) A person seeking registration shall pay to the Controlling Body such fees relating to branding or identification as it may determine.

- (3) The connections shall keep clipped that area of a horse's body adjacent to or surrounding its brand.
- (4) In the event of the branding or other identification of a horse becoming indistinct, illegible or otherwise unsatisfactory to the Controlling Body, the connections shall comply with any directions given by the Controlling Body to rectify the matter.
- (5) A person who fails to comply with sub rule (3) or a direction given under sub rule (4) is guilty of an offence.
- (6) Where a person is guilty of an offence under this rule, the Controlling Body may take such action with regard to the horse as it may determine.

95. Naming and registration

- (1) A person desiring to register a horse may make application to the Controlling Body.
- (2) A person desiring to name or rename a horse may make application to the Controlling Body.
- (3) An application under this rule is to be made in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body may determine.
- (4) The Controlling Body may grant or refuse an application under this rule.
- (5) The Controlling Body may cancel the registration of a horse.

LR 95. Application form - name/registration

Application to name or register a horse shall be made on form LR 95-A.

LR 95A. Information required on applications

Every application for a name, rename or registration shall be accompanied by an application on form LR95-A and shall contain the following information:

- (a) *if it is a foreign horse the name under which it is known;*

- (b) *if it is unnamed and has not been previously named or registered under another name, 6 proposed names for the horse;*
- (c) *the age of the horse including, where known, the actual date on which it was foaled;*
- (d) *gait of the horse;*
- (e) *the colour, sex and distinguishing marks and brands of the horse;*
- (f) *the names of the sire and dam of the horse;*
- (g) *the name and address of the breeder of the horse;*
- (h) *the names and addresses of the owner and all other persons (if any) having any interest in the horse;*
- (i) *such other particulars as the Controlling Body may from time to time require; and*
- (j) *the signatures of such persons as are specified by the Controlling Body.*

96. Registration certificate

- (1) When a horse is named and registered the Controlling Body shall issue a registration certificate.
- (2) The registration certificate shall be issued to the owner of the horse or to some other person considered appropriate by the Controlling Body, but remains the property of the Controlling Body.
- (3) The registration certificate shall at all times be in possession of the trainer or other person in charge of the horse from time to time.
- (4) The Controlling Body may substitute some other document or record for a registration certificate and the rules relating to such certificates shall then be read accordingly.
- (5) The person who is required under this rule to have possession of the registration certificate shall produce same to the Controlling Body or stewards on demand.
- (6) A person not authorised in that behalf by the Controlling Body shall not erase or alter any information or particulars on a registration certificate.

- (7) A person who fails to comply with sub rule (3) or sub rules (5) and (6) is guilty of an offence.

96A.

- (1) The Controlling Body may on application made by the owner of a horse withdraw the registration certificate of the horse.
- (2) A horse which has its registration certificate withdrawn shall not be issued with another registration certificate without the written consent of the owner who applied for the withdrawal of the original registration certificate.

[Rule 96A inserted in Gazette 28 December 2001 p.6728.]

97. Gait change

- (1) The owner or lessee of a horse may make application to the Controlling Body to change the gait of the horse.
- (2) The gait of a horse shall not be changed until the horse has trialed to the satisfaction of the stewards.
- (3) The application shall be made in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body may determine.

[Rule 97 inserted in Gazette 10 January 2003 p.40.]

LR 97. Application form - gait change

- (1) *Application to change the gait of a horse shall be made on Part B of form LR 25-A.*

98. Medical and surgical procedures

- (1) A horse which has had a limb neurectomy is ineligible to race.
- (2) An owner, trainer or other person who permits a horse which has had a limb neurectomy to race is guilty of an offence.
- (3) A horse which has had a tracheostomy, with or without a tracheotomy tube inserted, is ineligible to race.
- (4) An owner, trainer or other person who permits a horse which has had a tracheostomy to race, is guilty of an offence.

[Rule 98 amended in Gazette 10 January 2003 p.40.]

99. Pin firing

- (1) A person shall not perform or authorise the performance of the procedure of pin-firing or bar-firing (thermacautery) a horse.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

[Rule 99 amended in Gazette 27 October 2000 p.6031.]

100. Gelding

- (1) A person who has a horse gelded or submits it to a medical, surgical or other procedure of a type specified by the Controlling Body, shall notify the Controlling Body of that fact.
- (2) Notification under sub rule (1) shall be given within 28 days of the gelding or other procedure occurring, in writing or such other form as the Controlling Body may determine and, if the horse is named, notification shall be accompanied by the horse's registration certificate.
- (3) Where a horse has been gelded the connections of such gelding shall not nominate such gelding for a race to be run within a period of 28 days of the horse being gelded.
- (4) A person who fails to comply with any provision of this rule is guilty of an offence.

LR 100. Notification form - gelding

Notification of gelding or performance of other specified procedures shall be given to the Controlling Body on Part B of form LR 25-A.

101. Bleeding attacks

- (1) Anytime a horse suffers a bleeding attack the trainer shall immediately and in any event within 24 hours notify the stewards.
- (2) The appearance of blood at both nostrils constitutes a bleeding attack.
- (3) If after inspection by a veterinary surgeon the stewards are satisfied that a horse has suffered a bleeding attack which has originated from the respiratory system the stewards shall bar the horse from racing -

- (a) after the first bleeding attack for 3 months;
 - (b) after the second bleeding attack for life.
- (4) A horse which has been barred under sub rule 3 (a) shall not resume racing until it has been trialed to the satisfaction of the stewards and they have been furnished with certificates -
- (a) from the trainer certifying that the horse has not suffered a bleeding attack since the last notification;
 - (b) from a veterinary surgeon certifying that in the veterinary surgeon's opinion the horse is fit to resume racing.
- (5) A trainer who fails to comply with sub rule (1) or races a horse in contravention of sub rule (4) is guilty of an offence.
- (6) Any person who furnishes the stewards with a false certificate is guilty of an offence.

LR 101. Horse barred from racing

- (1) *Where a horse is barred from racing under rule 101 the stewards shall issue a notice in terms of form LR134-A and give it to the trainer or authorised agent.*
- (2) *Local rules 134(1), (2) and (3) apply.*

102. Blindness

- (1) The owner or trainer of a horse which is blind in 1 eye or has visual impairment may apply to the chairman of stewards for permission to race the horse.
- (2) The chairman of stewards may grant permission subject to such conditions as the chairman sees fit to impose.
- (3) A person shall not permit a horse which is blind in 1 eye or which has visual impairment to race without permission, or contrary to or in non compliance with a condition imposed by the chairman of stewards on granting permission.
- (4) A person who fails to comply with any provision of sub rule (3) is guilty of an offence.

103. Vice in horse

The Controlling Body, or the stewards on forming the opinion that a horse has a defect, habit or vice which endangers or might endanger itself or other horses or drivers may bar the horse from racing for any period of time.

LR 103. Notice by stewards - vice

- (1) *Where the stewards deem it appropriate, they may issue a notice in terms of form LR134-A in respect of a horse which has a defect, habit or vice and give it to the trainer or authorised agent.*
- (2) *Where the stewards act under sub rule (1), local rules 134 (1), (2) and (3) apply.*

103B. Pregnant mares

A mare or filly shall not race or perform track work after day 120 of its pregnancy.

[Rule 103B inserted in Gazette 28 December 2001 p.6728.]

104. Notification of disease

- (1) If a horse contracts or is suffering any contagious disease or condition specified by the Controlling Body, the connections of the horse must immediately and in any event within 24 hours of the horse being diagnosed as suffering from the disease or condition, notify the Controlling Body in writing of that fact.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.
- (3) The Controlling Body may take such action with regard to the horse as it may determine.
- (4) Action under sub rule (3) may include ordering the destruction of the horse.

105. Notification of death

- (1) On the death of a foal or a named horse, the owner or authorised agent or person in charge of the horse at the time of its death shall -
 - (a) in the case of a horse entered for a trial or race or which has started in a race at any time within a period of 14 days

- immediately prior to its death, notify the Controlling Body of the death within 24 hours of its occurrence;
- (b) in any other case notify the Controlling Body within 28 days of its occurrence.
- (2) A notification of death under sub rule (1) shall be in writing or such other form as the Controlling Body may determine.
- (3) The person in possession of the dead horse's registration certificate shall promptly and in any event within 7 days of such notification return the certificate to the Controlling Body.
- (4) The owner, authorised agent or person in charge shall comply with any direction given by the Controlling Body to verify the death.
- (5) The owner or authorised agent or other person in charge of a horse whose death has been notified, or which should have been notified, under sub rule (1) (a) shall not dispose of the carcass without the permission of the Controlling Body or the Stewards.
- (6) A person who fails to comply with any provision of this rule is guilty of an offence.

LR 105. Form of notification

Notification of death shall be given to the Controlling Body on Part B of form LR25-A.

106. Advertisements for service, sale and related matters

- (1) No person shall advertise any sire for service or any horse for sale, lease or syndication with the representation that the sire or horse has run a certain time unless it is an official winning time, or an official registered time trial time.
- (2) For the purposes of an advertisement -
- (a) an official winning time recorded overseas shall be converted where necessary to reflect the Australian timing method (i.e. tenths of seconds);
- (b) where the time mentioned is that of an official registered time trial that fact shall be indicated;
- (c) an official registered time trial time does not include a qualifying trial time.

- (3) A person advertising other than in accordance with this rule is guilty of an offence.
- (4) Where a person is guilty of an offence under this rule then, in addition to any penalty imposed on that person, registration of a sire the subject of that person's advertisement may be withdrawn or, if the horse is a dam, registration of the dam's foaling may be refused.

107. Minimum age of owner

Unless the Controlling Body approves, a person under the age of 18 years cannot own, lease or otherwise have a legal interest in a horse.

LR 107. Horse owned by minor

- (1) *Unless otherwise approved by a Controlling Body a horse which is owned wholly or in part by a person under the age of 18 years or in which any such person has an interest directly or indirectly shall not be eligible to be registered, nominated or to compete in any race conducted under these rules.*
- (2) *A registration assessment certificate shall not be issued for any horse owned wholly by a person under the age of 18 years.*
- (3) *A registration assessment certificate may be issued for a horse partly owned by a person under the age of 18 years, provided that:*
 - (a) *an undertaking is lodged by a parent or guardian accepting full responsibility for such person under the age of 18 years; and*
 - (b) *the guardian or parent is listed as the first named co-owner of such horse and is therefore regarded as the manager of the horse.*

108. Registration of owners

The Controlling Body may register the owners of horses and registration may be effected in such manner and form and with such particulars and information as the Controlling Body considers appropriate.

109. Ownership, legal interests, leases

- (1) Within 7 days of entering into a lease or prior to the horse next racing whichever is the earlier the lessee shall lodge a notification of the lease with the Controlling Body.
- (2) Notification shall be made in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body may determine.
- (3) The Controlling Body may register or refuse to register the notification.
- (4) The lease becomes effective on registration of the notification by the Controlling Body.
- (5) The Controlling Body may cancel the registration of the notification and the lease thereupon becomes ineffective.

LR 109. Notification of lease

Notification of a lease shall be given on form LR109-A.

110. Surrender and extension of lease

- (1) If the term of a notified lease is extended or if a notified lease is surrendered, or otherwise terminated before the conclusion of its term, the lessor or the lessee shall within 7 days of the event occurring or prior to the horse next racing whichever is earlier notify the Controlling Body.
- (2) Notification shall be made in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body may determine.
- (3) An event described in sub rule (1) becomes effective when approval thereto is given by the Controlling Body.

LR 110. Notification of surrender and extension of lease

- (1) *Notification of surrender or other termination of a lease shall be made on form LR110-A.*
- (2) *Notification of extension of a lease shall be made on a form LR 109-A.*

111. Change in ownership

- (1) A change in the ownership of a registered horse or notified foal shall be made in accordance with this rule.
- (2) Within 7 days of agreeing to the change or prior to the horse next racing whichever is earlier or such other time as the Controlling Body may determine the transferee shall make application to the Controlling Body to register the change.
- (3) An application under this rule shall be made in the manner and form, and be accompanied by the horse's registration certificate and such other documentation, information and fees as the Controlling Body may determine.
- (4) The Controlling Body may register or refuse to register the change.
- (5) A change becomes effective on registration.
- (6) The Controlling Body may cancel the registration of a change and it thereupon becomes ineffective.

LR 111. Application form - ownership change

An application under rule 111 shall be made on form LR 111 - A.

LR 111A. Owners and managers registered

- (1) *The register of horses kept by the Controlling Body shall incorporate a register of all owners and their authorised agents and description of each type of ownership interest of each horse listed therein.*
- (2) *When a horse is owned by 2 or more persons the part owners shall appoint one of the part owners as a manager of the horse.*
- (3) *a manager means a natural person appointed as manager pursuant to these Rules who shall have the power solely or subject to conditions to control all matters relating to the ownership, breeding or racing a horse.*
- (4) *The appointment of a manager under sub rule (2) may be made at any time and from time to time.*
- (5) *The Controlling Body shall accept an appointment under sub rule (2) where the appointment is made by the part owners having more than*

50% of the interests of shares in the ownership as indicated on the form of appointment of manager.

[Local Rule 111A inserted in Gazette 20 June 2003 p.2249.]

112. Offence - ownership and leases

- (1) A person who fails to comply with a provision of rule 109 or rule 110 or rule 111 is guilty of an offence.
- (2) Where an offence is committed under rule 109 or rule 110 or rule 111 the Controlling Body may take such action with regard to the horse concerned in the offence and take such action with regard to the registration of the ownership in the horse as it may determine.
- (3) The Controlling Body may register or cancel the registration of notification of a lease, or approve an event of the type described in sub rule 110 (1) or register or cancel the registration of a change in the ownership of a horse, on the basis of such documentation or information as it considers suitable and notwithstanding the failure of any person to comply with a provision of rule 109 or rule 110 or rule 111.

113. Passing of engagements and related matters

- (1) The engagements of a horse and the rights and liabilities attaching thereto shall pass -
 - (a) to the new owner when a change in ownership is registered under rule 111;
 - (b) to the lessee when notification of a lease is registered under rule 109.
- (2) The engagements of a horse and the rights and liabilities attaching thereto shall revert to the lessor on cancellation of notification of a lease under rule 109.
- (3) Notwithstanding anything in this rule, the Controlling Body may make such determinations and give such directions with regard to the engagements of a horse and the rights and liabilities attaching thereto as it thinks fit.

114. Syndicates & groups

- (1) The connections of a horse may make application to the Controlling Body to register a syndicate in respect of the horse.
- (2) If 11 or more persons own a horse application to register a syndicate shall be made under sub rule (1).
- (3) An application under sub rule (1) shall be made in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body determines.
- (4) The Controlling Body may grant or refuse an application under sub rule (1).
- (5) The Controlling Body may at any time cancel the registration of a syndicate.

LR 114. Forms - syndicates

- (1) *Application to register a syndicate shall be made on form LR114-A.*
- (2) *Application to renew the registration of a syndicate shall be made on form LR114-C.*

115. Syndicate manager

- (1) A syndicate shall appoint a natural person as its manager.
- (2) An appointment under sub rule (1) can only be made with the approval of the Controlling Body.
- (3) 10 or fewer persons who jointly own a horse shall appoint a natural person as the joint ownership manager.
- (4) A manager appointed pursuant to this rule shall act for and on behalf of the syndicate or joint ownership as the case may be in all harness racing matters and is responsible for ensuring that the obligations of the syndicate or joint ownership arising under these rules are met.
- (5) The Controlling Body may at any time cancel the appointment of a manager of a syndicate.

116. Syndicate changes

- (1) The manager shall notify the Controlling Body of any change in the composition of the syndicate within 7 days of the change occurring or prior to the horse next racing whichever is earlier.
- (2) A manager who fails to comply with sub rule (1) is guilty of an offence.

LR 116. Notification form

Notification of change in the membership of a syndicate shall be made on form LR 114-B.

117. Effect of disqualification of syndicate member

If a member of a syndicate or a party to a joint ownership arrangement is under disqualification a horse owned by the syndicate or in joint ownership as the case may be, cannot be nominated for or start in a race except with the approval of the Controlling Body.

118. Offences - syndicates

- (1) A person shall not use a syndicate name if the syndicate is not registered under these rules.
- (2) A person shall not assert that he or she is a manager of a syndicate if that person is not appointed as such manager in accordance with these rules.
- (3) A person who fails to comply with any provision of this rule is guilty of an offence.

119. Relinquishment of training

- (1) A trainer shall on relinquishing the training of a horse immediately give notification of that fact to the Controlling Body.
- (2) Notification shall be given in the manner and form, and be accompanied by such documentation information and fees as the Controlling Body may determine.
- (3) A trainer who fails to comply with any provision of this rule is guilty of an offence.

120. Transfer from disqualified trainer

- (1) A horse trained but not owned by a trainer whose licence has been suspended or cancelled or who is disqualified (in this rule called the "disqualified person") is ineligible to race until it is transferred to the control of a licensed trainer.
- (2) A transfer must be approved by the Controlling Body.
- (3) The Controlling Body may at any time revoke the approval of a transfer if it forms the view that the disqualified person is involved with or influencing the training of the horse.
- (4) If a transfer is not approved or is revoked the horse is ineligible to race.
- (5) A horse may be declared ineligible to race by the Controlling Body if it forms the view that the disqualified person is involved with or influencing the training of the horse.

121. Sale of horses

- (1) A horse registered or notified under these rules shall not be offered for sale, or sold, unless its owner or trainer has first matched the identity of the horse with its official description maintained in the records of the Controlling Body.
- (2) The registration certificate of a horse offered for sale must be available for inspection by prospective purchasers and must be handed over to the purchaser on sale.
- (3) The stewards may cause a horse offered for sale, or sold, to be swabbed or otherwise examined or tested.
- (4) A horse shall not be offered for sale, or sold, in a condition which infringes a determination made under rule 188.
- (5) A person who fails to comply with any provision of this rule or who frustrates or impedes, or endeavours to frustrate or impede, action taken by the stewards under sub rule (3), is guilty of an offence.

122. Offences - names

- (1) Unless the Controlling Body otherwise approves a person shall not nominate for or start in a race a horse which has not been named or registered under these rules.

- (2) A person shall not cause someone to believe that an unnamed horse has been named under these rules.
- (3) A person shall not cause a horse to take part in a race under a name other than the name shown on the horse's registration certificate.
- (4) A person shall not cause another person to believe that a horse has a name other than that shown on the horse's registration certificate.
- (5) A person shall not change or abandon the name shown on a horse's registration certificate except with the approval of the Controlling Body.
- (6) Where a horse's name has been changed the old name (in parenthesis) as well as the new, shall be shown in every program for a meeting or race in which the horse participates for a period of 3 months or until the horse has competed under the new name on at least 6 occasions, whichever shall be longer.
- (7) A person who fails to comply with any provision of this rule is guilty of an offence.

Part 6

Handicapping

123. Regulations

- (1) The Controlling Body may make handicapping regulations or adopt the handicapping regulations of another body.
- (2) Handicapping regulations whether made or adopted may be amended or repealed by the Controlling Body.

LR 123. Rule 123 not to apply

- (1) *Rule 123 shall not apply.*
- (2) *The rules with respect to handicapping are set out in Part 24.*

124. Conflicts of interest

- (1) No handicapper shall exercise any power conferred by these rules or the handicapping rules in respect of any matter in which the

handicapper has a financial or family interest or which in any other way gives rise to a conflict of interest.

- (2) No handicapper shall bet or have a financial interest in any bet on a race.
- (3) No handicapper shall be engaged, whether alone or in any type of association with others, in any business or activity involving the ownership, breeding, sale, lease, training, racing or management of horses connected with the harness racing industry.
- (4) Unless the Controlling Body directs otherwise, the office of a handicapper is vacated if the handicapper does any of the things mentioned in this rule.
- (5) Unless the Controlling Body directs otherwise, a handicapper's office is vacated if the handicapper's spouse, or de facto partner becomes involved in or acquires an interest in any business or activity described in sub rule (3).

[Rule 124 amended in Gazette 30 June 2003 p.2628.]

