

AMENDMENTS TO RULES OF RACING

Amendment No 198 - Issued 10 September 2021

The Racing Victoria Board has approved the following amendments to the Victorian Local Rules of Racing.

AMENDMENTS TO THE VICTORIAN LOCAL RULES OF RACING: LR 16A, LR 48A, LR 48B, LR 48C & AR 2 (ADDITIONAL DEFINITIONS)

PERMIT TO PROVIDE VETERINARY SERVICES

SUMMARY OF AMENDMENT

Racing Victoria (RV), with the support of Equine Veterinarians Australia (EVA), has taken steps to help increase industry standards and improve licensee accountability by introducing a new veterinary permit.

The introduction of the new veterinary permit means that from 1 October 2021, licensed trainers must use a permitted veterinarian for any veterinary services provided to a horse under their care that is in training and/or competing in Victoria.

The two exceptions to this allow for a non-permitted veterinarian to provide veterinary services in circumstances where the health or welfare of a horse is at risk and a permitted veterinarian is not available, or where the RV Stewards have given prior approval but only after a trainer has not been able (after reasonable attempts) to obtain the services of a permitted veterinarian.

The veterinary permit was a key recommendation in the *Fair Racing for All Report* endorsed by the RV Board in October 2019 following consultation with industry participants and stakeholders.

In addition to the new veterinary permit, a new Victorian Local Rule of Racing (LR 16A) will be introduced on 1 October 2021, which establishes a process by which RV Stewards may determine to decline or reject any nominations from a licensed trainer in circumstances where that licensed trainer has outstanding fees in excess of \$5,000 owed to a permitted veterinarian.

The new local rule seeks to mitigate the risk of licensed trainers owing large debts to permitted veterinarians, but also obliges that procedural fairness will be afforded to licensed trainers before any action is taken under the rule. This includes requiring that the permitted veterinarian provide sufficient documentary evidence (including a statutory declaration) when lodging their claim, and that the licensed trainer be given an appropriate opportunity to respond.

Before any action will be considered by RV Stewards, the licensed trainer must have been sent at least two notices more than a month apart by the permitted veterinarian that the payment of fees for their veterinary services is outstanding.

Accordingly, The Racing Victoria Board has approved the introduction of LR 16A, LR 48A, LR 48B and LR 48C as well as additional definitions to be added to AR 2.

Amendments effective from 1 October 2021

AR 2 BE AMENDED AS FOLLOWS:

AR 2 Dictionary

In the interpretation of these Australian Rules (and any race meeting held under them), unless the context requires otherwise, the words and phrases below have the meanings set out in this rule.

...

<u>Permitted Veterinarian</u> means a Registered Veterinarian who has been issued a permit to provide Veterinary Services by Racing Victoria.

. . .

Registered Veterinarian means a person who is registered by the Veterinary Practitioners Registration Board of Victoria under the Veterinary Practice Act 1997 (Vic), or by an interstate authority charged with the oversight of the profession and otherwise in accordance with the requirements of the Veterinary Practice Act 1997 (Vic), which authorises qualified persons to practice as a veterinarian in Victoria.

. . .

<u>Veterinary Services</u> means any professional services provided to or in connection with a horse, <u>including</u>, but not limited to:

- (a) signing any veterinary certificate(s) as a veterinary practitioner;
- (b) prescribing, dispensing and/or supplying scheduled/prescription medication;
- (c) making a diagnosis or managing the treatment for the prevention or cure of an injury or disease and/or giving advice in relation to such diagnosis or treatment; and
- (d) reporting or giving advice in a veterinary capacity using the knowledge, skills and competence initially attained for the veterinary degree.

LR 16A BE ADDED AS FOLLOWS:

LR 16A - Overdue fees owed to Permitted Veterinarians for the provision of Veterinary Services

- (1) Where:
 - (a) a Permitted Veterinarian, who held a permit by Racing Victoria to provide Veterinary

 Services at all relevant times, has provided Veterinary Services at the request of a licensed trainer in Victoria;
 - (b) that licensed trainer has failed to pay the fees for those Veterinary Services in accordance with the payment terms; and
 - (c) the amount of the outstanding fees is in excess of \$5,000 the Stewards may, in their absolute discretion, decline or reject any nominations by that licensed trainer pursuant to AR 55 until the licensed trainer has paid the entirety of the outstanding fees.
- (2) The Stewards may only decline or reject nominations under LR 16A(1) if:
 - (a) the Permitted Veterinarian lodges a claim with the Chairman or Deputy Chairman of
 Stewards using the approved form available on the Racing Victoria website and attaching
 a statutory declaration from the Permitted Veterinarian confirming the amount of the
 outstanding fees owed by the licensed trainer and that the licensed trainer has been sent at
 least two notices (more than a month apart) that the payment of fees for Veterinary
 Services is outstanding; and
 - (b) the Stewards have provided the licensed trainer with an opportunity to respond to the claim from the Permitted Veterinarian for the outstanding fees.