125. Offences - handicapping

- (1) A person shall not improperly influence, or attempt to improperly influence, a handicapper in the performance of the handicapper's duties.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

Part 7

Starting

126. Appointment

- (1) The Controlling Body or the club conducting a meeting shall appoint a starter.
- (2) An appointment of a starter by a club must be approved by the Controlling Body.

127. List to be supplied to starter

A list of the horses competing in a race and their handicaps shall not less than 60 minutes before the appointed time for the race be supplied to the starter by the club or other body conducting the meeting.

128. Starters

- (1) Subject to the following provisions of this rule, all horses drawn up behind the mobile barrier are starters in the race regardless of their positions.
- (2) A horse may be declared a non starter and a late scratching by the stewards where in their opinion it has failed to participate in the score up and its driver has made every effort to have the horse score up.
- (3) If a horse causes two false starts through its own intractability, it is automatically withdrawn and declared a late scratching.

129. Chief steward to determine start questions

The chief steward shall, after consulting with the starter, determine any question concerning whether a horse has been started for a race.

130. The start

- (1) As far as practicable horses shall be drawn up before the start according to their handicaps.
- (2) Horses on the same mark shall be drawn up in their barrier positions.
- (3) The chief steward shall determine the number of horses to start abreast in any line.
- (4) If there are too many horses to form one line, outside draws will be placed as close as practicable behind the front line.
- (5) Drivers shall not permit their horses to deviate from their barrier positions during the score up of a mobile start.
- (6) During the score up of a mobile start the starter may give such directions as in the starter's opinion would be conducive to a fair start.

131. Barrier positions

Barrier positions shall be filled at the time and in the manner determined by the Controlling Body.

132. Error in barrier draw

If at any time after publication of a barrier draw in any race an apparent error is found in the barrier position of a horse the draw shall remain unchanged.

133. Omission in error

- (1) If at any time after publication of a selected race field, it is found that a horse has been omitted in error from the field the Controlling Body may determine that the horse omitted in error be included in the field so long as it is practicable to do so.
- (2) Notwithstanding rule 132, if a horse is included in a race field pursuant to sub rule (1) the Controlling Body may determine the correct barrier position of such horse by random draw from the barrier positions available to that horse and the horse previously drawn in such position and all horses drawn outside that horse shall then move out one barrier position.

LR 133. Rule 133 not to apply.

Rule 133 shall not apply.

LR 133A. Horse omitted from handicaps or draw for barrier positions

- (1) *If, after the declaration of acceptances for a race, it is the opinion of the stewards that an error or omission on the part of an employee of the Controlling Body caused a horse properly nominated for the race to be omitted from the handicaps and/or not correctly included in the draw for barrier position, the horse may be included in the handicaps and/or draw for barrier positions under the provisions of this rule.*
- (2) *A horse included in the handicaps under the provision of sub rule (1) shall be considered by the handicapper in accordance with the field selection criteria set down by the Controlling Body.*
- (3) *In the event of a horse included in a race under the provisions of sub rule (1) causing a horse already declared as an acceptor for the race to*

be balloted, all other horses declared as acceptors for the race shall take their relative barrier positions as if the horse balloted had not been included in the draw for barrier positions.

- (4) *Allocation of barrier position to the horse included in the race and/or the draw for barrier positions under the provision of sub rule (1), shall be in accordance with the conditions of the race for which the horse is declared an acceptor.*
- (5) *The barrier position allocated to the horse shall be determined from the total number of barrier positions from which the horse is entitled to start and the barrier position of a horse displaced by the horse and all horses drawn outside the displaced horse shall increment by one barrier position.*
- (6) *The nomination of a horse shall not be considered for inclusion in the handicaps and/or inclusion in the draw for barrier positions under the provisions of sub rule (1) after 10.00am on the day following the declaration of acceptances for the race or after the time for the declaration of acceptances for the race has been extended.*
- (7) *Any person who, in the opinion of the Stewards, attempts to cause, or causes, a horse to be improperly omitted from the handicaps and/or draw for barrier positions, commits an offence and may be penalised accordingly.*

134. Outside draw

- (1) Where the stewards are of the opinion that the behaviour of a horse at the start has affected its chances of winning a standing start event or has affected the chances of another runner, they may make the horse outside draw stands (“ODS”) for such period as they think fit and may require it to requalify for standing starts.
- (2) Should the horse offend in the same manner thereafter the stewards may ban the horse from competing in standing start events.
- (3) A horse while ODS shall be drawn in outside barrier positions in standing start events.
- (4) If a horse behaves intractably in the score up of a mobile start or at the start or within a reasonably short distance from the start the stewards may exclude it from the barrier draw (ODM) for such period as they think fit and require it to requalify for mobile starts.

- (5) Should the horse offend in the same manner thereafter the stewards may ban the horse from competing in mobile start events.
- (6) A horse while ODM shall be drawn in outside barrier positions in mobile start events.
- (7) If a horse is made ODS or ODM after the draw for barrier positions in a race has been completed such horse shall be placed on the outside of the line in which it is drawn.

LR 134. Requirement to requalify

- (1) *Where a horse is required to requalify pursuant to sub rule (1) of rule 134 the stewards shall issue a notice in terms of Form R134-A and give it to the trainer or authorised agent.*
- (2) *The trainer, after reading the requirements specified in the notice, shall sign it.*
- (3) *The notice, duly completed, shall be returned to the stewards after completion of the required trials.*

[Local Rule 134A amended in Gazette 4 September 2001 p.4957.]

LRI34A. Outside Draw — Mobile Start Events

- (1) *Rule 134(6) shall not apply.*
- (2) *The Controlling Body may determine the barrier draw position for horses excluded from the draw in mobile start events.*

[Local Rule 134A inserted in Gazette 25 February 2000 p.977.]

135. Starter's orders

- (1) Horses competing in a race shall parade not less than 12 minutes before the appointed time for the race in the area designated by the stewards.
- (2) Horses competing in a race shall be on the track not less than 7 minutes before the appointed time for the race.
- (3) Horses shall move to their allotted barrier positions on the blow of the starter's whistle or as otherwise signalled.

- (4) Once on the track drivers are under starter's orders and remain so until the race is started.
- (5) A driver who fails to have his or her horse in the relevant place by the times mentioned in sub rule (1) or sub rule (2) or fails to drive to the correct barrier position on the blow of the starter's whistle or as otherwise signalled, is guilty of an offence.
- (6) This rule does not affect the powers of the stewards conferred by these rules.

136. Fair start

- (1) The starter may give such orders and take such measures as the starter considers necessary to secure a fair start.
- (2) The starter shall report to the stewards any driver who disobeys the starter's orders, starts before the signal or from the wrong barrier position, takes an unfair advantage at the start, or otherwise appears to the starter to have infringed these rules.

137. Positioning horses

A horse rehandicapped for a standing start race after the barrier positions are determined shall be positioned on the outside of the horses on the same handicap mark but on the inside of horses excluded from the barrier draw.

138. Repositioning of misbehaving horse

- (1) The starter may reposition a horse which is misbehaving and is thereby in the starter's opinion likely to prevent a fair start, provided the handicap mark of the horse is not thereby altered.
- (2) Where the starter acts under sub rule (1) the remaining horses on the same handicap mark shall have their positions correspondingly adjusted, but they are not to be placed in another line.

139. Wrong position

If a driver informs the starter that a horse has been placed in the wrong position the starter shall not start the race until the stewards on being informed by the starter have determined the correct position.

140. Horse causing delay

- (1) If in the opinion of the starter a horse is likely to cause delay at the start, the starter shall warn the driver but not delay the start and may recommend to the stewards that the horse be declared a non starter.
- (2) If the stewards accept a recommendation made under sub rule (1) they shall also declare the horse a late scratching.

141. False start

- (1) In mobile start races the starter may declare a false start if at or before the starting point a horse breaks gait, causes interference to another runner, falls, breaks gear or scores up in front of the gate.
- (2) Where a horse offends in the first score up resulting in a false start, it will remain in its allotted position for the subsequent score up.
- (3) In standing start races the starter may declare a false start if the starter incident that occurs immediately prior to or at the time of start not directly considers a horse's prospects in the race are adversely affected by any related to the behaviour of another runner.

142. Starts

Races shall be run from mobile starts unless the Controlling Body or chairman of stewards otherwise approves.

143. Approval of starting barrier

- (1) Unless the Controlling Body otherwise directs or permits all races shall be started by means of a starting barrier approved by the stewards and which functions to their satisfaction.
- (2) The stewards shall record details of their approval including, where applicable, the make, motor vehicle registration number, name of operator and width of track on which barrier and vehicle is permitted to be used.

144. Starting points for mobile starts

- (1) The starting points of mobile start races shall be approved by the stewards.

- (2) Starting points shall be clearly marked by prominent markers on the inside or outside of the track.

145. Offence - acting as starter

- (1) A person with a direct or indirect interest in the ownership of a horse or otherwise being one of its connections shall not act as starter in a race in which that horse is competing.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

146. Offence - mounting starting gate

- (1) A person who is not the starter, operator or someone authorised by the stewards, shall not mount or ride on the starting gate.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

Part 8

Required Racing Standard

147. Racing on merits

- (1) A driver shall race a horse on its merits.
- (2) Action or non action by a driver during the course of a race which prevents or impedes the horse driven by that driver from racing on its merits shall be sufficient to establish non compliance with sub rule (1).
- (3) Sub rule (2) does not preclude non compliance being established by other means.
- (4) A driver who fails to comply with sub rule (1) is guilty of an offence.

148. Offence - assisting driver to drive not on merits

- (1) A person shall not direct, coerce, persuade, or assist a driver to race a horse otherwise than on its merits.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

149. Race to win or best placing

- (1) A driver shall take all reasonable and permissible measures during the course of a race to ensure that the horse driven by that driver is given full opportunity to win or obtain the best possible placing in the field.
- (2) A driver shall not drive in a manner which in the opinion of the stewards is unacceptable.
- (3) A driver who fails to comply with sub rule (1) or (2) is guilty of an offence.

[Rule 149 inserted in Gazette 10 January 2003 p.41.]

150. Charges

- (1) Charges may be laid under rules 147 and 149 arising out of the same circumstances.
- (2) If an offence is established under each rule penalties may be imposed in respect of each offence.
- (3) Where penalties are imposed in respect of each offence the penalty imposed in respect of breach of rule 149 (1) shall be suspended pending the decision on any appeal.
- (4) Subject to orders made on appeal, the suspension of a penalty occurring under sub-rule (3) shall become permanent where an appeal against conviction under rule 147 is dismissed or abandoned.
- (5) Subject to orders made on appeal, the suspension of a penalty occurring under sub-rule (3) is removed where an appeal relating to conviction under rule 147 is successful.

Part 9

Drivers

151. Driver's fee

A driver's fee shall be paid in an amount determined by the Controlling Body.

152. Priorities concerning horse to be driven

- (1) The owner or trainer of a horse in a race shall not drive any other horse in the race except with the permission of the Chairman of Stewards.
- (2) A person who owns or trains more than 1 horse starting in a race and who desires to drive in that race must observe the order of priority set out in this sub rule.

First: The person shall drive the horse the person owns and trains.

Second: The person shall drive the horse which the person owns but which is trained by someone else.

Third: The person shall drive the horse trained but not owned by the person.
- (3) The order of priority set out in sub rule (2) may be varied by the stewards.
- (4) Application to the stewards to vary the order of priority must be made in such manner as the Chairman of Stewards determines.
- (5) In this rule "person" means in relation to horses starting in a race, an owner, trainer, part owner and lessee and a "trainer" includes a driver temporarily in charge of a horse in a trainer's absence.

LR 152. Priority concerning horse to be driven

- (1) *In accordance with the provisions of rule 152(4), the stewards may give special approval to an owner or trainer, who has a horse or horses engaged in a race, to drive another horse in the race not owned or trained by that owner or trainer.*
- (2) *Such application shall only be made on good and substantial grounds.*
- (3) *When deciding to grant approval, the stewards shall examine the merit of each application, consider the ramifications of the application for approval, and ensure that any application shall be in the public's best interest.*
- (4) *The stewards may give approval in the following circumstances -*
 - (a) *the owner or trainer of the horse that is the subject of special approval shall apply for special approval;*

- (b) application for special approval shall be made directly to the stewards;*
 - (c) application for special approval shall be made no later than 10.00am on the day after acceptances for the meeting are taken; and*
 - (d) unless the stewards otherwise decide, the reinsperson, who is the subject of special approval, shall engage a reinsperson of similar ability as himself or herself to drive his or her horse or horses which are engaged in the same race.*
- (5) *Sub rule (4) shall not apply when the horse or horses owned or trained by the reinsperson, who is the subject of special approval, are declared acceptors for the race with a novice concession being applicable.*

153. Pregnant driver

- (1) Immediately a driver becomes aware that she is pregnant she shall notify the Controlling Body.
- (2) During the course of her pregnancy the driver shall provide evidence from a medical practitioner, when requested to do so by the Controlling Body or the stewards, that she is not endangering herself or her unborn child by participating in harness racing activities.
- (3) If the driver fails to produce such medical evidence her licence or any other authorisation to engage in harness racing activities shall forthwith be suspended and remain suspended until the evidence is provided.
- (4) A driver who fails to comply with sub rule (1) is guilty of an offence.

154. Horse breaking gait - driver's obligation

- (1) If a horse breaks gait during a race its driver shall take immediate action to restrain the horse to its correct gait.
- (2) Where in the opinion of the stewards a driver fails to comply with sub rule (1) the horse may be disqualified for the race or placed in a lower finishing position and the driver is guilty of an offence.

155. Horse breaking gait - steward's powers

- (1) If a horse breaks gait during a race and the stewards are of the opinion that the horse thereby gained ground, or caused interference to or obtained an advantage to the detriment of another runner, the stewards may disqualify the horse from the race or place it in a lower finishing position.
- (2) If the stewards form the opinion referred to in sub rule (1) and are further of the opinion that the driver could or should have prevented the horse from gaining ground or causing interference or obtaining an advantage to another runner's detriment, the driver is guilty of an offence.

156. Whips

- (1) A driver shall only use a whip of the type approved by the Controlling Body.
- (2)
 - (a) A whip shall not be used so as to obstruct, strike or endanger another driver or horse;
 - (b) a driver shall not use a whip excessively;
 - (c) a driver shall not allow a whip to project outside the sulky or be drawn further back than the sulky seat;
 - (d) a whip shall not be used in show events;
 - (e) a horse shall not be whipped after it has passed the winning post at the finish of a race, its run is finished, or if it cannot maintain or improve its position in the race.
- (3) A person who fails to comply with any provision of sub rule (1) and (2) is guilty of an offence.

LR 156. Approved whip

The approved whip is a flexible whip of black or dark tan colour with a core of fibreglass with a handle base and shaft which measures 1160 millimetres in length and a one piece leather keeper of 60 millimetres in length and 20 millimetres in width amounting to an overall length of 1220 millimetres.

[LR156A. Repealed in Gazette 4 Oct 2002 p. 5067.]

157. Offence - relating to eligibility to drive

- (1) A person shall not drive in a race unless qualified and eligible to do so.
- (2) A person who fails to comply with sub-rule (1) is guilty of an offence.

158. Offence - relating to engagements

- (1) A driver shall fulfil an engagement to drive in a race except when the stewards give permission not to do so.
- (2) A driver shall not substitute for another driver in a race except with the permission of the stewards.
- (3) A driver who fails to comply with sub rule (1) or sub rule (2) is guilty of an offence.

159. Offence - relating to dress

- (1) A driver shall dress for a race in the manner determined by the Controlling Body.
- (2) The stewards may confiscate any item of dress which they consider should not be worn by a driver in a race.
- (3) A driver who fails to comply with sub rule (1) is guilty of an offence.

LR 159. Approved helmet

- (1) *A driver shall wear a helmet which meets Australian Standards Association Standard 1698 or 2063.3 or is approved by the Snell Foundation (1984 Snell "H" Standard) or the US Department of Transportation Standard 218 and the brand name of which has been approved and entered in the Register of Approved Helmets kept by the Australian Harness Racing Council.*
- (2) *A person shall at all times when driving or riding a horse keep his or her helmet correctly fastened.*
- (3) *A driver's jacket shall be of approved material and colour, and trousers shall be white and made of suitable material.*
- (4) *A driver shall wear boots which may be black or dark tan and which entirely cover feet and ankles and afford reasonable protection.*

- (5) *A driver's dress shall be clean and tidy.*
- (6) *Where the stewards consider that the climatic conditions at a meeting warrant the wearing of gear other than or in addition to that mentioned in this local rule, such as the wearing of gumboots, they may direct or give permission for this to be done.*
- (7) *A person shall at all times when driving or riding a horse on a registered racetrack wear a body protector that is certified by Quality Assurance Services Pty Ltd and which has been approved by the Australian Harness Racing Council.*

[Local Rule 159 amended in Gazette 3 March 2000 p.1018; 10 March 2000 p.1125; 27 October 2000 p.6031; 10 January 2003 p.41.]

160. Offence - relating to the preliminary

- (1) Every driver when entering upon the track to compete in a race must drive the horse in its preliminary the correct way of the course only, except when being paraded by the Clerk of the Course.
- (2) A driver who fails to comply with sub rule (1) is guilty of an offence.

161. Offence - relating to the instructions of the clerk of the course

- (1) Subject to the powers of the stewards, drivers shall obey the instructions and requirements of the clerk of the course.
- (2) A driver who fails to comply with sub rule (1) is guilty of an offence.

162. Offence - relating to matters at the start

- (1) A driver shall not -
 - (a) dismount or move the horse off the track when under starter's orders except with the permission of the starter or at the direction of the stewards;
 - (b) disobey orders given by the starter;
 - (c) once on the track speak, communicate or signal to any person other than an authorised official;
 - (d) delay the start;
 - (e) come to the barrier out of position;
 - (f) cross over before reaching the starting point;

- (g) start from the wrong barrier position;
- (h) fail to come up into position;
- (i) fail to come up to the starting gate by the time the candy pole or other nominated marker is reached;
- (j) fail to maintain position behind the starting gate until the start;
- (k) start before the signal is given;
- (l) rush ahead of the wings of the starting gate;
- (m) interfere with a driver or horse during the start;
- (n) take or attempt to take an unfair advantage in a race;
- (o) look around unduly during a race;
- (p) fail promptly to report to the stewards an incident in the course of a race affecting, or which might have affected, the performance of a horse or the true running of the race;
- (q) lose or drop any part of his attire, gear or equipment during a race;
- (r) if the gear of the driver's horse is broken, lost, damaged, malfunctions, tampered or interfered with during a race, fail promptly to report the same to the stewards;
- (s) carry or use a stop watch in a race;
- (t) shout loudly, make any improper noise, or do or attempt anything which interferes or is designed to interfere with the progress of a runner;
- (u) abruptly reduce or check the speed of the driver's horse in a way which could cause interference or jostling;
- (v) whip the driver's horse with the reins;
- (w) do anything to hinder or prevent a runner from passing where that runner has sufficient room to do so;
- (ww) allow his or her horse to shift from its running line unless it is commencing a forward move or improving its position.
- (x) set an excessively slow pace; or
- (y) fail to adhere to minimum time standards for sections of a race.
- (z) fail to fully drive his or her horse out to the end of the race.

- (2) A driver who fails to comply with any provision of sub rule (1) is guilty of an offence.

[Rule 162 amended in Gazette 28 December 2001 p.6728.]

163. Offence relating to matters during the race

- (1) A driver shall not -
- (a) cause or contribute to any crossing, jostling or interference;
 - (b) subject to rule 164 make another horse cover more ground than necessary;
 - (c) allow the driver's horse or the sulky or any part thereof to shift inside or make contact with the marker post;
 - (d) directly or indirectly cause another runner to shift inside of the line of marker posts or into the sprint lane;
- (2) If a driver's horse or sulky shifts inside the line of marker posts the driver shall restrain the horse and, without interference to another runner, regain position in the true running line at the first opportunity.
- (3) A driver shall trail with the head of the driver's horse behind the seat of the sulky being trailed.
- (4) A driver who, in the opinion of the stewards, fails to comply with any provision of this rule is guilty of an offence.
- (5) For the purposes of sub rule (1) "crossing" occurs when a driver changing the position of the driver's horse, compels another runner to shorten stride or the driver of that other horse to pull it out of its stride.

[LR163 Repealed in Gazette 4 September 2001 p. 4957.]

164. No clear passage

The Controlling Body may determine the circumstances in which a driver who does not have a clear passage in the course of a race may take action to secure such a passage.

LR164 Changing Positions (Easing Out)

- (1) Notwithstanding Rules 163(1)(b), a driver may make another horse cover more ground than necessary where —

- (a) the driver does so on or after entering the front straight with one lap of the rate to run; or
- (b) the driver does so prior to entering the front straight with one lap of the rate to run, and the other horse is not maintaining or improving its position,

and provided that the driver does so only to the extent necessary to obtain an improved positions for the driver's horse.

- (2) For the obviation of doubt, nothing in this local rule authorises any act which is contrary to any rule other than Rule 163(1)(b).

[Local Rule 164 inserted in Gazette 29 October 1999 p.5400.]

165. Maintaining course at the start

- (1) A driver shall -
 - (a) on the first turn after the start and until reaching the next straight maintain with the inside wheel of the sulky a course which is at least 30cm wider on the track than the course being made good by the outside wheel of the sulky of the horse that is racing in the next position closer to the inside running line;
 - (b) not move the driver's horse towards the inside running line unless the rear of the driver's sulky is at least one metre clear of the extended front legs of the horse racing in the next position closer to the inside running line.
- (2) A driver who fails to comply with any provision of this rule is guilty of an offence.

166. Entry to sprint lane during final lap

- (1) Except in the final lap of a race a horse shall not enter any part of the sprint lane in an attempt to pass other horses or improve its position.
- (2) The driver of a horse in contravention of sub rule (1) is guilty of an offence and the horse may be disqualified or given a lower placing.

167. Entry to sprint lane

- (1) From the time the sprint lane becomes available for racing purposes, the leading horse closest to the inside running line and any horse in

advance of and outside that horse or having passed that horse on its outside shall not enter any part of the sprint lane.

- (2) In the event of a leading horse or its sulky entering any part of the sprint lane after the sprint lane become available for racing purposes the driver shall immediately take all necessary action to remove the horse and sulky from the sprint lane.
- (3) The driver of a horse in contravention of sub-rule 1 and 2 is guilty of an offence and the horse may be disqualified or given a lower placing.

[Rule 167 amended in Gazette 27 October 2000 p.6031; 28 December 2001 p.6728.]

168. Careless driving

- (1) A person shall not before, during or after a race drive in a manner which in the opinion of the stewards is careless, reckless, incompetent, intimidatory, foul or likely to endanger persons or horses.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

[Rule 168 amended in Gazette 17 July 2001 p.3638.]

[169. Repealed in Gazette 17 July 2001 p.3638.]

170. Offences relating to sulkies

- (1) A driver shall, throughout the course of a race, drive with both feet in the rests of the sulky.
- (2) A driver shall not drive in a race with part of the driver's body protruding beyond the sulky.
- (3) A driver who fails to comply with any provision of this rule is guilty of an offence.

171. Offence relating to obstructions on the track

- (1) In the event of an obstruction occurring on the track during a race, drivers shall observe due caution and obey instructions given by the stewards or any appointed person.
- (2) A driver who fails to comply with sub rule (1) is guilty of an offence.

172. Offence relating to production of licence

- (1) A driver shall produce his driver's licence to the stewards on demand.
- (2) A driver who fails to comply with sub rule (1) is guilty of an offence.

173. Offence relating to betting

- (1) A driver shall not bet on any horse in a race in which the driver participates, unless the bet includes the horse for which the driver is engaged.
- (2) A driver engaged to drive at a meeting shall not enter the betting area of the racecourse during the period commencing 60 minutes before the time fixed for the first race and finishing at the completion of the driver's engagements at the meeting.
- (3) A driver who fails to comply with any provision of this rule is guilty of an offence.

174. Disqualification of horse and related matters

- (1) Where a driver is found guilty of an offence under a rule contained in part 9 and the offence relates to the way in which the driver has driven or behaved or controlled or failed to control the driver's horse at the start or during a race, the stewards in relation to the race in which the offence occurred may place the driver's horse behind placed horses or disqualify it for such period they think fit.
- (2) A disqualification under sub rule (1) or alteration of placings does not affect settlement of bets or wagers.

Part 10

Objections and Protests

175. Lodgment of objections

- (1) A person who questions the eligibility of a horse to start in a race may lodge an objection with the stewards.
- (2) A person upon coming into possession of information which might establish a horse's ineligibility to race shall immediately lodge an objection with the stewards.

- (3) A person who fails to comply with sub rule (2) is guilty of an offence.
- (4) For the purpose of this rule “person” means a person licensed under these rules, an official of the club conducting the meeting, an owner of a horse competing in the race, or such owner’s authorised agent.

176. Lodgment of protests

- (1) A person who considers that a horse is not entitled to be placed in a race as the judge has decided, may lodge a protest with the All clear steward.
- (2) A protest can relate only to an incident which occurred during the running of a race.
- (3) A protest must state the grounds.
- (4) A protest must be made before the declaration of all clear.
- (5) For the purposes of this rule “person” means a steward, the starter of the race, a connection or driver of any horse competing in the race or an authorised agent.

177. Objection to placings

- (1) A person may after the declaration of all clear lodge with the stewards an objection against the judge's placings in a race.
- (2) An objection must be lodged within 7 days of the race.
- (3) An objection does not affect settlement of bets or wagers.
- (4) For the purposes of this rule “person” means a person licensed under these rules, an official of the club conducting the meeting, an owner of a horse competing in the race, or an owner’s authorised agent.

178. Announcement and inquiry

- (1) Upon lodgment of a protest the stewards shall immediately make a public announcement of the nature of the protest and the horses involved and proceed with an inquiry.
- (2) At the inquiry the owners or authorised agent and the trainers and drivers of the horses involved are entitled to be present.
- (3) Persons entitled to be present may address the stewards, but may question witnesses only with the stewards’ permission.

- (4) The stewards may disqualify any horse from the race or give it a lower placing and otherwise decide the protest in such manner as they see fit.

179. Payment of stakes and bets

If a protest is upheld, stakes and bets shall be paid in accordance with the stewards' decision.

180. Frivolous protest or objection

A person who lodges a frivolous protest or objection is guilty of an offence.

Part 11

Inquiries and Investigations

181. Conduct and scope

The stewards may, and when directed by the Controlling Body shall, conduct inquiries or investigations in such manner as they think fit into any occurrence or matter at or arising out of or connected with a meeting, race or event, or into any aspect of the harness racing industry, or into anything concerning the administration or enforcement of these rules.

182. Legal representation and other matters

At an inquiry conducted under these rules -

- (a) a person or body is not entitled to have a legal representative present in the room or place where the inquiry is being conducted but the stewards may permit such a representative to be present and to take such part in the inquiry as they consider appropriate and the stewards shall permit such representative where the stewards have a legal representative present or other persons appearing before the stewards at the same inquiry have been permitted to have a legal representative present;
- (b) a person under the age of 18 may be represented by an agent or parent;
- (c) a person with an English language disability may be assisted by an interpreter;

- (d) a club or other body may be represented by a member or official;
- (e) where scientific, medical or veterinary questions arise a person affected may have present an adviser in such a field to hear evidence and to assist in the framing of questions and submissions and at the discretion of the stewards to question a witness;
- (f) written or oral evidence may be tendered;
- (g) a written or oral opinion on legal, scientific, medical or veterinary matters may be tendered in evidence;
- (h) unless the stewards permit, a legal practitioner cannot represent or assist a person, club or other body pursuant to paragraph (b), paragraph (c), or paragraph (d) of this rule.

[Rule 182 amended in Gazette 30 November 1999 p.5953.]

LR 182. Representation of non-legal representative

Where a person of 18 years or older seeks permission of the stewards to be represented by an agent other than a legal representative, then the stewards may grant permission where —

- (a) *By reason of inexperience or other matters considered relevant by the stewards, the person cannot adequately represent himself; and*
- (b) *The stewards are satisfied that permitting the representative will assist the inquiry.*

[Local Rule 182 inserted in Gazette 27 October 2000 p.6030.]

183. Action pending outcome

Pending the outcome of an inquiry, investigation or objection, or where a person has been charged with an offence, the stewards may direct one or more of the following -

- (a) that a horse shall not be nominated for or compete in a race;
- (b) that a driver shall not drive or otherwise take part in a race;
- (c) that the horses of certain connections shall not be nominated for or start in a race;
- (d) that a licence or any other type of authority or permission be suspended.

184. Rehearings

On application by anyone affected adversely by a decision of the stewards they may proceed to a rehearing if fresh evidence relevant to the matter is produced to them within 14 days of the decision.

185. Procedure on rehearing

- (1) The stewards shall within a reasonable time before a rehearing give appropriate notice to affected persons.
- (2) On a rehearing the stewards may depart from normal procedural arrangements to meet the convenience of parties or otherwise for purposes considered appropriate by the stewards.

186. No rehearing where appeal initiated

The stewards shall not have any power to commence or proceed with a rehearing once an appeal to an Appeals Tribunal or a proceeding in a Court of Law relating to the matter is initiated.

187. Offences - inquiries

- (1) A person who is directed to do so by the stewards shall attend an inquiry or investigation convened or conducted by them.
- (2) A person shall not refuse to answer questions or to produce a horse, document, substance or piece of equipment, or give false or misleading evidence or information at an inquiry or investigation.
- (3) A person shall comply with an order or direction given by the stewards.
- (4) A person shall undergo any inspection, examination or test required by the stewards.
- (5) A person shall not abuse, intimidate or be deliberately obstructive of the stewards.
- (6) A person shall not frustrate or endeavour to frustrate an inquiry or investigation.
- (7) A person who fails to comply with any provision of this rule is guilty of an offence.

Part 12

Prohibited Substances

188. Determination of prohibited substance

- (1) The Controlling Body may determine -
 - (a) anything to be a substance;
 - (b) a substance to be a prohibited substance;
 - (c) a substance which in the opinion of the Controlling Body has or may have a certain effect to be a prohibited substance;
 - (d) a substance coming within a nominated category or class to be a prohibited substance;
 - (e) a substance when in or on a horse to be a prohibited substance;
 - (f) a substance when in or on a horse at or above a nominated level to be a prohibited substance;
 - (g) a substance when in or on a horse for a nominated time to be a prohibited substance.
- (2) When making a determination under sub rule (1) the Controlling Body may act under any paragraph or any combination of paragraphs in that sub rule.

LR 188. Prohibited substances

- (1) *For the purpose of these rules, the following are prohibited substances:*
 - (a) *Substances capable at any time of acting on one or more of the following mammalian body systems:*
 - the central and/or peripheral nervous systems*
 - the cardiovascular system*
 - the respiratory system*
 - the alimentary digestive system*
 - the musculo-skeletal system*
 - the uro-genital system*
 - the endocrine system;*
 - (b) *Substances falling within the following categories of substances:*

acidifying agents
adrenergic blocking agents
adrenergic stimulants
alkalinising agents
anabolic agents
analgesics
antiangina agents
antiarrhythmic agents
anticholinergic agents
anticoagulants
antidepressants
antihistamines
antihypertensives
anti-inflammatory agents
blood coagulants
bronchodilators
bronchospasm relaxants
buffering agents
central nervous system stimulants
cholinergic agents
corticosteroids
depressants
diuretics
general anaesthetics
haematopoietic agents
hormones (including trophic hormones) and their synthetic counterparts
hypnotics
local anaesthetics
muscle relaxants
narcotic analgesics

neuromuscular agents
plasma volume expanders
respiratory stimulants
sedatives
tranquillisers
vasodilators
vitamins administered by injection; and

- (c) *Metabolites, artifacts and isomers of the prohibited substances prescribed by paragraphs (a) and (b).*
- (2) *The following substances when present at or below the levels set out are excepted from the provisions of sub rule (1):*
- (a) *Alkalinising Agents, when evidenced by total carbon dioxide (TCO₂) present at a concentration of 36 millimoles per litre in plasma*
 - (b) *Arsenic at a concentration of 0.30 micrograms per millilitre in urine;*
 - (c) *Dimethyl sulphoxide at a concentration of 15.0 micrograms per millilitre in urine or 1000 nanograms per millilitre in plasma;*
 - (d) *In male horses, other than geldings, 5 α -estrane-3 β , 17 α -diol in urine (including both the free substance and that liberated from conjugates) at a concentration equal to or less than that of 5(10)-estrane-3 β , 17 α -diol in urine (including both the free substance and that liberated and that liberated from its conjugates).*
 - (e) *Salicylic acid at a concentration of 750 micrograms per millilitre in urine or 6.50 micrograms per millilitre in plasma;*
 - (f) *Free hydrocortisone at a concentration of 1.00 micrograms per millilitre in urine;*
 - (g) *Testosterone (including both free testosterone and testosterone liberated from its conjugates)—*
 - (i) *in geldings: at a concentration off 20 micrograms per litre in urine*

(ii) *in fillies and mares: at a concentration of 55 micrograms per litre in urine*

(h) *3-Methoxytyramine (including both free 3-methoxytyramine and 3-methoxytyramine liberated from conjugates) at a concentration of 4.0 milligrams per litre in urine*

[Local Rule 188 amended in Gazette 27 October 2000 p.6032; 25 May 2001 p.2682; 9 August 2002 p.3854-5.]

189. Testing

- (1) The stewards may carry out tests and examinations to determine whether a prohibited substance was or is in or on a horse.
- (2) A test or examination may be made at any time and place.
- (3) A test or examination may be conducted on a horse alive or dead.
- (4) For purposes of testing or examining the stewards may take possession of a horse for such period and subject to such conditions as they think fit.
- (5) The connections of a horse shall comply with any directions relating to testing and examining given by the stewards.
- (6) For purposes of testing and examining a horse the stewards may use the services of a veterinary surgeon or other appropriately qualified person.
- (7) Blood, urine, saliva, or other matter or samples or specimens may be taken from a horse for purposes of testing and examining and may be stored, frozen or otherwise dealt with, and shall be disposed of only as the stewards may direct.
- (8) Where the stewards suspect that a prohibited substance was or is in or on a horse or that blood, urine, saliva, or other matter or sample or specimen taken from a horse may contain a prohibited substance, they may withdraw the horse from a race, bar it from racing for a period, or give such direction about the horse as they consider appropriate.
- (9) It is an offence for a person to fail to comply with a direction given under sub rule (5) or sub rule (7) or sub rule (8) or to interfere with or prevent or endeavour to interfere with or prevent the carrying out of a test or examination.

LRI89. Withdrawal of horse from race

- (1) For the purposes of Rule 189(8) —
 - (a) the stewards are taken to have reasonable grounds for suspecting that —
 - (i) a prohibited substance was or is in or on a horse; or
 - (ii) blood, urine, saliva or other matter or sample or specimen taken from a horse may contain a prohibited substance, as the case may be: and
 - (b) the stewards may withdraw a horse from a race, bar it from racing for a period, or give such direction about the horse as they consider appropriate,
where the stewards are in receipt of a certificate referred to in Rule 191(1) with respect to that horse.
- (2) Nothing in this Rule is to be taken to limit —
 - (a) the matters to which the stewards may have regard in forming a suspicion under Rule 189(8); or
 - (b) the stewards powers under Rule 189(8).

[LRI89 inserted in Gazette 30 June 2000 pp.3431-2.]

190. Presentation free of prohibited substances

- (1) A horse shall be presented for a race free of prohibited substances.
- (2) If a horse is presented for a race otherwise than in accordance with sub rule (1) the trainer of the horse is guilty of an offence.
- (3) If a person is left in charge of a horse and the horse is presented for a race otherwise than in accordance with sub rule (1), the trainer of the horse and the person left in charge is each guilty of an offence.
- (4) An offence under sub rule (2) or sub rule (3) is committed regardless of the circumstances in which the prohibited substance came to be present in or on the horse.
- (5) A horse is presented for a race during the period commencing at 8.00 a.m. on the day of the race for which the horse is nominated and ending at the time it is removed from the racecourse after the running of that race.

- (6) Where a person is left in charge of a horse the trainer must give notification to the chairman of stewards, and the notification must be in the manner, within the time, and containing the information determined by the Controlling Body or the chairman of stewards.
- (7) A person can only be left in charge of a horse by a trainer with the approval of the chairman of stewards.
- (8) A trainer who fails to comply with sub rule (6) or sub rule (7) is guilty of an offence.

190A. Out of Competition Testing

- (1) When a sample taken at any time for a horse being trained by a licensed trainer has detected in it any prohibited substance specified in sub-rule (2), or metabolites, artifacts or isomers of such prohibited substance, the trainer and any other person who was in charge of such horse at the relevant time may be punished unless he satisfies the stewards that he had taken all proper precautions to prevent the administration of such prohibited substance.
- (2) For the purpose of sub-rule (1) the following substances are specified as prohibited substances —
 - Anileridine
 - Etorphine
 - Dipipanone
 - Endorphins
 - Human erythropoietin, darbepoetin alfa
 - Human insulin, bovine insulin and porcine/canine insulin
 - Diacetylmorphine (heroin), cocaine, cannabinoids and lysergic acid diethylamide (LSD)
 - Amphetamines including amphetamine, methylamphetamine
 - Methylenedioxyamphetamine and methylenedioxymethamphetamine

[Rule 190A inserted in Gazette 10 January 2003 p.39.]

190B. Log Book

- (1) A trainer shall at all times keep and maintain a log book or register listing all therapeutic substances in his or her possession.

- (2) A trainer shall upon request produce such log book or register for inspection by the Stewards.
- (3) A trainer who fails to comply with the provisions of sub rule (1) or (2) is guilty of an offence.

[Rule 190B inserted in Gazette 10 January 2003 p.39-40.]

191. Evidentiary certificates

- (1) A certificate from a person or drug testing laboratory approved by the Controlling Body which certifies the presence of a prohibited substance in or on a horse at, or approximately at, a particular time, or in blood, urine, saliva, or other matter or sample or specimen tested, or that a prohibited substance had at some time been administered to a horse is prima facie evidence of the matters certified.
- (2) If another person or drug testing laboratory approved by the Controlling Body analyses a portion of the sample or specimen referred to in sub rule (1) and certifies the presence of a prohibited substance in the sample or specimen that certification together with the certification referred to in sub rule (1) is conclusive evidence of the presence of a prohibited substance.
- (3) A certificate furnished under this rule which relates to blood, urine, saliva, or other matter or sample or specimen taken from a horse at a meeting shall be prima facie evidence if sub rule (1) only applies, and conclusive evidence if both sub rules (1) and (2) apply, that the horse was presented for a race not free of prohibited substances.
- (4) A certificate furnished under this rule which relates to blood, urine, saliva, or other matter or sample or specimen taken from a horse shall be prima facie evidence if sub rule (1) only applies, and conclusive evidence if both sub rules (1) and (2) apply, that the prohibited substance was present in or on the horse at the time the blood, urine, saliva, or other matter or sample or specimen was taken from the horse.
- (5) Sub rules (1) and (2) do not preclude the presence of a prohibited substance in or on a horse, or in blood, urine, saliva, or other matter or sample or specimen, or the fact that a prohibited substance had at some time been administered to a horse, being established in other ways.

- (6) Sub rule (3) does not preclude the fact that a horse was presented for a race not free of prohibited substances being established in other ways.
- (7) Notwithstanding the provisions of this rule, certificates do not possess evidentiary value nor establish an offence, where it is proved that the certification procedure or any act or omission forming part of or relevant to the process resulting in the issue of a certificate, was materially flawed.

[Rule 191 amended in Gazette 27 October 2000 p.6032.]

LR 191. Meaning of “certificate”

For the purpose of rule 191, “certificate” includes any report, notification or advice.

191A.

For the purposes of these Rules the plasma total carbon dioxide level in a horse shall be measured only by an approved instrument.

[Rule 191A inserted in Gazette 25 May 2001 p.2682.]