LR 48A BE ADDED AS FOLLOWS:

LR 48A Permit to provide veterinary services

- (1) Subject to LR 48A(3), a person must not provide Veterinary Services to a horse in training and/or competing in Victoria, unless that person is a Permitted Veterinarian.
- (2) <u>Subject to LR 48A(3), a trainer must not allow a horse under his or her care that is in training and/or competing in Victoria to receive Veterinary Services unless the person at the time of providing Veterinary Services is a Permitted Veterinarian.</u>
- (3) LR 48A(1) and (2) will not apply when in all the circumstances:
 - (a) the health or welfare of a horse is at risk if Veterinary Services are not provided immediately and a Permitted Veterinarian is not available to provide such Veterinary Services; or
 - (b) the Stewards have given prior approval, but only after a trainer has not been able (after reasonable attempts) to obtain the services of a Permitted Veterinarian.
- (4) Without limiting any other powers or obligations under the Rules, Permitted Veterinarians must promptly provide copies of the treatment records or other relevant documents for any horse under the care of a trainer that is in training/competing upon request of the Stewards.
- (5) Without limiting any other Rules, any person who has been found guilty of a breach of LR 48A(1), (2) or (4) may be penalised.
- (6) An application by a person for a permit to provide veterinary services must:
 (a) be in the required form; and
 - (b) provide such information as is required by the Directors.
- (7) The Directors may from time to time prepare and cause to be published on the Racing Victoria website the Veterinary Permit Policy (or however named) which shall prescribe the relevant requirements and obligations for the grant of a permit to provide Veterinary Services by Racing Victoria.
- (8) The Directors may, in exceptional circumstances and in their discretion, relieve an applicant for a permit to provide Veterinary Services from any of the requirements made pursuant to LR 48A(7).
- (9) Having received an application under LR 48A(6), the Directors may:
 - (a) refuse to grant a permit to provide Veterinary Services; or
 - (b) grant a permit to provide Veterinary Services subject to such terms and conditions as the Directors think fit.

- (10) The Directors may, at any time, revoke or vary the terms of a permit to provide Veterinary Services granted by them, including, without limitation, where the holder of the permit:
 - (a) is not actively using the permit;
 - (b) ceases to meet the requirements to be granted a permit in accordance with the Rules and relevant policy referred to at LR 48A(7); or
 - (c) breaches any term or condition on that person's permit to provide Veterinary Services.

LR 48B BE ADDED AS FOLLOWS:

LR 48B - Approval to Search Panel Appointment and Functions

- (1) Appointments
 - Racing Victoria may:
 - (a) appoint at least two persons as members of the Approval to Search Panel, who must be qualified Australian lawyers of not less than five years standing and cannot be employees or officials of Racing Victoria; and
 - (b) define the term of office and remuneration of persons appointed to be members of the Approval to Search Panel.
- (2) Function of the Approval to Search Panel:
 - (a) The function of the Approval to Search Panel is solely to consider and determine applications by the Stewards for an Approval to Search.
 - (b) The determination of an application by the Stewards for an Approval to Search by a member of the Approval to Search Panel will be final and will be made on an exparte basis.

LR 48C BE ADDED AS FOLLOWS:

LR 48C - Approval to Search

<u>Prior to Stewards exercising their powers under AR 22(1)(l) in respect of a veterinary premises or vehicle used for veterinary purposes (collectively, "Premises") occupied by or under the control of Permitted Veterinarian the following procedures must apply:</u>

- (1) Where Stewards have reasonable grounds, the Stewards shall make an application to a member of the Approval to Search Panel for the issue of an Approval to Search.
- (2) <u>The Stewards will not need to make an application to a member of the Approval to Search Panel</u> for the issue of an Approval to Search if:
 - (a) the veterinary premises is entirely located within a licensed trainer's licensed premises;
 - (b) the vehicle is located on a racecourse, licensed trainer's premises or training facility; or
 - (c) the vehicle is located adjacent to a racecourse, licensed trainer's premises or training facility, and the Stewards have seen the Permitted Veterinarian who occupies or controls the vehicle treat a horse in any way on the racecourse, licensed trainer's premises or training facility prior to returning to that vehicle.
- (3) A member of the Approval to Search Panel who receives an application for an Approval to Search must either:
 - (a) grant the application and issue an Approval to Search in terms sought by the Stewards or as otherwise amended by the member of the Approval to Search Panel; or
 - (b) reject the application and not issue an Approval to Search.
- (4) When determining an Approval to Search application, the member of the Approval to Search Panel will, among other matters, have regard to the reasonable grounds identified by the Stewards in their application for the Approval to Search.
- (5) An Approval to Search granted by a member of the Approval to Search Panel must contain the following information:
 - (a) name of the relevant Permitted Veterinarian who occupies the Premises:
 - (b) address of the veterinary premises to be searched (or if searching a vehicle, the likely location of that vehicle);