192. Possession on course

- (1) No person, unless he has first obtained the permission of the stewards, shall have in his possession either on a racecourse or in any motor vehicle or trailer being used for the purpose of travelling to or from a racecourse any prohibited substance or a syringe, needle or other instrument which could be used-
 - (a) to administer a prohibited substance to a horse; or
 - (b) to produce a prohibited substance in a horse.
- (2) The stewards may impose terms and conditions when giving permission under sub rule (1).
- (3) A person who fails to comply with sub rule (1) or with a term or condition imposed under sub rule (2) is guilty of an offence.
- (4) For the purposes of sub rule (1) possession includes control of and right of access to the prohibited substance or syringe, needle or other instrument.

193. Stomach tubing, atomisers and other devices

- (1) A person shall not stomach tube a horse nominated for a race or event within 48 hours of the commencement of the race or event.
- (2) A person shall not use an atomiser, face mask or other device for the administration of a prohibited substance to a horse nominated for a race or event within 48 hours of the commencement of the race or event.
- (3) A person who fails to comply with sub rule (1) or sub rule (2) is guilty of an offence.

LR 193. Stomach tubing

Notwithstanding rule 193(1), a person may stomach tube a horse nominated for a race or event within 48 hours of the commencement of the race or event with the prior approval of the Stewards who may require the advice of a veterinarian.

194. Holding of drugs

A person who holds or controls drugs unlawfully or which are unlabelled or without a supporting prescription is, if those drugs are capable of being administered to a horse, guilty of an offence.

195. Disqualification

A horse which has been presented for a race shall be disqualified from it if blood, urine, saliva, or other matter or sample or specimen taken from the horse is found to contain a prohibited substance.

195A.

- (1) This Rule is to apply to any race or series of races which the controlling body stipulates in the Conditions of Entry that it shall apply to; such a race or races being a qualifying race for some other race.
- (2) If in relation to a race to which this rule applies a blood, urine, saliva or other sample or specimen is taken from a horse when it is presented for such race and a certificate from a person or drug testing laboratory approved by the controlling body certifies the presence of a prohibited substance in such specimen or sample then the horse shall be

immediately disqualified from participating in any other race for which the race in question provides a qualification for participation.

- (3) This rule is to have effect and to be conclusive irrespective of whether further testing procedures or other circumstances establish that the horse was presented for the race free of any prohibited substances.

[Rule 195A inserted in Gazette 3 Dec 2002 p. 5714.]

196. Administering substances

- (1) The Controlling Body may make determinations concerning the feeding, injecting, inserting or otherwise administering substances or prohibited substances to a horse.
- (2) A person who fails to comply with a determination made under sub rule (1) is guilty of an offence.

[LR196. Repealed in Gazette 25 January 2002 p.449.]

Part 13

Prizemonies

197. Percentages

Prizemonies shall be paid in the percentages and in any manner determined from time to time by the Controlling Body.

LR 197. Stake percentages

- (1) *Unless otherwise stated for all country races and country front races in the metropolitan areas where the stake money does not exceed \$4,000 the stake breakup shall be -*

1st - 70%

2nd - 15%

3rd - 10%

4th - 5%

- (2) *For all races with stakes between \$4,000 and \$9,999 an amount of \$200 shall be allocated to the fourth horse and the balance of the stake money shall be paid -*

1st - 73%

2nd - 16%

3rd - 11%

LR 197A. Stakes payable

- (1) *Stakes shall be paid within 14 days of the date of the meeting unless the total stake excluding trophies of the placing is \$11,000 or greater.*
- (2) *Where the stake excluding trophies of the placing is \$11,000 or greater, the stake shall be paid within 7 days of the date of the meeting unless -*
 - (a) *an inquiry affecting the result of the race shall be pending; or*
 - (b) *the result of a report on a swab taken from the horse in respect of which the stake are payable shall not have been received.*

198. Winner only

- (1) Where only 1 horse takes part in a race it must complete the course at the specified gait unless the stewards otherwise direct.
- (2) Where a horse takes part in a race in accordance with sub rule (1), only one half of the winner's prizemonies shall be paid.
- (3) Where 2 or more horses take part in a race but no horse is placed except the winner, prizemonies for the second or lower placed horse shall be retained by the club or other body conducting the meeting.

199. Dead heats

- (1) Subject to sub rule (2), in the case of a dead heat for any place by 2 or more horses, the owners thereof shall divide equally all the money or other prize which any of them would have received if there had not been a dead heat.
- (2) Where the owners of horses running a dead heat cannot agree who is to have a cup or other indivisible prize the matter shall be determined by the stewards by lot.

200. Refund of prizemoney

- (1) Any prizemoney or trophy won by a horse which has been disqualified under these rules shall, if paid out, be refunded or returned immediately by the connections to the club which conducted the race or to the Controlling Body.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

201. Objections

- (1) Prizemoney which might be affected by -
 - (a) an objection;
 - (b) the carrying out of any test;
 - (c) the analysis of any blood, urine, saliva, or other matter or sample or specimen;
 - (d) an inquiry or investigation;
 - (e) an appeal to the Controlling Body or an Appeals Tribunal -shall be withheld.
- (2) Should prizemonies be paid out before an objection is lodged, the decision reached on the objection does not affect the payment.

Part 14

General Offences

202. Racecourses

A person shall not drive a horse on a racecourse or training track unless that person holds a driving licence, training licence or a stablehand licence or other licence authorising that activity.

203. Training without a licence

A person shall not train a horse on a racecourse or training track unless that person holds a training licence.

204. Stablehand not having a licence

A person shall not carry out the duties of a stablehand on a racecourse unless that person holds a trainer's, driver's or stablehand's licence.

205. The track

A person not being a steward, a driver engaged in a race, a club official or someone authorised by the stewards, shall not be on the track during a meeting.

206. Information concerning drivers

A person shall not inform the Controlling Body, a club or other body conducting a meeting, a drivers' check clerk, or some other official or representative, that a driver shall drive at a meeting if that driver is unavailable to do so.

207. Improperly obtained information

A person shall not seek or obtain improperly information from anyone employed, engaged or participating in the harness racing industry.

208. Improper divulging of information

A person employed, engaged or participating in the harness racing industry shall not divulge information to anyone improperly.

209. False information

A person employed, engaged or participating in the harness racing industry shall not knowingly furnish false information to the Controlling Body, the stewards or anyone else.

210. Notification of driver

Notification of a driver for a horse taking part in a race shall be given by the nominator, trainer, owner or other authorised person to the Controlling Body at a time designated by the Controlling Body.

211. Leaving horse unattended

An owner, trainer or other person for the time being in charge of a horse shall not leave the horse unattended at a racecourse whether in a stable or elsewhere before it has completed all its racing on the program.

212. Nomination of ineligible horse

A person shall not whether alone or in association with others nominate or start a horse in a race for which the horse is disqualified or otherwise ineligible.

213. Inflicting suffering

A person shall not by use of harness, gear, equipment, device, substance or any other thing inflict suffering on a horse.

214. Impeding a horse

A person shall not do anything which prevents or impedes a horse from doing its best in a race.

215. Altering gear

A person shall not alter or manipulate gear or other equipment so as improperly to advantage or disadvantage a horse in a race.

216. Fraudulent nomination

A person whether alone or in association with others shall not nominate or start a horse in a race fraudulently.

217. Concealing horse's identity

A person whether alone or in association with others shall not conceal or attempt to conceal the identity of a horse.

218. Improper care

A person having responsibility for the welfare of a horse shall not fail to care for it properly.

219. Inconsistent running

A person shall not do or fail to do anything which results in the inconsistent running of a horse.

220. Leading a horse

A person shall not lead a horse at a racecourse other than by way of a lead attached to a rearing bit in the horse's mouth.

LR 220. *Leading a Stallion or Colt*

Rule 220 shall only apply to a horse which is a stallion or colt.

[Local Rule 220 inserted in Gazette 20 Apr 2001 p. 2149.]

221. Threats to refrain from nominating

A person whether alone or in association with others shall not threaten, coerce or improperly influence anyone to refrain from nominating or starting a horse in a race.

222. Threats to withdraw horse

A person whether alone or in association with others shall not threaten, coerce or improperly influence anyone to withdraw a horse from a race.

223. Protective gear

A person when engaged in any activity relating to the care, control, training or management of a horse shall wear adequate footwear, clothing and other protective bodily coverings.

224. Approved helmet to be worn

A person when engaged in driving or riding a horse shall wear, correctly fastened, a helmet approved under these rules.

225. Adequate preparation by trainer

A trainer shall adequately condition, prepare and supervise horses trained by that trainer.

226. Offences - trainer

A trainer shall not knowingly permit a person to drive, train or carry out duties in breach of rule 202, rule 203 or rule 204.

227. Offering money or other inducements

A person shall not give or offer any money or other inducement improperly to anyone employed, engaged or participating in the harness racing industry.

228. Accepting inducements

A person employed, engaged or participating in the harness racing industry shall not accept or agree to accept any money or other inducement improperly.

229. Chief steward to be notified of inducement

A person employed, engaged or participating in the harness racing industry who is offered or given any money or other inducement improperly shall immediately inform the Chairman of Stewards or Chief Steward.

230. Association with disqualified persons

Except with the consent of the Controlling Body a person shall not associate for purposes relating to the harness racing industry with a disqualified person or a person whose name appears in the current list of disqualifications published or adopted by a recognised harness racing authority.

231. Assault and interference

A person shall not assault, abuse or otherwise interfere improperly with anyone employed, engaged or participating in the harness racing industry or otherwise having a connection with it.

232. Weapons and related matters

A person while on a racecourse shall not, except with the approval of the stewards, have in his or her possession or control a firearm or other weapon.

233. Conversing with driver

A person shall not converse with a driver after the driver is checked out for a race and is on the track.

234. Illegal betting

A person shall not lay or accept an illegal bet.

235. Persons illegally betting not to be communicated with

A person who believes that another person is likely to participate in or be connected with illegal betting shall not communicate with that other person in connection with such betting.

236. Employment

Except with the approval of the Controlling Body, a person shall not knowingly employ or use a disqualified person in connection with the care, training, management, supervision or racing of horses.

237. Registration

A person shall not fail to register anything which these rules require to be registered.

238. Failure to comply with orders

A person shall not fail to comply with any order, direction or requirement of the Controlling Body or the stewards relating to harness racing or to the harness racing industry.

[Rule 238 amended in Gazette 27 October 2000 p.6032.]

[LR 238. Repealed in Gazette 27 October 2000 p.6032.]

239. Acting in the absence of order

A person shall not do anything which can only be done at the order, direction or requirement of the Controlling Body or the stewards in the absence of or contrary to, such order, direction or requirement.

240. Corruption

A person shall not whether alone or in association with others, do permit or suffer anything before, during or after a race which in the opinion of the stewards or Controlling Body may cause someone to be unlawfully disadvantaged or be penalised or is corrupt or otherwise improper.

241. Acting corruptly

A person shall not in connection with any part of the harness racing industry do anything which is fraudulent or corrupt.

242. False documents relating to ownership

A person shall not furnish the Controlling body with a document purporting to describe the ownership of a horse which is false or fails to mention a person with ownership rights or interests.

243. Behaviour detrimental to the industry

A person employed, engaged or participating in the harness racing industry shall not behave in a way which is detrimental to the industry.

244. Improper communication

A person whether alone or in association with others shall not communicate improperly with the Controlling Body, its members or employees about anything which is or is likely to be the subject of an inquiry by or appeal to the Controlling Body.

Footnote: In Western Australia there is no local rule providing for appeals to the Controlling Body.

245. Assisting in improper practices

A person shall not direct, persuade, encourage or assist anyone to breach these rules or otherwise engage in an improper practice.

246. Notifying the stewards

A person who has reasonable grounds for believing that someone is behaving or may behave in a way causing or likely to cause a breach of these rules shall promptly bring the matter to the notice of the Controlling Body or the stewards.

247. Improper speech and behaviour

A person attending before the Controlling Body its members or employees, the stewards, officials, or at any proceeding under these rules, shall not speak or behave in a malicious, intimidatory or otherwise improper manner.

248. Improper publication

A person shall not say, publish or write or cause to be said, published or written anything malicious, intimidatory or otherwise improper about

the Controlling Body, its members and employees or the stewards or anyone else associated with the harness racing industry.

249. Improper influence on decisions

A person whether alone or in association with others shall not say, publish or write or cause to be said, published or written anything intended improperly to influence a decision of the Controlling Body, its members or employees, or the stewards, on any matter.

250. Licensed persons under the influence of alcohol or drugs

A person at a meeting when carrying on or purporting to carry on a licensed activity shall not be, in the opinion of the stewards, under the influence of alcohol or other drugs.

251. Official under the influence of alcohol or drugs

A person at a meeting when carrying on or purporting to carry on official duties related to the care and control of horses or the conduct of a race shall not be, in the opinion of the stewards, under the influence of alcohol or other drugs.

252. Presence of alcohol or drug of abuse

- (1) A person shall not have any alcohol or drug of abuse in his or her body when carrying on or purporting to carry on a licensed activity or official duties at a meeting.
- (2) Sub rule (1) does not apply to an official or employee of a club whose official duties at a meeting are unrelated to the care and control of horses or the conduct of a race.

LR 252. *Sample as evidence of offence*

Where an analysis is made of a sample of a person's breath, blood or urine and the sample is taken within 2 hours of an alleged offence then the quantity of alcohol or drug of abuse indicated by analysis of the sample is deemed to be the quantity of alcohol or drug of abuse existing at the time of the alleged offence.

LR 252A. Defences

It is a defence to an alleged offence against rule 252 for the person to prove:

- (a) the person gave to the stewards prior to the alleged offence written notice in the prescribed form of the alcohol or drug;*
- (b) following receipt of the notice, the stewards gave approval for the person to remain on the course; and*
- (c) the quantity of drug or alcohol indicated by analysis of the sample was not in excess of that prescribed for the person by that person's medical practitioner and is consistent with the details provided by the person upon the prescribed form as required by paragraph (a).*

LR 252B. Prescribed percentage of alcohol in the blood

Where an analysis is made of a sample of a person's breath, blood or urine, and the analysis indicates that the percentage of alcohol in the blood of a person is less than:

- (a) 0.02 per cent of alcohol, and where the person is a driver, official starter or mobile barrier driver or catcher, then the person is taken to be free of alcohol for the purpose of rule 252;*
- (b) 0.05 per cent of alcohol, and where the person is other than a driver, official starter or mobile barrier driver or catcher, then the person is taken to be free of alcohol for the purpose of rule 252;*

LR 252C. Prescribed quantity of cannabis in urine

Where an analysis is made of a sample of the person's urine and the analysis indicates the quantity of cannabis metabolite in the urine of the person is less than 20ng/ml, then the person is taken to be free of that drug for the purpose of rule 252.

LR 252D. Approved apparatus

Analysis made of a sample of a person's breath is by the use of an approved apparatus.

LR 252E. Definitions

For the purposes of this Part:

- (a) *“approved apparatus” means:*
 - (i) *any apparatus approved as apparatus for conducting preliminary tests for the purpose of section 66 of the Road Traffic Act 1974;*
 - (ii) *apparatus bearing with or without other material the expression “Drager Alcotest 7110”, “Drager Alcotest 7410”, “Alcometer”, “lion alcometer” or “alcolyser”;*
- (b) *“percentage of alcohol” in relation to the blood of a person means the number of grams of alcohol contained in 100ml of blood;*
- (c) *a person is taken to be “under the influence” of alcohol or a drug where the body tissue, gases or fluids of the person contain alcohol or drug of levels equal to or higher than those referred to in LR252B or LR252C.*

[Local Rule 252E amended in Gazette 30 November 1999 p.5953.]

253. Illegal communications

A person on a racecourse shall not use a telephone or other communication device for an illegal or otherwise improper purpose or contrary to a restriction on such use imposed by the stewards.

254. Assumed names

Unless the Controlling Body otherwise approves a person shall not use an assumed name or alias.

LR 254. Assumed names

- (1) *If any person or body desires to use an assumed name application shall be made in such manner and accompanied by such fee as the Controlling Body may from time to time prescribe and upon receipt of the application the Controlling Body may, at its discretion grant permission for the use of the assumed name upon such terms and conditions as it may determine.*

- (2) *Permission to use an assumed name may be cancelled or withdrawn by the Controlling Body at any time.*

LR254A. Use of assumed names

- (1) *No person shall be entitled to use or continue to use an assumed name similar or likely to be confused with the proper name of any person registered as the owner or lessee of a horse.*
- (2) *If the Controlling Body grants to the owner or lessee of a horse permission to use an assumed name, such owner or lessee shall use such assumed name only for the purposes of the Rules.*
- (3) *A person, partnership or group of persons shall not have or use at any time more than one assumed name.*

LR 254B. Disclosure of proper name

Where permission is granted to use an assumed name, the proper name of the owner or lessee shall not be disclosed without the consent of the Controlling Body or the owner or lessee to whom such permission has been granted.

255. Creation of offences

A person who fails to comply with any provision of a rule contained in Part 14 is guilty of an offence.

Part 15

Penalties

256. Penalties available

- (1) One or more of the penalties set out in sub rule (2) may be imposed on a person, club or body guilty of an offence under these rules.
- (2) (a) A fine within the limits fixed by legislation or by the Controlling Body,
(b) conditional or unconditional suspension for a period;
(c) disqualification, either for a period or permanently;
(d) warning off, either for a period or permanently;

- (e) exclusion from a racecourse, either for a period or permanently;
 - (f) a bar, either for a period or permanently, from training or driving a horse on a racecourse, track or training ground;
 - (g) conditional or unconditional suspension of registration for a period or cancellation of registration;
 - (h) conditional or unconditional suspension of a licence for a period or cancellation of a licence;
 - (i) a severe reprimand;
 - (j) a reprimand.
- (3) Should a rule of its own terms impose a penalty in respect of an offence created by that rule then, subject to any contrary intention expressed or otherwise apparent in that rule, that penalty is the only one which can be imposed in respect of that offence.
- (4) Penalties, whether under this or any other rule, attach from the time they are imposed, except that the Controlling Body or the stewards may postpone such attachment.
- (5)
- (a) Penalties other than a period of disqualification or a warning off under this or any other rule may be suspended for a period not exceeding 12 months upon such terms and conditions as the Controlling Body or stewards see fit;
 - (b) If the offender does not breach any term or condition imposed during the period of suspension, the penalty shall be waived;
 - (c) If the offender breaches any term or condition imposed during the period of suspension then, unless the Controlling Body or stewards otherwise order, the suspended penalty thereupon comes into force and penalties may also be imposed in respect of any offence constituted by the breach.
- (6) Although an offence is found proven a conviction need not necessarily be entered or a penalty imposed.
- (7) Before an offence is found proven, the following conditions shall be satisfied:-
- (a) the offender shall be afforded reasonable opportunity to cross examine witnesses, make submissions, present evidence to the Controlling Body or the stewards as the case may be;

- (b) those submissions or evidence shall be taken into account;
- (c) evidence relied upon in establishing the offence shall be identified;
- (d) in a matter before the stewards, those stewards who finally determine that an offence has been committed shall be present during the whole of the proceedings.

Gear used in connection with racing shall be approved by the Controlling Body.

LR 256. Minimum Penalties – Part 12 prohibited Substances

- (1) *A person who is convicted of an offence under:*
 - (a) *Part 12 of these Rules, other than LR196; or*
 - (b) *Part 42 of the Rules of Harness Racing repealed by these Rules (other than Rule 499) which offence was committed on or after 21 October 1994,*

is liable to a penalty which is not less than:

- (c) *in the case of a first such offence, a period of 12 months disqualification;*
- (d) *in the case of a second such offence, a period of 2 years disqualification;*
- (e) *in the case of a third such offence, a period of 5 years disqualification; and*
- (f) *in the case of a fourth or subsequent such offence, disqualification for life,*

unless, having regard to the extenuating circumstances under which the offence was committed the, Controlling Body or the Stewards decide otherwise.

- (2) *Rule 256(6) shall not apply to an offence found proven under Part 12 (other than LR196).*
- (3) *This local rule shall not apply to an offence, under Part 12 of these Rules, committed on or after 24th March 2000.*
- (4) *When exercising the power under LR256A to increase, reduce or vary a penalty imposed by the Stewards, the Controlling Body is not bound*

by the minimum penalties set out in paragraphs (c), (d), (e) and (f) of LR256(1).

[LR256 amended in Gazette 24 March 2000 p.1645; 9 June 2000 p.2774; 10 November 2000 p.6201; 19 January 2001 p.475.]

LR256A Controlling Body — penalties

The Controlling Body may, at any time, whether or not an appeal has been brought before it, either increase, reduce or vary any penalty imposed at any time by the Stewards.

Footnote:

Notwithstanding anything in these rules, an appeal shall not be made to, or heard by the Controlling Body in respect of any determination or finding in relation to which an appeal is made to the Racing Penalties Appeal Tribunal — see section 15(1) Racing Penalties (Appeals) Act 1990.

[Local Rule 256A inserted in Gazette 22 February 2000 p.958 (correction in Gazette 3 March 2000 p.1018.)]

LR256AA Penalties — total carbon dioxide

- (1) A person who is convicted of an offence under Rule 190 in respect of the prohibited substance, total carbon dioxide (TCO₂), is liable to a penalty:
 - (a) in the case of a first such offence, of:
 - (i) \$5,000; or
 - (ii) 6 months suspension;
 - (b) in the case of a second such offence, of:
 - (i) \$7,000; or
 - (ii) 8 months suspension;
 - (c) in the case of a third such offence, of:
 - (i) \$15,000 and 3 months suspension; or
 - (ii) 6 months disqualification;
 - (d) in the case of a fourth or subsequent such offence, of not less than 12 months disqualification,

unless the Stewards consider that special circumstances exist which justify the imposition of a higher penalty, in which event, the Stewards may impose a higher penalty.

- (2) *Where a convicted person referred to in subclause (1) proves that he or she took reasonable and proper precautions to ensure that the horse was presented for a race free of prohibited substances then the Stewards may impose a lesser penalty than those specified in subclause (1).*
- (3) *A convicted person referred to in subclause (1) may elect, at the time of conviction, which of the alternative penalties in paragraphs (a), (b) and (c) of subclause (1), as the case may be, is to apply, and if the convicted person fails to so elect then the Stewards shall determine the alternative to apply.*

[Local Rule 256AA inserted in Gazette 10 August 2001 pp.4214-15.]

257. Cumulative penalties

Unless the Controlling Body or the stewards direct otherwise, a penalty by way of suspension or disqualification shall be served cumulatively to any other penalty of suspension or disqualification being served or ordered to be served.

258. Horse connected with offence

- (1) Where the commission of an offence under these rules involves a horse, the stewards may make such orders and give such directions concerning the horse as they think fit.
- (2) Without limiting the scope of sub rule (1) a horse may be barred or disqualified from a race or for a period or permanently, be placed behind other runners in a race, removed from one place to another, directed to be trained at a particular place or by a particular person, or be placed under the care, control and management of some person, club or other body.

Part 16

Disqualified Persons

259. Restrictions or disqualifications

- (1) A disqualified person or a person whose name appears in the current list of disqualifications published or adopted by a recognised harness racing authority or a person warned off cannot do any of the following —
 - (a) associate with persons connected with the harness racing industry for purposes relating to that industry;
 - (b) be a member or employee of the Controlling Body;
 - (c) be an office holder, official, member or employee of a club;
 - (d) enter a racecourse or any place under the control of a club or Controlling Body;
 - (e) race, lease, train, drive or nominate a horse;
 - (f) conduct breeding activities;
 - (g) enter any premises used for the purposes of the harness racing industry;
 - (h) participate in any manner in the harness racing industry.
- (2) A licence or other authority held by a disqualified person to do any of the things mentioned in sub rule (1) automatically lapses upon disqualification.
- (3) The prohibitions mentioned in sub rule (1) come into effect immediately upon disqualification, subject to any contrary directions which might be given by the stewards.
- (4) If during a period of disqualification the stewards form the opinion that the circumstances relating to the disqualified person have materially changed, they may remove one or more of the prohibitions set out in sub rule (1) either permanently or for a time.
- (5) The power conferred by sub rule (4) does not empower the stewards to remove the prohibition on an activity which can only lawfully be carried on under licence.
- (6) Notwithstanding the foregoing provisions of this rule the Controlling Body may make determinations waiving, varying or qualifying the prohibitions set out in the rule.

- (7) A disqualified person who fails to comply with this rule is guilty of an offence.

[Rule 259 amended in Gazette 27 October 2000 p.6032.]

260. Making payments

A disqualified person may during the period of disqualification make payments in respect of a horse entered before the commencement of that period for a race to be run after it expires.

261. Ineligibility of horse

- (1) A horse is ineligible to be nominated for or start in a race if it is owned wholly or in part by a disqualified person or a person whose name appears in the current list of disqualifications published or adopted by a recognised harness racing authority
- (2) The same ineligibility attaches to a horse which is established to the satisfaction of the Controlling Body to be wholly or in part under the care, training, management or supervision of a person mentioned in sub rule (1).

262. Disqualified lessee

- (1) The lease of a disqualified lessee becomes void at disqualification and a horse subject to the lease must be returned to the owner within 14 days thereof unless otherwise determined by the Controlling Body.
- (2) A person who fails to return a horse as required by sub rule (1) is guilty of an offence.

263. Multiple lessees

- (1) If a disqualified lessee is not sole lessee that person's interest in the lease becomes void at disqualification and the persons with continuing legal interests in the matter shall submit a proposal to the Controlling Body for the regulation of those interests.
- (2) Pending the Controlling Body's approval of a proposal, it may make such determination concerning the nomination and start in a race of a horse affected, or likely to be affected, by the proposal as it sees fit.

264. Disqualified lessor

If the lessor of a horse is disqualified such lessor unless the Controlling Body otherwise determines shall not receive or be paid or be entitled to recover from any club or Controlling Body any stake and the lessee shall pay to the Controlling Body any part of the stake to which such lessor would have been entitled by virtue of any agreement between the lessor and the lessee of the horse.

265. Sale of horses

- (1) Unless the Controlling Body otherwise approves, a disqualified person must within 28 days from the date of disqualification or such further period as the Controlling Body may allow, sell by public auction or any other way approved by the Controlling Body, any horse of which that person is the owner.
- (2) A sale must be advertised to the satisfaction of the Controlling Body.
- (3) Where the sale occurs other than in the jurisdiction of the Controlling Body the recognised harness racing authority in the place of sale must be given reasonable notice of sale and it must be advertised to that authority's satisfaction.
- (4) If the Controlling Body is not satisfied that a sale was effected in good faith it may refuse to approve a transfer or lease of a horse subject to the sale whether from the disqualified owner or anyone else.
- (5) If the Controlling Body is satisfied that horses owned by a disqualified person are not being used and will not be used for any purpose connected with the harness racing industry, it may permit the disqualified person not to sell them.
- (6) A person in breach of any provision of this rule or who is guilty of lack of good faith in effecting a sale is guilty of an offence.

266. Transfer of disqualified person's interest

- (1) If a disqualified person is part owner of a horse the owners instead of proceeding to sale may submit a proposal to the Controlling Body for the transfer of the disqualified person's interest.
- (2) Where the owners act under sub rule (1), then pending the Controlling Body's approval of the proposal it may make such determination

concerning the nomination and start in a race of a horse affected by the proposal as it sees fit.

- (3) Where the owners proceed to sale, the provisions of rule 265 apply.

267. Disqualification by conviction

The Controlling Body may for such period and on such conditions as it thinks fit, disqualify a person who is convicted of a crime or an offence in any State or Territory of Australia or in any country.

LR267 Crimes and Offences

For the purposes of Rule 267, a crime or an offence is one where the convicted person is liable to any period of imprisonment.

[Local Rule 267 inserted in Gazette 30 November 1999 p.5953.]

Part 17

Equipment and Colours

268. Gear

Gear used in connection with racing shall be approved by the Controlling Body.

LR 268. Application for gear approval

- (1) Applications concerning gear shall be made on Form R25-A.
- (2) Part B of Form LR25-A must be completed and lodged with the Controlling Body no later than 48 hours before the nomination of a horse for a race.
- (3) In the event of a change to any of the particulars entered on Part B of Form LR25-A, a form LR25-C containing the changed particulars shall be lodged by the time determined by the Controlling Body.
- (4) Rescinded (G.G. 19th Nov 2002).

[Local Rule 268 inserted 10 January 2003 p.40.]

269. Application to change gear

In the case of a horse to compete in a race, application to change any gear must be made to the Controlling Body by the connections at a time to be determined by the Controlling Body.

[Rule 269 inserted in Gazette 19 Nov 2002 p. 5515.]

[LR269. Deleted in Gazette 25 February 2000 p.977.]

270. Hopples

A horse having competed in hopples in a race shall not compete unhopped within a period of 6 months thereafter, and vice versa, except at the direction or with the permission of the stewards.

271. Sulkies

Only sulkies of the type, dimensions and materials approved by the Controlling Body may be used.

LR 271. Standards for sulkies

A sulky shall conform to the standards set out in the document adopted by the Australian Harness Racing Council entitled "Standard For Safety and Performance of Sulkies" and sub titled "The Sulky Standard".

272. Colours

- (1) The connections of a horse may make application to the Controlling Body for the registration of colours.
- (2) The application is to be made in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body may determine.
- (3) The application may be refused by the Controlling Body without assigning any reason.
- (4) Subject to sub rule (6) registration shall remain in force for such time as is determined by the Controlling Body.

- (5) Registration may be granted subject to terms and conditions and these may be varied by the Controlling Body during the currency of the registration.
- (6) Registration shall lapse forthwith if a term or condition of registration is not complied with.
- (7) A person shall not start a horse in a race at a meeting unless the driver is dressed in registered colours.
- (8) If for some reason the colours described in the race book are unavailable, club colours approved by the Controlling Body shall be worn.
- (9) Each club shall keep and maintain in good condition not less than 2 sets of approved club colours.
- (10) Colours registered in the name of a person who has been disqualified shall not be used in a race during the period of disqualification.
- (11) Notwithstanding sub rule (7) and sub rule (8) the stewards may give such directions as they think fit about the colours to be worn or the advertising to be displayed in a race.
- (12) A person who fails to comply with sub rule (7) or with a direction given under sub rule (11) or who is responsible, whether wholly or in part, for a breach of sub rule (8) or (10) is guilty of an offence.

LR 272. Application for registration of colours

An application for registration of colours shall be made to the Controlling Body on form LR272-A.

273. Offences - gear

- (1) A person shall not use or permit the use of unapproved gear except with the permission of the chairman of stewards.
- (2) A person shall not present to start or start a horse in a race in insecure gear or gear of inferior quality, or in poor order and condition, or of insufficient strength and quality to cope with the stresses likely to be imposed on it in a race.

- (3) A person shall not start a horse in a race unless the horse is fitted with a false belly band or retaining straps except with permission of the chairman of stewards.
- (4) A person shall not without the approval of the Stewards change the registered gear of a horse.
- (5) A person who fails to comply with any provision of this rule is guilty of an offence.

[Rule 273 amended in Gazette 28 December 2001 p.6729.]

Part 18

Studs and Sires

274. Registration of studs and sires

- (1) A person desiring to use a place as a stud may make application for registration of the place to the Controlling Body.
- (2) A person desiring to register a stallion as a sire may make application for registration of the horse to the Controlling Body.
- (3) An application under this rule is to be made within the time, in the manner and form, and be accompanied by such documentation, information and fees as the Controlling Body may determine.
- (4) The Controlling Body may grant registration for such period and upon such terms and conditions as it thinks fit or it may refuse registration.
- (5) Registration may be cancelled by the Controlling Body.
- (6) A person who uses or permits or connives at the use of a place as a stud which is not registered for such use under these rules, or in breach of a term or condition of registration, is guilty of an offence.
- (7) A person who uses or permits or connives at the use of a stallion as a sire when the stallion is not registered as a sire under these rules, or in breach of a term or condition of registration, is guilty of an offence.

LR 274. Applications for registration of studs and sires

- (1) *Application to register a place as a stud or register a stallion as a sire shall be made on form R274-A.*

- (2) *A place will not be registered as a stud if the owner or studmaster is younger than 18 years.*
- (3) *Unless the material is already on file with the Controlling Body an applicant for registration of a place as a stud shall furnish with the application -*
- (a) *certified extracts of the birth of the stud owner and studmaster;*
 - (b) *the police records of the stud owner and studmaster.*
- (4) *The Controlling Body at any time may request a stud owner or studmaster to furnish further copies of the material relating to the owner or studmaster, as the case may be, mentioned in sub rule (3).*
- (5) *A certificate from a veterinary surgeon approved by the Controlling Body -*
- (a) *supporting the registration of a place as a stud; and/or*
 - (b) *supporting the registration of a stallion as a sire -*
- must be furnished with the initial application made under sub rule (1) and with each subsequent application.*
- (6) *Sub rule (5)(a) does not apply to the registration of a place as a stud if the applicant holds a current licence, authority or approval from a state government department or other state body licensing or authorising the use of the place as a stud.*
- (7) *Where application is made to register a place as a stud and it is inconvenient to obtain signed authorisation on form LR274-A from a stallion owner to stand the stallion at the stud, the Controlling Body may accept written authorisation in some other manner from the stallion owner.*
- (8) *It is a condition of registration that a stud shall always be maintained in a fit and proper condition.*
- (9) *Any change to any of the particulars entered on an application made under sub-rule (1) shall immediately be notified to the Controlling Body.*
- (10) *Notification or certification of registration under rule 274 shall be prominently displayed on the registered premises.*

275. Sire summary sheet and related matters

- (1) The connections of a sire shall keep a written record of all mares served by the sire.
- (2) The record shall contain the names of mares served, the dates of first and last service and the method of service.
- (3) The connections of the sire shall lodge the record with the Controlling Body before such date as determined by the Controlling Body accompanied by such fees as the Controlling Body determines.
- (4) If a mare is served after lodgment of the record the connections shall, within 28 days of the last date of service, apply to the Controlling Body to add to the record the particulars required under sub rule (2).
- (5) The connections of a sire shall issue to the owner of a served mare a document containing details of the mare and service performed.
- (6) The Controlling Body may from time to time change the information required to be recorded under this rule, the way in which it is recorded and the manner, form and time in which information is to be supplied, materials or documents lodged or issued, or application made to the Controlling Body or other person.
- (7) A person who fails to comply with any provision of this rule is guilty of an offence.

LR 275. Record of service form

- (1) *The written record of service referred to in sub rule (1) of rule 275 shall be kept on form LR275-A.*
- (2) *Form LR275-A shall be lodged with the Controlling Body no later than 31 March each year.*
- (3) *The document issued under sub rule (5) of rule 275 shall be form LR277-A.*

276. Identity verification

- (1) The connections of a mare that is to be served by a sire shall, before service, supply to the studmaster of the sire the mare's registration certificate.

- (2) Subject to sub rule (3), the connections of a sire shall, in respect of each service by the sire, ensure by reference to the registration certificate of the mare being served, that it is the mare whose name will appear in the record kept under rule 275.
- (3) The connections of a sire, not being in possession of a mare's registration certificate, shall not permit the mare to be serviced by the sire unless the mare's identity is verified by the Controlling Body or by reference to a publication of the Controlling Body or the Australian Harness Racing Council containing the mare's identification details.
- (4) A person who fails to comply with any provision of this rule is guilty of an offence.

277. Notification of foaling

- (1) The connections of a standardbred mare shall within such time after foaling as the Controlling Body determines notify the Controlling Body of the foaling and supply particulars of any prominent markings on the foal and its location..
- (2) Notification shall be made on the document provided under rule 275(5) and shall be accompanied by such fees as the Controlling Body may determine.
- (3) If a mare fails to produce a live foal from a service conducted under these rules the connections shall so notify the Controlling Body within 12 months of the last date of service.
- (4) A person who fails to comply with any provision of this rule is guilty of an offence.
- (5) The Controlling Body may from time to time change the details, time and form of notification required under this rule.
- (6) Unless the Controlling Body otherwise determines, a horse is ineligible for registration if notification of its foaling is made after it attains the age of 2 years.

LR 277. Foaling notification form

- (1) *Notification of foaling shall be made on form LR277-A.*
- (2) *Notification shall be given within 21 days of foaling.*

278. Bodily samples

- (1) If so directed by the Controlling Body, the connections of any standardbred horse shall furnish the Controlling Body with any bodily specimen or sample from the horse.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

279. Ineligibility to race

Except where the Controlling Body otherwise determines a horse shall be ineligible to race unless the provisions of the rules in Part 18 and Part 19 applicable to or in respect of that horse have been complied with.

280. Incorrect information concerning sire

- (1) The connections of a sire shall not lodge or cause to be lodged with the Controlling Body any record containing information relating to services performed by the sire in respect of serviced mares which is incorrect or incomplete.
- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

Part 19

Artificial Breeding

281. Techniques and procedures of artificial breeding

Artificial breeding consists of all techniques and procedures -

- (a) whereby semen can be obtained from a stallion and introduced into a mare;
- (b) relating to the collection, storage, chilling, freezing, transportation and use of semen;
- (c) relating to the extraction of an embryo from a mare, and the placement of an embryo into a mare, and the transfer of an embryo from one mare to another;
- (d) which are determined by the Controlling Body to be techniques or procedures relating to artificial breeding.

282. Licences - artificial breeding

- (1) The owner or lessee of a place who desires to use it as an artificial breeding station may make application to the Controlling Body for a licence.
- (2) A person who desires to practice as an artificial breeding technician may make application to the Controlling Body for a licence.
- (3) An application under sub rule (1) or sub rule (2) shall be made within the time, in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body may determine.
- (4) The Controlling Body may grant a licence for such period and upon such terms and conditions as it thinks fit, or it may refuse to grant a licence.
- (5) The Controlling Body may suspend or cancel a licence for breach of a term or condition.

LR 282. Application to licence artificial breeding station

- (1) *Application to license a place as an artificial breeding station shall be made on form LR274-A.*
- (2) *Sub rules (2), (3), (4), (5), (7), (8) and (9) of the local rule 274 apply equally to an applicant to license a place as an artificial breeding station, to supporting certificates or documentation, to the holder of such a licence, and to the subject premises, as the case may be.*

Footnote: Applicants for an artificial breeding technician's licence are referred to local rule 90C.

283. Importation of semen

- (1) A person who desires to import semen from a source outside Australia must comply with the requirements in that regard imposed by the Australian Harness Racing Council.
- (2) A person holding or dealing with semen collected from a stallion not standing in Australia at any time that semen is held or dealt with must comply with the requirements in that regard imposed by the Australian Harness Racing Council

- (3) The Controlling Body may make determinations governing the importation into its jurisdiction of semen from any source or place or the holding or dealing with semen collected from a stallion standing anywhere in Australia or overseas.
- (4) A person who fails to comply with sub rule (1) or sub rule (2) or with a determination made under sub rule (3) is guilty of an offence.

284. Semen controller

- (1) A person may make application to the Controlling body for registration as a semen controller.
- (2) An application under sub rule (1) shall be made within the time, in the manner and form and be accompanied by such documentation, information and fees as the Controlling Body may determine.
- (3) The Controlling Body may grant registration for such period and upon such terms and conditions as it thinks fit or may refuse to grant registration.
- (4) The Controlling Body may cancel registration for breach of a term or condition.
- (5) The Controlling Body may make determinations as to the matters or things which a semen controller shall or may do or not do.
- (6) A semen controller who fails to comply with a determination made under sub rule (5) is guilty of an offence.
- (7) A person not registered under this rule who acts or purports to act as a semen controller or who without the Controlling Body's permission does things which the Controlling Body has determined that semen controllers shall or may do, is guilty of an offence.

LR 284. Registration of semen controller

- (1) *Application for registration as a semen controller shall be made on form R284-A.*
- (2) *A semen controller may hold and deal with semen collected from a stallion not standing in Australia during the breeding season.*
- (3) *Sub rule (6) of local rule 90 and sub rules (2), (3), (4), (5), (7) and (8) of local rule 274 apply equally to an applicant for registration as a*

semen controller, to supporting certificates or documentation required in respect of the applicant or the semen storage facility, to the state and condition of such facility and to a registered semen controller as the case may be.