- (c) purpose of the search identified by the Stewards, including where relevant specific item(s) being searched for; and
- (d) with respect to electronic veterinary records, a summary of the process to be undertaken for the imaging of data from the Permitted Veterinarian's electronic records such as mobile devices and computers, where relevant.
- (6) Where an Approval to Search has been granted, and the Stewards are inspecting the relevant Premises, the Stewards must produce, upon request, a copy of the Approval to Search to the relevant Permitted Veterinarian or if they are not present, another person at the Premises.
- [7] For the purpose of LR 48C(5)(c), although specific items may be mentioned in the Approval to Search, this does not preclude Stewards from taking possession, examining and using other items that they reasonably believe are:
 - (a) relevant to the purpose of the search and the relevant reasonable grounds; or
 - (b) potentially relevant to any other investigation or inquiry (whether initiated or not).
- (8) For the purposes of this LR 48C, reasonable grounds include but are not limited to:
 - (a) the detection of a substance prohibited by the Rules of Racing in a sample from a thoroughbred horse in circumstances where the Stewards have a reasonable suspicion that the horse was treated by the Permitted Veterinarian in breach of the Rules of Racing;
 - (b) <u>statistical and/or scientific information obtained or produced by the Stewards</u> <u>demonstrating a significantly increased level of success in thoroughbred racing for a licensed person utilising the veterinary services of the Permitted Veterinarian;</u>
 - (c) <u>a reasonable suspicion held by the Stewards at the time of making the application for an Approval to Search that the relevant Permitted Veterinarian:</u>
 - <u>i.</u> <u>has procured, purchased, supplied, administered, or otherwise dealt with, a substance or substances that are banned by the Rules of Racing, in connection with thoroughbred racing; and/or</u>
 - <u>ii.</u> has engaged in any unethical or banned practice or action in connection with thoroughbred racing.

AMENDMENT TO THE VICTORIAN LOCAL RULES OF RACING: LR 22A

MONEY OWED TO RACING VICTORIA

SUMMARY OF AMENDMENT

Racing Victoria is concerned that there are many persons who, for a variety of reasons, owe money to Racing Victoria. Many debts are significant and are often owing for a long period of time.

Accordingly, the Racing Victoria Board has approved the implementation of a new local rule, LR 22A, to sit within Division 5 of Part 5 of the Rules of Racing (directly following LR 22).

The new Local Rule seeks to expressly clarify the actions available to Racing Victoria, in situations where a person owes a debt to Racing Victoria beyond payment terms.

Amendment effective from 1 October 2021

LR 22A BE ADDED AS FOLLOWS:

LR 22A Money Owed to Racing Victoria

- (1) Subject to LR 22A(2), if a person owes money to Racing Victoria, and despite receiving a final payment demand it remains unpaid and outside terms, then Racing Victoria may, at its sole discretion and without needing to further communicate with the person beforehand:
 - (a) use any prize or prizemoney which is to be paid or awarded to that person to pay down the debt owed; and/or
 - (b) without limiting the power of AR 55, prohibit nominations of a person pursuant to AR 55.
- (2) Racing Victoria cannot undertake action pursuant to LR 22A(1)(a) if:
 - (a) the relevant prize or prizemoney is to be redirected pursuant to the TOR Rules; or
 - (b) the relevant invoices issued by Racing Victoria do not contain reference to the powers available to Racing Victoria under LR 22A.
- (3) Nothing in this LR 22A prevents Racing Victoria from undertaking action under other Rules, including placing persons on a Forfeit List.
- (4) Money may be owed to Racing Victoria for the purposes of this LR 22A for a variety of reasons, including but not limited to:
 - (a) Nomination fees;
 - (b) Acceptance fees;
 - (c) Licence fees;
 - (d) Fines;
 - (e) Prizemoney recovery;
 - (f) Payments made in error; and
 - (g) Training related fees collected on behalf of Clubs, including but not limited to:
 - i. Access fees;
 - ii. Track gallops;
 - iii. Trial / jump out fees;
 - iv. Facility usage fees;
 - v. Stable rental.

To view the current version of the Rules of Racing, please visit the following link to the Racing Victoria website: http://rv.racing.com/racing-and-integrity/rules-of-racing