- (4) *A semen controller shall keep a record of all incoming semen and its dispersal and shall make such records available to the Controlling Body on request.*

285. Artificial breeding requirements

- (1) The Controlling Body may impose requirements relating to artificial breeding.
- (2) The requirements in force from time to time so far as they are applicable, form part of the terms and conditions attaching to licences granted under Rule 282.
- (3) If requirements are infringed then, in addition to any other penalty or consequence, the Controlling Body may refuse to register any progeny from mares however served or from mares which have been the subject of a technique or procedure of artificial breeding, owned by the persons responsible for, or who could or should have prevented the infringement.

LR 285. Transported semen

- (1) *When semen is collected for transportation section 1 of form LR 285-A is to be completed and signed and the form sent to the receiving artificial breeding station with the semen.*
- (2) *When the semen is received and used, section 2 of form LR 285-A is to be completed and signed and sent to the Controlling Body within 7 days of insemination.*
- (3) *Transported semen may be used for artificial breeding only if:*
- (a) *the collection, storage and transportation of semen from the stallion complies with these rules;*
 - (b) *the studmaster standing the stallion or the person having the control of the semen (for the purpose of this local rule also called "the studmaster") obtains from the controlling body semen transportation certificate in quadruplicate pre-printed with the names of the mare and stallion;*

- (c) *the studmaster inserts on the certificate the date and time the semen was dispatched;*
 - (d) *the semen is transported in an approved sealed container;*
 - (e) *the sealed container together with the original and 2 duplicates of the semen transportation certificate is forwarded to the person carrying out the insemination and the fourth duplicate copy is returned to the issuing Controlling Body;*
 - (f) *the certificate and copies accompanying the transported semen are completed by the person carrying out the insemination by inserting the date and time of insemination together with the registered identification number of the mare at the time of insemination;*
 - (g) *after completion of the certificates by the person carrying out the insemination the original certificate is returned to the issuing Controlling Body, the second copy is retained by the receiving stud, the third copy is returned to the collecting studmaster; and*
 - (h) *the horse foaled as a result of insemination by transported semen and the dam thereof are DNA genotyped for parentage verification at the cost of the broodmare owner and the result lodged with the Controlling Body.*
- (4) *Transported semen shall be securely stored at a veterinary surgeon's clinic or at an artificial breeding station or such other premises as may be approved by the Controlling Body for that purpose.*
- (5) *Any transported semen found to be diseased or defective in any way or found to be fraudulently certified shall be destroyed immediately.*

Artificial breeding station

- (6) *The licensee of an artificial breeding station, an artificial breeding technician and a studmaster operating an artificial breeding station shall -*
- (a) *comply with requirements relating to artificial breeding imposed by departments of the Commonwealth and State Governments;*
 - (b) *conduct artificial breeding wholly within the licensed premises;*

- (c) *have such facilities and equipment as are deemed by the Controlling Body to be necessary for the conduct of artificial breeding;*
- (d) *maintain the facilities of and equipment in or used at the licensed premises to the satisfaction of the Controlling Body;*
- (e) *for each stallion whose semen is collected for artificial breeding within the licensed premises:*
 - (i) *possess and use separate semen handling and collecting equipment and without limiting the generality of the foregoing this shall include a separate liner, reservoir and semen processing vessels;*
 - (ii) *clearly mark each item of semen handling and collecting equipment with the name or identification of the stallion for which it is used;*
- (f) *clean and sterilise every item of semen handling and collecting equipment before each occasion on which it is used for any purpose;*
- (g) *store in a separate locker marked with the name or identification of the stallion for which it is used all semen handling and collection equipment when not being used for artificial breeding;*
- (h) *only permit semen handling and collecting equipment of 1 stallion to be within the licensed premises at any one time save for that equipment which is securely stored in lockers;*
- (i) *ensure that no stallion enter the artificial breeding station if semen of any other stallion or semen handling and collecting equipment used for any other stallion is within the artificial breeding station save for that equipment which is securely stored in lockers;*
- (j) *ensure that the semen of only 1 stallion shall be used within the artificial breeding station at any one time;*
- (k) *ensure the semen from 1 stallion shall not be mixed with semen from any other stallion;*
- (l) *perform the artificial breeding operation in respect of each mare with gloves, syringes, pipettes which are stored and*

maintained in a clean, hygienic state and are disposed of after each insemination operation.

Semen generally

- (7) *Semen imported into Australia cannot be used unless a copy of the import permit is first lodged with the Australian Harness Racing Council.*
- (8) *Semen with the exception of that approved for transportation or freezing shall be used immediately upon its collection.*

[(9) repealed]

Embryo transfer

- (10) *Application for approval to perform an embryo transfer procedure is to be made on form LR285-B.*
- (11) *A mare who has not attained the age of 2 years cannot be used as a donor for an embryo transfer procedure*
- (12) *A donor mare which has been used for an embryo transfer procedure resulting in a successful pregnancy in any country shall not be used for a subsequent embryo transfer procedure in the same breeding season, nor be permitted to be bred naturally to produce in the same breeding season;*
- (13) *In a breeding season only 1 fertilised ovum may be transferred from the donor mare to a recipient mare at each breeding cycle until a successful pregnancy results;*
- (14) *A recipient mare must be of a breed type which in the opinion of the veterinary surgeon is compatible.*

[Local Rule 285 amended in Gazette 28 April 2000 p.2046; 17 July 2001 p.3638.]

286. Notification

- (1) *A person practicing a technique or procedure of artificial breeding shall in each case sign a notification which declares that person to be the one who practiced the technique or procedure and which contains such information and particulars as the Controlling Body may determine.*

- (2) A person who fails to comply with sub rule (1) is guilty of an offence.

LR 286.

The notification to be signed under sub rule (1) of rule 286 is that set out on form LR275-A and/or form LR285-A or form LR285-B.

287. Verification procedures

- (1) Any stallion whose semen is used for transportation and any stallion and donor mare used for embryo transfer shall be blood typed or DNA genotyped before the commencement of the procedure by the owner of such animal and the result thereof lodged with the Controlling Body where the stallion is registered.
- (2) A foal resulting from embryo transfer or the use of transported semen shall be blood typed or DNA genotyped and the result thereof shall be lodged with the Controlling Body where the foal is to be registered.
- (3) The Controlling Body may direct the owner, lessee, studmaster, authorised agent or person in charge of an artificial breeding station on which artificial breeding is being conducted to DNA genotype or otherwise test stock for parentage verification.
- (4) A person who fails to comply with any provisions of this rule or with a direction given under sub-rule (3) is guilty of an offence.

288. Refusal to register stock

Stock produced by artificial breeding in breach of any provision of a rule in Part 19 may be refused registration by the Controlling Body.

289. Offences

- (1) A person who performs a technique or procedure of artificial breeding at a place not licensed for use under these rules as an artificial breeding station is guilty of an offence.
- (2) A person who permits or connives at a technique or procedure of artificial breeding being performed at a place not licensed for use under these rules as an artificial breeding station is guilty of an offence.

- (3) A person other than a licensed artificial breeding technician who performs a technique or procedure of artificial breeding is guilty of an offence.
- (4) A person who performs a technique or procedure of artificial breeding in breach of a term or condition of a licence is guilty of an offence.
- (5) If a technique or procedure of artificial breeding is performed at a place not licensed for use under these rules as an artificial breeding station, the owner, lessee, studmaster, authorised agent, or person in charge of that place is guilty of an offence.
- (6) If a technique or procedure of artificial breeding is performed by someone other than a licensed artificial breeding technician, the owner, lessee, studmaster, authorised agent or person in charge of the place where the technique or procedure is performed, is guilty of an offence.
- (7) A person who holds or deals in frozen semen without a licence, registration or other authorisation under these rules relating to such holding or dealing is guilty of an offence.
- (8) A horse involved in the commission by a person of an offence under this rule may be disqualified and/or its registration refused or cancelled.

290. Legal use of unlicensed premises

- (1) The Controlling Body may determine that a technique or procedure of artificial breeding can be performed at a place not licensed for use under these rules as an artificial breeding station.
- (2) Provided a determination made under sub rule (1) is complied with, the owner, lessee, studmaster, authorised agent or person in charge of the place at which the technique of artificial breeding is performed, and the person performing that technique or procedure, is not guilty of an offence.

Part 20

Unpaid Forfeit List

291. The list

The Controlling Body shall keep a list known as the "Unpaid Forfeit List".

292. Notifications

- (1) Clubs, and other persons or bodies determined by the Controlling Body, may notify it of arrears owed to them.
- (2) Notification under this rule shall be made in the manner and form and with such information and other particulars as the Controlling Body determines.
- (3) The Controlling Body may require the notifier to give security including security for the costs and expenses incurred by the Controlling Body.
- (4) The Controlling Body shall not make an entry in the list without giving notification to the person or body by whom such arrears are owed specifying the amount and particulars and affording such person or body an opportunity to be heard.
- (5) Upon being satisfied of the accuracy and completeness of a notification and upon the giving of security, if any, as may be required, the Controlling Body may make an appropriate entry in the list.
- (6) The Controlling Body may make entries in the list of arrears owed to it.
- (7) An entry may be removed from the list at the discretion of the Controlling Body.

293. Payments

- (1) All arrears shall be paid to the Controlling Body.
- (2) If arrears are paid to a club, person or body, the receiver must promptly inform the Controlling Body and pay to it 10% thereof.
- (3) The Controlling Body may keep for its own use out of any amounts received a sum not exceeding 10% of the amount paid.

294. Mode of payment

Unless the Controlling Body otherwise determines payment of all arrears, fees, charges or other amounts under Part 20 shall be made in cash or by bank cheque.

295. Restrictions

- (1) The provisions of this rule apply to or with reference to a person named in the list, or in the equivalent list of a recognised harness racing authority as someone owing arrears, fees, charges or other amounts.
- (2) The person or authorised agent or other representative of the person cannot nominate or start a horse in a race whether as owner or agent.
- (3) A horse nominated by the person or authorised agent or other representative is ineligible to start in a race.
- (4) The person cannot drive a horse in a race.
- (5) A horse under the training, management, control or superintendence of the person or authorised agent or other representative or which is on the property of the person or authorised agent or other representative is ineligible to be nominated or start in a race.
- (6) Notwithstanding the provisions of sub rules (2), (3) and (5) where the person is a part owner of the horse the other owners may submit a proposal to the Controlling Body concerning the training, management, control or superintendence of the horse or its nomination for or start in a race.
- (7) The Controlling Body may waive or vary the restrictions imposed by provisions of this rule subject to such conditions as the Controlling Body sees fit.
- (8) Pending the Controlling Body's approval of a proposal, the stewards may make such determinations concerning the matters mentioned in sub rule (6) as they see fit.

296. Transfer of horse

- (1) Rule 295 does not apply to a horse otherwise within its scope, where a transfer of the horse has been approved by the Controlling Body.

- (2) The transfer may be subject to such conditions as the Controlling Body thinks fit.

Part 21

General Matters

297. Matters related to recognised harness racing authorities

- (1) A person possessing a right, privilege or thing granted by a recognised harness racing authority may, as far as practicable, exercise that right, privilege or thing in accordance with its terms and conditions within the jurisdiction of the Controlling Body.
- (2) A person suspended or placed under disability by a recognised harness racing authority shall, during its currency and as far as practicable, observe within the jurisdiction of the Controlling Body the terms and conditions of the suspension or disability.
- (3) A person intending to participate in a harness racing activity shall give reasonable notice to the Controlling Body or the stewards of any current suspension or disability imposed on the person by a recognised harness racing authority.
- (4) The stewards may direct a person to do or not to do something which, in the opinion of the stewards, is consistent with a right, privilege or thing granted, or suspension or disability imposed, by a recognised harness racing authority.
- (5) The Controlling Body may make determinations, and the stewards may exercise the powers granted to them by these rules, to ensure or facilitate within the jurisdiction of the Controlling Body -
- (a) the exercise of a right, privilege or thing; or
 - (b) the observation of the terms and conditions of a suspension or disability
- granted to or imposed on a person by a recognised harness racing authority.
- (6) A person who fails to comply with sub rule (2) or sub rule (3) or with a direction given under sub rule (4) is guilty of an offence.

- (7) Notwithstanding the foregoing provisions of this rule, the Controlling Body may determine that one or more of sub rules (1), (2), (3) and (4) do not apply in certain circumstances or to a particular person.
- (8) In this rule a recognised harness racing authority includes the officials, officers and stewards of the authority.

298. Matter related to other racing codes

- (1) A person subject to disqualification, suspension or some other disability imposed by an approved body shall during its currency and as far as practicable, observe within the jurisdiction of the Controlling Body the terms and conditions of the disqualification, suspension or other disability as if they applied to the person's harness racing activities.
- (2) A person intending to participate in a harness racing activity shall give reasonable notice to the Controlling Body or the stewards of any current disqualification, suspension or other disability imposed on the person by an approved body.
- (3) The stewards may direct a person to do or not to do something which in the opinion of the stewards is consistent with a disqualification, suspension or other disability imposed by an approved body.
- (4) The Controlling Body may make determinations, and the stewards may exercise the powers granted to them by these rules, to ensure or facilitate within the jurisdiction of the Controlling Body the observation of the terms and conditions of a disqualification, suspension or other disability imposed on a person by an approved body as if those terms and conditions applied to the person's harness racing activities.
- (5) A person who fails to comply with sub rule (1) or sub rule (2) or with a direction given under sub rule (3) is guilty of an offence.
- (6) Notwithstanding the foregoing provisions of this rule the Controlling Body may determine that one or more of sub rules (1), (2) and (3) do not apply in certain circumstances or to a particular person.
- (7) In this rule an approved body means an organisation accepted by the Controlling Body as controlling thoroughbred or greyhound racing in a State or Territory of Australia or in part of or the whole of a country and the officials, officers and stewards of such an organisation.

LR 298. Disqualification under other racing codes

- (1) *Notwithstanding rule 298(4) or any other rule to the contrary, the Controlling Body shall not determine that rule 298(1) does not apply where the disqualification imposed by an approved body is a disqualification for life.*
- (2) *The Controlling Body may review, at any time, a determination made by it under rule 298(4) and may revoke its determination.*
[LR298 inserted in Gazette 22 September 2000 p.5435.]

299. Scope of rules and related matters

All persons

- (a) licensed under these rules;
- (b) carrying on or purporting to carry on activities related to the harness racing industry; or
- (c) who in some other way are affected by the rules,

are deemed to have knowledge of and be bound by them and of all things done under them.

300. Stewards' powers exercisable by controlling body

The Controlling Body or a person authorised by the Controlling Body may exercise the powers conferred on the stewards or upon the Chairman of Stewards or Deputy Chairman of Stewards, by these rules.

LR 300. Deputy Chairman

For the purpose of rule 300, the reference to "Deputy Chairman" shall be taken to be reference to "Deputy Chairmen".

[Local Rule 300 inserted in Gazette 22 January 2002 p.362.]

301. Overcoming wrongs and correcting errors

The Controlling body may take whatever measure it considers appropriate -

- (a) to prevent or overcome what it considers to be a corrupt, wrong or unfair practice affecting or likely to affect, any meeting, race or event or any other aspect of the harness racing industry;

- (b) to rectify an error which has occurred because of some mistake or mishap in the administration of these rules whether by itself, the stewards, a club or any person.

302. Instruments and forms

- (1) The Controlling body may create, use and issue any instrument, form or document which it considers necessary or convenient to give effect to these rules.
- (2) The Controlling Body may maintain registers and records for the purposes of these rules in such manner and form as it thinks fit.
- (3) The Controlling Body may determine procedures and impose requirements which it considers necessary or convenient for the administration of these rules.

303. Powers exercisable at discretion

The powers conferred on the Controlling Body by these rules may be exercised from time to time at the Controlling Body's discretion.

304. Appointments, suspension and termination

Where power is conferred on the Controlling Body by these rules to make appointments that power includes the right to suspend someone so appointed, whether with or without remuneration or compensation, and the right to terminate the appointment.

305. Time at which rights cease

Unless a rule, regulation or form provides otherwise licences, registrations, rights and privileges granted under these rules cease at the end of the racing year.

306. Notification

- (1) Where the Controlling Body imposes a requirement or makes or gives an order, direction, decision, determination or the like under these rules which is of general application or of general interest to participants in the harness racing industry, it may give notice thereof -
 - (a) by publishing it in a recognised harness racing publication;
 - (b) by publishing it in the racing calendar;

- (c) by publishing it in a newspaper; or
 - (d) by publishing it in some other format of general distribution.
- (2) A person is deemed to have notice of anything published pursuant to sub rule (1).

307. Service of notices

- (1) Service of a notice or any document on a person under these rules may be effected -
- (a) personally;
 - (b) by registered, certified or similarly secured letter posted to the person's last known or usual place of abode or business;
 - (c) by leaving the notice or document with someone apparently of or above the age of 16 years at such place of abode or business; or
 - (d) by such electronic or other means of communication or substituted service as the Controlling Body may determine.
- (2) Service on a person who is a partner under a trainer's licence is deemed service on each of the partners.

LR 307. Other modes of service

Rule 307 does not derogate from the modes of service authorised by section 76 of the Interpretation Act 1984.

308. Regard to be had to purpose

In the interpretation of a rule a construction that would promote the purpose or object underlying it, whether expressly stated or not or which would facilitate or extend its application, is to be preferred to a construction that would not promote that purpose or object or which would impede or restrict its application.

LR 308. Rule 308 not to apply

Rule 308 shall not apply.

Footnote: The law with respect to the interpretation of these rules is dealt with in the Interpretation Act 1984.

309. Regulations

The Controlling Body may make regulations -

- (a) to facilitate the administration and operation of these rules;
- (b) to resolve ambiguities in these rules and to clarify their scope and application,

and may give effect to any determination, direction, requirement, approval, condition, restriction or the like in the form of a regulation.

LR 309. Rule 309 not to apply.

Rule 309 shall not apply

Footnote: The power of the Controlling Body to make rules is dealt with by the Bylaws.

310. Fees

- (1) The Controlling Body may impose and recover fees in respect of anything done under these rules.
- (2) Without limiting the scope of sub rule (1) fees may be imposed and recovered in respect of any application, grant, approval, notification, report, publication, nomination, registration, inspection, test, examination, inquiry, authority, transfer, licence, lease or permit.
- (3) Information about fees may be given in such manner as the Controlling Body considers appropriate.

311. Advice and other matter

The Controlling Body may-

- (a) act on such advice, information and documentary material as it sees fit and regardless of whether rules, determinations, regulations, or forms made under rules or regulations, have been complied with or properly completed;
- (b) disregard the rights or privileges of anyone who has failed to comply with or complete rules, determinations, regulations, or forms made under rules or regulations.

312. Dictionary and notes

- (1) Expressions used in these rules which are defined in the dictionary have or include as indicated the meanings given to them in the dictionary.
- (2) Notes in the dictionary are explanatory and do not form part of the rules.

LR 312. Dictionary

The dictionary is set out in the Schedule.

313. Singular and plural form

- (1) Words or expressions in the singular form in these rules include the plural form and words or expressions in the plural form include the singular form.
- (2) Sub rule (1) does not apply where it is obvious from the context that either the singular form or the plural form solely applies.

314. Date rules take effect and related matters

- (1) These rules take effect on 1 September 1999.
- (2) The previous rules are repealed on that date.
- (3) The repeal does not affect any then existing right, privilege, obligation, disability, disqualification, suspension or other penalty.
- (4) All inquiries, investigations and similar proceedings on foot at the date of repeal or which subsequently commence in respect of circumstances or events occurring before that date shall be governed by the repealed rules and may continue on or be instituted and proceed as the case may be and decisions may be made and enforced and penalties imposed as if the repealed rules were still in force.

LR 314. Title

These rules may be referred to as the Rules of Harness Racing 1999.

LR 314A. Interpretation

The Interpretation Act 1984 applies to these rules.

LR 314B. Indemnity against claim

No claim at law or in equity shall be maintainable by a person to whom these rules apply against any authorised officer, official or steward in respect of any action performed by him for the purpose of giving effect to his powers or duties under the rules and he shall stand indemnified against any such claim by all licensed or registered persons or bodies in relation to whom any action is being taken or enquiry is being made by him.

LR314C. Transitional inquiries — amendment of rule 55A of the previous rules

- (1) *In the case of a transitional inquiry, where a person is convicted of an offence under Part 42 of the previous rules, rule 55A of the previous rules is taken to be amended by deleting the words “under” and “(a) Part 42 of these Rules other than Rule 499: or (b) Part 32 of the Rules repealed by these Rules other than Rule 363 of those Rules.” And substituting —*

“under Part 42 of these Rules other than Rule 499 where the offence was committed on or after 24 October 1994”

- (2) *In this local rule and in LR314D —*

“previous rules” means the Rules of Harness Racing repealed by these Rules;

“transitional inquiry” means an inquiry, investigation or similar proceedings on foot at the date of repeal of the previous rules or which subsequently commence in respect of circumstances or events occurring before that date.”

- (3) *For the avoidance of doubt, LR256A is taken to apply to persons convicted of an offence under Part 42 of the previous rules in a transitional inquiry.*
- (4) *When exercising the power under LR256A to increase, reduce or vary a penalty imposed on a person convicted of an offence under Part 42 of the previous rules in a transitional inquiry, the Controlling Body is not bound by the minimum penalty set out in Rule 55A of the previous rules.*

- (5) *When deciding a penalty for an offence under Part 42 of the previous rules in a transitional inquiry, the Stewards are not bound by the minimum penalties set out in Rule 55A of the previous rules.*

[LR314C inserted in Gazette 24 March 2000 p.1645; amended in Gazette 9 June 2000 p.2774; 19 January 2001 pp.475-6.]

LR314D. Reduction of certain minimum penalties resulting from transitional inquiries

If—

- (a) before the commencement of LR314C, a person was convicted of an offence under Part 42 of the previous rules, and was given a minimum penalty under paragraph (c), (d), (e) or (f) of rule 55A of the previous rules;*
- (b) that person would have been liable to a lesser minimum penalty if LR314C had been in force, at the time of conviction; and*
- (c) immediately before the amendment of LR314C, that person is serving a period of disqualification in respect of that conviction,*

then, with effect on the date that LR314C comes into force, that person's penalty is reduced to that lesser minimum penalty.

[LR314D inserted in Gazette 24 March 2000 p.1645; amended in Gazette 2 June 2000 p.2774.]

LR314E. Reduction of certain minimum penalties being served under the previous rules

If—

- (a) before the repeal of the previous rules, a person was convicted of an offence under Part 42 of the previous rules and was given a minimum penalty under paragraph (c), (d), (e) or (f) of rule 55A of the previous rules;*
- (b) that person would have been liable to a lesser minimum penalty if, at the time of conviction, rule 55A had been amended by the deletion of the words —
“or under Part XXXII of the Rules of the Trotting repealed by these Rules”; and*

- (c) *immediately before the commencement of this local rule, that person is service a period of disqualification in respect of that conviction,*

then, with effect on he date that this local rule comes into force, that person's penalty is reduced as follows —

- (i) *in the case of a disqualification for life — the penalty is reduced to 5 years;*
(ii) *in the case of disqualification for 5 years — the penalty is reduced to 2 years;*
(iii) *in the case of disqualification for 2 years — the penalty is reduced to 12 months.*

[LR314E inserted in Gazette 24 March 2000 p.1645; amended in Gazette 9 June 2000 p.2774.]

Part 22

Betting - Bookmakers and Bookmakers' Clerks

LR 315. Bookmakers and bookmakers' clerk to be licensed

No person other than a bookmaker holding a current license or permit issued by the Controlling Body shall be entitled to field at any meeting under the control of the Controlling Body unless:

- (a) *the person is a bookmaker authorised to act on behalf of the bookmaker; or*
(b) *the person is a bookmakers' clerk authorised to act on behalf of the bookmaker; and*
(c) *the person is the holder of a current bookmaker or bookmakers' clerk's license or permit issued by the Controlling Body.*

LR 316. Bookmaker's agent must be approved

- (1) *No bookmaker shall employ or engage any person as a clerk or to act on his behalf unless:*
(a) *the bookmaker has made prior written application to the Controlling Body specifying the personal details of that person, the circumstances under which the bookmaker wishes that*

person to act on his behalf and such information as the Controlling Body may direct;

- (b) the bookmaker has provided to the Controlling Body a written undertaking acknowledging that the bookmaker is responsible for all acts of that person and is liable for any offence committed by that person against the Rules and Local Rules; and*
 - (c) the Controlling Body has granted written approval to the employ or engagement of that person as a clerk or person authorised to act on behalf of the bookmaker.*
- (2) For the purposes of sub rule (2), the Controlling Body may grant or refuse to grant written approval to the application or grant written approval to the application on such conditions as the Controlling body thinks fit.*

LR 317. Bookmaker and bookmaker's agent compliance

- (1) A bookmaker or bookmaker's clerk, when authorised to act on behalf of a bookmaker:*
 - (a) subject to sub rule (2), is authorised to perform the functions of a bookmaker;*
 - (b) must comply with any rule in this Part with which a bookmaker must comply; and*
 - (c) must not breach any rule in this part.*
- (2) No bookmaker or bookmaker's clerk authorised to act on behalf of a bookmaker shall employ or engage any person.*
- (3) The bookmaker is responsible for all acts of the bookmaker or bookmaker's clerk and is liable for any offence committed by them.*

LR 318. Betting Control Act Regulations

The regulations (in this Part "the regulations") from time to time in force under the Betting Control Act 1954 shall apply to every bet made with a bookmaker (in this Part a "licensed bookmaker") and to every dispute in relation thereto licensed by the Controlling Body.

LR 319. Stewards to determine betting disputes

If a dispute shall arise in relation to a bet made with a licensed bookmaker then the same shall be determined by the stewards who shall in determining such dispute apply the provisions of the regulations so far as they may be made applicable and in the event of there being no regulation, rule or local rule applicable or appropriate to the matter in dispute or in issue then the stewards shall determine the same on such basis as to them seems just and proper.

LR 320. Stewards and matters affecting betting

In the event of a horse being withdrawn from a race at any time or in the event of there occurring any other matter or thing which, in the opinion of the stewards, affects bets made with bookmakers then the stewards shall make such ruling in relation to such bets as is required by or as is consistent with the regulations and in the event that any such matter or thing shall not be dealt with by the regulations then the stewards shall make such ruling order or determination in relation thereto as shall, in their opinion, be fair, reasonable and proper in all the circumstances.

LR 321. Bookmaker betting limits

(1) Metropolitan Front Race Meetings:

a Liability Limit of \$2000 before horses enter onto the track, reducing to \$1000 once the horses have entered onto the track.

(2) Country Front Race Meetings (including Harold Park):

a Liability Limit of \$1000 before horses enter onto the track, reducing to \$500 once the horses have entered onto the track.

a Liability Limit of \$1000 before horses enter onto the track, reducing to \$300 once the horses have entered onto the track.

(3) All Other Country Tracks:

a Liability Limit of \$500 before horses enter onto the track, reducing to \$200 once the horses have entered onto the track.

[Rules LR 321 inserted in Gazette 27 August 1999 p.3171.]

LR 322. Field size in relation to place payouts

- (1) *When 8 or more horses remain in a race when bookmakers commence betting on that race, place bets shall be settled on horses placed first second and third*
- (2) *When 5, 6 or 7 horses remain in a race when bookmakers commence betting on that race, place bets shall be settled on horses placed first and second*
- (3) *When 4 or less horses remain in a race when bookmakers commence betting on that race, no place betting shall occur*
- (4) *For the purpose of this rule a scratching after the commencement of betting shall have no effect.*

LR 323. Bookmakers' scratching deductions — withdrawal of horse or horses

- (1) *Where one horse is scratched after betting on a race has commenced and bets have been placed on the scratched horse prior to the announcement of the scratching at odds within the range set on Table 1 then bets on the winner or placed horses shall be settled as follows:*
 - (a) *In the case of a bet for a win there shall be deducted from each dollar of the "Face Value" of the ticket the amount set out in the second column of Table 1 against the price offered for the scratched horse at the time of its withdrawal.*
 - (b) *In the case of a Concession bet on a winning horse there shall be deducted from each dollar of the "Odds Value" of the ticket the amount set out in the second column of Table 1 against the price offered for the scratched horse at the time of its withdrawal.*
 - (c) *In the case of a each way (place) bet, there shall be deducted from each dollar of the "Face Value" of the ticket the amount set out in the;*
 - (i) *Third column of Table 1 against the price offered for the scratched horse at the time of its withdrawal when three places are paid,*
 - (ii) *Fourth column of Table 1 against the price offered for a scratched horse at the time of its withdrawal when two places are paid.*

- (d) *Under no circumstances shall a winning bettor receive back less than the amount of the bettors stake, except in the case of a dead heat.*
 - (e) *All bets made on the scratched horse shall be refunded.*
- (2) *In the case of place only betting, when the odds that Bookmakers are showing on a scratched horse or a horse declared a non-runner are within the range set on Table 2, the stewards may:*
- (a) *Where in their opinion there is sufficient time to re-open betting, declare all bets off and order betting on the race to be re-opened.*
 - (b) *Where in their opinion there is insufficient time to reopen betting order bets to be settled:*
 - (i) *at totalisator odds; or*
 - (ii) *in the case of bets placed prior to the announcement of the scratching, at a deduction assessed from Table 2.*
- (3) *Where 2 horses are withdrawn from the one event after pay up time at odds of 15/1 or less, the stewards calculate the deductions to be made from the "Face Value" of tickets in one or other of the following ways:*
- (a) *They may order that tote odds be paid on all tickets laid prior to the withdrawal of both horses.*
 - (b) *If both horses are withdrawn at exactly the same time deductions applicable to each horse are added together, giving combined deductions.*
 - (c) *If two horses are withdrawn at different times, the price offering on each withdrawn horse would have a bearing on all bets laid prior to the withdrawal of the first of such horses, bets made between the time of withdrawal of each would be subject only to a deduction for an individual horse.*
 - (d) *Where the odds prevailing for one of such horses is in excess of 15/1 no account of this is taken when assessing the deduction necessary because of the withdrawal of the other horse.*
 - (e) *Where both of the withdrawn horses are at odds in excess of 15/1, no deduction is made.*

LR 324. Conduct of bookmakers

A bookmaker registered with the Controlling Body shall:

- (a) for the first race on a programme exhibit the odds first offered on the race no later than 30 minutes prior to the advertised start time for the race;*
- (b) exhibit the odds first offered on any subsequent race no later than 5 minutes after the "All Clear" for the previous race is given;*
- (c) exhibit the odds first offered on any race against all horses before commencing betting;*
- (d) mark each betting transaction clearly on the betting sheets and also show the amount held on each race and the name of the winning horse;*
- (e) show at the top of the first betting sheet for a meeting the names of all staff working at the particular meeting;*
- (f) show the surname of any credit bettor and the betting ticket number against the appropriate entry on the betting sheet;*
- (g) mark each betting ticket clearly, showing the amount payable and the name of the horse, mark an "X" on a ticket which represents a Straight Out bet, "E/W" on a ticket which represents an Each Way bet and a "P" on a ticket which represents a Place Only bet;*
- (h) retain all winning tickets for a minimum of one month;*
- (i) remain on his allotted stand and accept bets until the start of the race on which he is betting;*
- (j) ensure his betting return card is completed with all the relevant details and show on the reverse of the card details of expenses incurred for the particular meeting, then hand the card to the betting supervisor or stewards;*
- (k) submit a taxation return to the club secretary of the country Club at which he operated within 7 days of the meeting or in the case of a metropolitan meeting within 3 days, to the cashier of the Club concerned; and*
- (l) bet to a limit of 3/1 on the result of a photo finish.*

LR324A. Bookmakers not to bet with disqualified persons

A bookmaker, or a licensed employee on behalf of a bookmaker, shall not knowingly bet with, or pay money or deliver property relating to a bet to, a disqualified person or a person on behalf of a disqualified person.

[Local Rule 324A inserted in Gazette 4 September 2001 p. 4957]

LR324B. Bookmakers not to accept certain bets from drivers

A bookmaker, or a licensed employee on behalf of a bookmaker, shall not knowingly bet with, or pay money or deliver property relating to a bet to, a driver participating in a race to which the bet relates, unless the bet includes the horse for which the driver is engaged.

[Local Rule 324B inserted in Gazette 4 September 2001 p. 4957]

LR 325. Bookmakers and bookmakers' clerks alcohol

A bookmaker or bookmakers' clerk registered with the Controlling Body shall not partake of intoxicating liquor for the duration of a race meeting at which he is operating as a bookmaker or bookmakers' clerk.

LR 326. Bookmakers supervisor

- (1) The Controlling Body or Club conducting a meeting shall appoint a person to carry out the duties of bookmakers' supervisor at the meeting.*
- (2) The bookmakers' supervisor shall exercise the powers conferred on him by the Controlling Body and the rules.*

LR 327. Bookmakers not to enter drivers area

A bookmaker operating or intending to operate at a meeting or his agent shall not enter an area reserved by a Club for the use of drivers during the conduct of a meeting and for the period of one hour prior to the commencement thereof.

LR 328. Bettor responsible for bet

- (1) *When a betting ticket is delivered to a bettor the onus shall be on the bettor to ensure that the details of his bet are properly recorded on the betting ticket and to retain the ticket until "All Clear" is given.*
- (2) *Where a betting ticket is lost, discarded or destroyed by the bettor and the bettor claims a payment thereof he shall produce to the betting supervisor or stewards evidence of the particulars of the bet and other information as may be required*

LR 329. Bookmakers and leave of absence

- (1) *A bookmaker desiring leave of absence from fielding at a meeting shall have the prior approval of the Controlling Body.*
- (2) *If a bookmaker takes leave of absence without the prior approval of the Controlling Body he shall be liable for payment of any relevant fees for the meeting.*

LR 330. "Favour" betting

- (1) *A bookmaker desiring to operate "favour" betting on a race must make application to the stewards at least 45 minutes prior to the advertised start time of the race.*
- (2) *The stewards may approve or refuse the application and if approved shall designate the horse (hereinafter called the "designated horse") to be excluded from betting.*
- (3) *Once a bookmaker commences to operate "favour" betting he shall not be permitted to change his mode of betting.*
- (4) *Where a bookmaker is operating "favour" betting on a race and a designated horse is withdrawn prior to the race or is declared a non-runner after the race there shall be no alteration to betting on the race.*
- (5) *The number of bookmakers allowed to bet "favour" on a race may be determined by the stewards.*
- (6) *In this local rule "favour" betting means a mode of betting approved by the Controlling Body which allows bookmakers to bet on a race without a designated horse and where the finishing position of the*

designated horse in the race shall have no bearing on the settlement of a bet on the race.

Part 23

Betting - the Totalisator

Division 1

General Provisions

LR 331. Betting on the Totalisator

The general conditions relating to bets:

- (a) made at or through totalisator agencies; and*
- (b) received and transmitted by racing clubs to the Totalisator Agency Board,*

are set out in the Totalisator Agency Board (Betting) Regulations 1988.

[LR 331 inserted in Gazette 3 November 2000 p.6107.]

[LR 332-367 repealed in Gazette 3 November 2000 p.6107.]

Part 24

Handicapping

LR 368. Definitions

In this Part, unless the context requires otherwise:

“age penalty or AP” means a penalty of one class imposed to adjust the age class of a 2YO or 3YO horse.

“age race” means any race that is confined to either 2YO, 3YO or 4YO horses only.

“automatic handicap race” means a standing start race in which each class equates to 10 metres.

“class” means the designated classification of any horse within the handicapping scale.

“classic race” means a non handicap race for horses of the same age and/or sex whether 2 or 3 or 4 years old designated as such by the Controlling Body and in which all horses start from the front mark.

“controlling body” means a body of persons which by convention or recognition or an enactment of law is deemed to be in control of harness racing in a particular State or Country.

“career penalty or CP” means a penalty of one class imposed to adjust the career class of a horse.

“country race” means a race with stakemoney of \$8,000 or less which is not a graduation race and which carries a career penalty or age penalty if confined to either 2YO or 3YO.

“discretionary handicap” means a race in which handicap marks are allotted by and at the discretion of the handicapper at intervals of five metres and/or ten metres after the ten metre handicap mark.

“heat” means a race held for the purpose of determining which horses will qualify for another race.

“invitation race” means a race approved by the controlling body for which the nominations may be by invitation of the conducting club or controlling body.

“junior driver” means licensed driver who has not attained the age of 23 years as at the commencement of the racing year.

“junior driver concession” means a junior driver concession is a concession given to a horse in a race whereby its classification is reduced by one class for that race.

“metropolitan age penalty or MAP” means a penalty of one class imposed to adjust the metropolitan age class of a 2YO or 3YO horse.

“metropolitan penalty or MP” means a penalty of one class imposed to adjust the Metropolitan Class of a horse.

“metropolitan race” means a race with specified stakemoney in excess of \$8,000.

“novice driver” means a licensed driver who is determined to be a novice driver by a Controlling Body.

“novice driver concession” means novice driver concession is a concession given to a horse in a race whereby its classification is reduced by one class for that race.

“preferential barrier draw or PBD” means a predetermined method applied to the barrier draw in races other than random barrier draw (RBD).

“race” means any heat, event, organised trial conducted under race conditions, plate, purse, stakes, cup, match, sweepstakes, contest or division, or performance against time.

“graduation penalty or RP” means a penalty of one class imposed to adjust the graduation class of a horse.

“graduation race” means a race including a show race with stake money of \$1500 or less.

“show race” means any race held at an agricultural, horticultural, or industrial show in accordance with the rules.

“sires stake race” means a race conducted as part of a State’s Sires Stakes programme.

“stake money” means the total prize money (including float rebates but excluding trophies, bonuses and incentives) specified in the published conditions of a race excluding GST when applicable.

[Local Rule 368 amended in Gazette 25 July 2000 p.3910.]

LR 369. Handicapping penalties-general

(1) **Metropolitan races - penalty**

The winner of a metropolitan race shall incur one metropolitan penalty and one career penalty except that a metropolitan penalty shall not be incurred by the winner of:

- (a) any 2YO race save as provided in local rule 371(7);.
- (b) any 3YO race save as provided in local rule 372(5).

(2) **Metropolitan age races-penalty**

The winner of any 2YO or 3YO race with stake money in excess of \$8,000 shall in addition to the penalties provided by local rule 371(2) or 372(2) incur one metropolitan age penalty and one career penalty.

(3) **Country races - penalty**

The winner of a country race shall incur one career penalty and one graduation penalty or one age penalty or a graduation age penalty as provided for in local rule 371 or 372..

(4) Graduation races - penalty

The winner of a graduation race shall incur one graduation penalty or a graduation age penalty as provided for in local rules 371 or 372.

(5) Penalty free races

- (a) A runner in any of the following races shall not incur a penalty as provided by these rules:
 - (i) World Drivers Championship.*
 - (ii) Australasian Young Drivers Championship.*
 - (iii) one drivers series of not more than six races in each State in each racing year as approved by the controlling body.*
 - (iv) any other Drivers Championship race or series approved by the Australian Harness Racing Council.**
- (b) There shall be no other penalty free races.*

LR 370. Pacers races

(1) Metropolitan

A pacer which wins a metropolitan race shall incur one metropolitan penalty and one career and one graduation penalty.

(2) Country

A pacer which wins a country race shall incur one career penalty and one graduation penalty or one age penalty and one graduation age penalty as provided in local rules 371 and 372.

LR 371. 2YO Pacers

- (1) A 2YO pacer shall commence racing with a classification of 2A0, 2MA0 and 2R0.*
- (2) The winner of a 2YO race other than a graduation race shall incur one 2YO age Penalty and one 2YO graduation penalty.*
- (3) The winner of a 2YO race which is a metropolitan race shall also incur one 2YO metropolitan age penalty and one career penalty.*
- (4) A 2YO winning in excess of five 2YO races other than graduation races shall also incur one 3YO age penalty for each subsequent win.*

- (5) *A 2YO winning in excess of seven 2YO races other than graduation races shall also incur one career penalty for each subsequent win.*
- (6) *A 2YO winning in excess of five 2YO metropolitan races incurring a MAP shall also incur one 3YO MAP for each subsequent win.*
- (7) *A 2YO winning in excess of nine 2YO metropolitan races incurring a MAP shall also incur one metropolitan penalty for each subsequent 2YO MAP win.*
- (8) *The winner of a 2YO graduation race shall incur one 2YO graduation penalty.*
- (9) *A 2YO winning in excess of five 2YO graduation races shall also incur one 3YO graduation penalty for each subsequent win.*
- (10) *A 2YO winning in excess of seven 2YO graduation races shall also incur one graduation penalty for each subsequent win.*

LR 372. 3YO Pacers

- (1) *A 3YO pacer shall commence racing as a 3YO with a classification of 3A0, 3MA0 and 3R0, except as provided by local rule 371.*
- (2) *The winner of a 3YO race other than a graduation race shall incur one 3YO age penalty and one 3YO graduation penalty.*
- (3) *The winner of a 3YO race which is a metropolitan race shall also incur one 3YO metropolitan age penalty and one career penalty.*
- (4) *A 3YO winning in excess of two 3YO races other than graduation races shall also incur one career penalty for each subsequent win.*
- (5) *A 3YO winning in excess of four 3YO metropolitan races incurring a MAP shall also incur one metropolitan penalty for each subsequent 3YO MAP win.*
- (6) *The winner of a 3YO graduation race shall incur one 3YO graduation penalty.*
- (7) *A 3YO winning in excess of two 3YO graduation races shall also incur one graduation penalty for each subsequent win.*

LR 373. 4YO and open pacers

- (1) *A pacer upon attaining the age of four years shall be classified C0 and R0 provided that any horse that has won a race or races as a 2YO and/or 3YO, shall be classified as provided by local rules 371 and 372.*
- (2) *A 2YO or 3YO may race against open pacers but shall incur the penalties applicable to the front of the race.*

LR 374. Graduation pacers races

- (1) *A pacer with a classification of R0 that wins a country race shall incur one career penalty and one graduation penalty.*
- (2) *A pacer with a classification of R1 or better that wins a country race shall incur one career penalty and one graduation penalty except that if such horse's graduation classification then exceeds the equivalent career penalty it shall incur only one career penalty but shall NOT incur a graduation penalty.*

LR 375. Trotters racing in pacers races

A trotter may race in a race with pacers and shall be classified as follows:

- (a) *a trotter with a T0 to T9 inclusive classification shall equate to a pacer with a classification of C0.*
- (b) *a trotter with a T10 classification shall equate to a pacer with a classification of C1.*
- (c) *a trotter with a T11 classification shall equate to a pacer with a classification of C2 etc.*
- (d) *a trotter with a TM3 to TM6 inclusive classification shall equate to a pacer with a classification of M0.*
- (e) *a trotter with a TM7 or TM8 classification shall equate to a pacer with a classification of M1.*
- (f) *a trotter with a TM9 or better classification shall equate to a pacer with a classification of M2.*
- (g) *any trotter that wins a country pacers' race shall incur one career pacers penalty, one career trotters penalty and the applicable graduation penalties.*

- (h) *any trotter that wins a metropolitan pacers race shall incur one metropolitan trotters penalty and the applicable career and graduation penalties.*

LR 376. Handicapping - miscellaneous

(1) Races conducted as heats or semi finals and final/consolation

A race ("the Event") may be conducted in heats or semi finals and a final and may have a non compulsory consolation/s in conjunction therewith provided that:

- (a) *the winners of the heats, final and consolation/s shall incur penalties in accordance with this Part.*
- (b) *the penalties for a win in a heat shall not apply in the final or consolation/s of the Event.*
- (c) *the penalties provided by these rules for a win/s in a race other than the heats shall apply in the final and consolation/s of the Event unless otherwise specified in the published conditions of the Event.*

(2) Wins out of class

- (a) *Horses may be nominated outside their class in races up to \$15,000 and upon winning shall receive one class penalty.*
- (b) *Should such race be a Mobile start race combining two or more classes the horse shall incur the penalty applicable to the lowest class of the race.*
- (c) *A 2YO or 3YO which races outside of its age group is deemed to be racing out of its class. However it is permissible for the Controlling Body to authorise the conduct of combined age races provided the winner receives the normal penalty applicable to its age group.*

(3) Dead heats

A horse shall not incur any penalty as provided by this Part for dead-heating for first placing in a race.

(4) Time trials

A horse that wins a race conducted as a time trial shall incur the appropriate Penalties in accordance with the provisions of this Part.

(5) **Conversion of gait**

A horse which has had its gait converted shall have its classification adjusted as though it had won its races at the gait to which it has been converted.

(6) **Claiming races**

The winner of a claiming race shall incur the appropriate penalties in accordance with the provisions of this Part.

LR 377. Classification of horses that have won outside of Australia

- (1) *If a horse wins a race in another State of Australia or a country outside of Australia it shall be classified in respect of such win as if the race was won in Western Australia in accordance with the provisions of this Part.*
- (2) *The handicapping classification of any horse cleared by a controlling body in another country and registered to race in Australia shall be calculated from its lifetime performances recorded on the clearance or export certificate provided by such controlling body.*
- (3) *Stakemoney as shown on the clearance or export certificate won by a horse in New Zealand shall be deemed to be the equivalent dollar amount in Australian dollars.*
- (4) *Stakemoney as shown on the clearance or export certificate won by a horse in any country outside Australia other than New Zealand shall be converted to its equivalent in Australian dollars calculated at the date of its most recent clearance from a country outside Australia.*
- (5) *Any horse cleared into Western Australia after midnight on 31 August, 1997, by a controlling body in another country, shall be classified in respect of any race won in any other country, in accordance with the provisions of this Part as at 1 September 1997.*

LR 378. Penalties for disqualified and promoted horses

If a horse wins a race ("the subject race") and is subsequently disqualified as the winner of the subject race, other than as a result of a protest on the day of the race, then:

- (a) *The horse that was placed second in the subject race shall be promoted to first ("the promoted horse") and the owner thereof shall receive the specified stakemoney for the race.*
- (b) *If the disqualified horse has not won any other race following the subject race and prior to its disqualification it shall not incur any penalty in respect of the subject race.*
- (c) *If the disqualified horse has won a race or races following the subject race and prior to its disqualification it shall incur the penalties provided by the provisions of this Part applicable to the other race or races which it has won.*
- (d) *If the promoted horse has not won any other race following the subject race and prior to its promotion it shall incur the penalties provided by the provisions of this Part for winning the subject race.*
- (e) *If the promoted horse has won a race or races following the subject race and prior to its promotion it shall incur the penalties provided by the provisions of this Part applicable to the other race or races which it has won and upon its promotion or after the conduct of any race for which it is at that time an acceptor (whichever shall last occur) it shall also incur the penalties provided by the provisions of this Part applicable to the subject race.*

LR 379. Local handicapping rules

- (1) *The classification of a horse under the provisions of this Part shall only be applicable in Western Australia.*
- (2) *Any horse cleared from Western Australia to another State shall be cleared with its classification in accordance with that States handicapping rules or regulations.*

Table 1

Scratching Deductions for Win, Place and Each Way Bets

Price of Horse Scratched	Win Cash Deduction	Place Cash Deduction 3 Places	Place Cash Deduction 2 Places
15/1	6c	6c	6c
14/1	6c	6c	6c
12/1	6c	6c	10c
10/1	10c	10c	10c
9/1	10c	10c	15c
8/1	10c	10c	15c
7/1	10c	10c	15c
6/1	15c	15c	15c
5/1	15c	15c	20c
9/2	20c	15c	20c
4/1	20c	15c	20c
7/2	20c	15c	25c
3/1	25c	20c	25c
5/2	30c	20c	25c
9/4	30c	20c	30c
2/1	35c	20c	30c
7/4	35c	20c	30c
6/4	40c	20c	35
5/4	45c	25c	35c
10/9	45c	25c	35c
1/1	50c	25c	38c
9/10	50c	25c	38c
4/5	55c	30c	40c
4/6	60c	30c	40c
4/7	65c	30c	40c

Price of Horse Scratched	Win Cash Deduction	Place Cash Deduction 3 Places	Place Cash Deduction 2 Places
1/2	65c	30c	45c
4/9	70c	30c	45c
2/5	70c	30c	45c
1/3	75c	30c	45c
1/4	80c	30c	45c

Table 2

Scratching Deductions for Place Only Betting

Place odds against a Non starter at time of Declaration			Deductions in the Dollar On amount payable to Bettor (including stake)	Deductions in the Dollar On amount payable to Bettor (including stake)
Price of scratched horse			Face value for a place when 2 dividends paid	Face value for a place when 3 dividends paid
1/50	1/12		45c	30c
1/10	1/8	1/7	43c	28c
1/6	1/5	1/4	40c	26c
2/7	1/3		37c	25c
4/11	2/5	4/9	35c	23c
1/2			33c	22c
4/7			30c	20c
4/6	8/11	4/5	27c	18c
9/10			25c	17c
Evens	10/9		24c	16c
5/4	11/8	6/4	20c	13c
13/8	7/4		18c	12c
2	9/4		16c	11c
5/2	11/4		14c	9c
3	13/4		12c	8c
7/2	15/4	4	10c	6c
9/2	5		9c	5c
11/2	6		7c	5c
13/2	7		6c	4c
8	9		5c	4c
10	11	12	4c	3c
14	15		3c	3c

Schedule 1

Dictionary

“**agricultural show**” includes district shows, sports meetings and gymkhanas;

“**Approved Instrument**” means the apparatus known as the Beckman EL-ISE auto analyser.

“**arrears**” mean moneys owed for not less than 30 days;

“**artificial breeding station**” means a place where artificial breeding is attempted or carried on;

“**Australian Harness Racing Council**” or “**Council**” means the body incorporated under the Australian Capital Territory Associations Incorporation Ordinance 1953, under the name Australian Harness Racing Council Incorporated;

“**authorised agent**” and “**authorised person**” means a person recognised as such by the Controlling Body;

“**birdcage**” means an enclosure or place on a racecourse where horses are stabled, marshalled or paraded for events;

“**body**” includes a corporation, a body corporate, an unincorporated association and a recognised harness racing authority;

“**competing**” for the purposes of insurance has the following applications -

 a driver, who is not also the trainer of a horse or the trainer’s agent, is deemed to be competing in a race from the time that the driver first sits in the sulky of the horse for the purpose of parading the horse for the race until the reins of the horse are taken by the trainer or the trainer’s agent following the finish of a race;

 a driver, who is also the trainer of a horse or the trainer’s agent, is deemed to be competing in a race from the time that the driver first sits in the sulky of the horse for the purpose of parading the horse for the race until the horse leaves that part of the racecourse on which the race takes place following the finish of the race;

“**connections**” includes the persons who are the owners or lessees of a horse or who otherwise have a legal interest in it, a trainer, a manager of a syndicate, a studmaster, and the authorised agents of such persons;

“Controlling Body” means an organisation which by convention, recognition or law is or is deemed to be in control of harness racing in a State or Territory of Australia or in part of or the whole of a country;

“determination” includes requirements, orders, directions, decisions, and the like, made, given or imposed on or about any subject matter, person, group or class of persons, or any club, organisation or body, with or without sanctions attaching thereto;

“driver” includes a person who though not holding a licence granted under these rules drives a horse in a race or does other things which are only done or usually done by drivers;

“drug of abuse” means a drug within the scope of that expression as used in the document published by Standards Australia entitled “Recommended practice for the collection, detection and quantitation of drugs of abuse in urine” numbered AS 4308 - 1995 and any subsequent amendment or replacement of that document;

“family interest” refers to a situation other than a bet on a horse in a race, where if a steward or handicapper were to exercise a power under the rules, the spouse, de facto partner, parent, sibling or child of, or person residing with, the steward or handicapper would have, or be likely to have, a financial or other significant interest in the outcome;

“handicapper” means a person appointed by the Controlling Body to handicap;

“harness racing association” or **“association”** means any organisation which represents harness racing clubs or other bodies which promote or conduct races or meetings;

“harness racing club” or **“club”** means any body, other than a Controlling Body, which promotes or conducts races or meetings;

“horse” means a horse bred, cared for, managed, trained, raced or otherwise dealt with for purposes connected with the harness racing industry;

“jurisdiction” means that country or State or Territory of Australia in which a Controlling Body or recognised harness racing authority has by law the power to control and regulate harness racing;

“licence” includes permit

“list” means the unpaid forfeit list except where some other list is identified in the rules;

“meeting” means a meeting at which harness racing horses race or participate in events or were scheduled to do so;

“official” includes an official of a club

“person” includes an individual, a syndicate, a corporation, a body corporate, and an unincorporated association;

“race” means a race or event in which harness racing horses race or participate;

“racecourse” or **“course”** means a place at which harness racing horses race or participate in events, and includes all the land and improvements - such as stands, seats, stables, enclosures, rooms, offices, betting and recreational areas, carparks - used in connection with the conduct or observation of races, meetings or events by persons engaged in the harness racing industry or by members of the public;

“racetrack” or **“track”** means that part of a racecourse on which harness racing horses race;

“racing year” means the period commencing 1st September in a calendar year and ending 31st August in the following calendar year;

“recognised harness racing authority” means an organisation accepted by the Controlling Body as controlling the harness racing industry in a State or Territory of Australia or in part of or the whole of a country;

“semen” includes frozen, and chilled semen;

“sprint lane” means a clearly identified inward expansion of the inside of the straight immediately preceding the winning post;

“standardbred” when used with reference to a horse means a horse which is the progeny of a registered sire and registered dam;

“stewards” means stewards appointed by the Controlling Body;

“stud” means a place where the breeding of horses is attempted or carried on;

“swab” means the taking, or a procedure for the taking, of blood, urine, saliva, or other matter or sample or specimen from a horse for the purpose of testing for the presence of a prohibited substance and **“positive swab”** means that the swab, when tested, reveals such a presence;

“TAB” means the organisation appointed or established by or under the law in the jurisdiction of the Controlling Body to regulate off course betting and when used in connection with a race or meeting means off course betting so regulated;

“therapeutic substance” means any substance used for the prevention, diagnosis or treatment of a disease, ailment, defect or injury or used to affect physiological process.

“trainer” includes a person who though not holding a licence granted under these rules trains a horse or does other things which are only done or usually done by trainers;

“training” includes the preparation, education and exercising of a horse to race, but not the mere process of keeping a horse in good health;

“warned off” or **“warning off”** means a decision or penalty prohibiting a person from entering any racecourse or place under the control of a club or the Controlling Body and a person “warned off” shall be subject to the same prohibitions as a disqualified person mentioned in rule 259 sub rule (1).

Notes:

- (1) Part headings and brief descriptions in bold type are inserted in the rules solely for ease of reference and do not form part of the text.
- (2) Offence provisions are found throughout the rules and are not confined to those in Part 14 or under the bold type heading “Offences”. An offence provision is identified by use of the words in it, or with reference to it, that failure to comply or contravention of it makes a person guilty of an offence.
- (3) In the interpretation of these rules nothing turns on the fact that in some instances capital letters may be used and in others letters in lower case.

[Schedule amended in Gazette 27 October 2000 p.6031; 25 May 2001 p.2682; 9 August 2002 p.3855; 30 June 2003 p.2629.]

[As amendments are no longer published in full in the *Gazette*, the rules may be obtained from the Western Australian Trotting Association.]

Notes

- ¹ This is a compilation of the *Rules of Harness Racing 1999* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Rules of Harness Racing 1999</i>	5 Aug 1999 pp.3619-722	1 Sep 1999 (see r. 314(1))
<i>Notice of Amendment</i>	27 Aug 1999 p.4171	27 Aug 1999
<i>Notice of Amendment</i>	3 Sep 1999 p.4313	3 Sep 1999
<i>Notice of Amendment</i>	8 Oct 1999 p.4791	8 Oct 1999
<i>Notice of Amendment</i>	29 Oct 1999 p.54000	29 Oct 1999
<i>Notice of Amendment</i>	30 Nov 1999 p.5953	30 Nov 1999
<i>Notice of Amendment</i> (correction in <i>Gazette</i> 3 March 2000 p.1018)	22 Feb 2000 p.958	22 Feb 2000
<i>Notice of Amendment</i>	25 Feb 2000 p.977	25 Feb 2000
<i>Notice of Amendment</i>	3 Mar 2000 p.1018	3 Mar 2000
<i>Notice of Amendment</i>	10 Mar 2000 p.1125	10 Mar 2000
<i>Notice of Amendment</i>	24 Mar 2000 pp.1644-5	24 Mar 2000
<i>Notice of Amendment</i>	28 Apr 2000 p.2046	28 Apr 2000
<i>Notice of Amendment</i>	9 Jun 2000 p.2774	9 Jun 2000
<i>Notice of Amendment</i>	30 Jun 2000 pp.3431-2	30 Jun 2000

Rules of Harness Racing 1999

Citation	Gazettal	Commencement
<i>Notice of Amendment</i>	25 Jul 2000 p.3910	25 Jul 2000
<i>Notice of Amendment</i>	15 Aug 2000 pp.4725-6	15 Aug 2000
<i>Notice of Amendment</i>	5 Sep 2000 p.5070	5 Sep 2000
<i>Notice of Amendment</i>	22 Sep 2000 p.5435	22 Sep 2000
<i>Notice of Amendment</i>	27 Oct 2000 p.6030	27 Oct 2000
<i>Notice of Amendment</i>	27 Oct 2000 pp.6031	27 Oct 2000
<i>Notice of Amendment</i>	27 Oct 2000 pp.6031-2	27 Oct 2000
<i>Notice of Amendment</i>	3 Nov 2000 p.6107	3 Nov 2000
<i>Notice of Amendment</i>	10 Nov 2000 p.6201	10 Nov 2000
<i>Notice of Amendment</i>	19 Jan 2001 pp.475-6	19 Jan 2001
<i>Notice or Amendment</i>	20 Apr 2001 p. 2149	20 Apr 2001
<i>Notice of Amendment</i>	25 May 2001 p. 2682	25 May 2001
<i>Notice of Amendment</i>	17 Jul 2001 p. 3638	17 Jul 2001
<i>Notice of Amendment</i>	20 Jul 2001 p.3709	20 Jul 2001
<i>Notice of Amendment</i>	10 Aug 2001 pp.4214-15	10 Aug 2001
<i>Notice of Amendment</i>	10 Aug 2001 p.4215	10 Aug 2001
<i>Notice of Amendment</i>	4 Sep 2001 pp. 4957-8	4 Sep 2001
<i>Notice of Amendment</i>	28 Dec 2001 pp. 6728-9	28 Dec 2001
<i>Notice of Amendment</i>	22 Jan 2002 pp. 361-2	22 Jan 2002

Citation	Gazettal	Commencement
<i>Notice of Amendment</i>	25 Jan 2002 p. 449	25 Jan 2002
<i>Notice of Amendment</i>	9 Aug 2002 p. 3854-5	9 Aug 2002
<i>Notice of Amendment</i>	9 Aug 2002 p. 3855	9 Aug 2002
<i>Notice of Amendment</i>	20 Sep 2002 p. 4697	20 Sep 2002
<i>Notice of Amendment</i>	4 Oct 2002 p. 5067	4 Oct 2002
<i>Notice of Amendment</i>	19 Nov 2002 p. 5514-15	19 Nov 2002
<i>Notice of Amendment</i>	3 Dec 2002 p. 5714	3 Dec 2002
<i>Notice of Amendment</i>	10 Jan 2003 p. 39-40	10 Jan 2003
<i>Notice of Amendment</i>	10 Jan 2003 p. 40	10 Jan 2003
<i>Notice of Amendment</i>	10 Jan 2003 p. 40-41	10 Jan 2003
<i>Notice of Amendment</i>	20 Jun 2003 p. 2249-50	20 Jun 2003
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 34</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
No longer maintained as at 21 Oct 2003.		
[As amendments are no longer published in full in the <i>Gazette</i>, the rules may be obtained from the Western Australian Trotting Association.]		
