

## AMENDMENTS TO RULES OF RACING

### Amendment No 131 – Issued 24 January 2014

The Racing Victoria Board has approved the following amendments to the Local Rules of Racing, effective from 29 January 2014.

#### AMENDMENTS TO THE LOCAL RULES OF RACING

##### Amendments effective from 29 January 2014

##### **INSERT NEW DEFINITION IN AR 1 AS FOLLOWS:**

[“Australian Lawyer” has the same meaning as in the Legal Profession Act 2004 \(Vic\).](#)

##### **LR 3 BE DELETED AND REPLACED AS FOLLOWS:**

##### ~~LR 3 – Persons deemed to be bound by the Rules~~

~~Any person who takes part in any matter coming within the Rules is thereby deemed to consent to be bound by them, and to be so bound.~~

##### [LR 3 Application and enforcement of these Rules against certain persons](#)

- (1) [Without limiting AR 2, these Rules apply to and may be enforced against—](#)
  - (a) [a person who expressly agrees to be bound by these Rules, including a person who is the holder of a licence, registration, permit or other authority issued by Racing Victoria;](#)
  - (b) [a person who impliedly agrees to be bound by these Rules; and](#)
  - (c) [subject to LR 3\(2\), a relevant person.](#)
  
- (2) [If there is to be an investigation or inquiry in relation to horse racing or wagering or both under these Rules in which these Rules may be applied to and/or enforced against a relevant person \(as defined in LR 3\(3\)\):](#)
  - (a) [the investigation or inquiry must be initiated by a Steward; and](#)
  - (b) [in conducting the investigation or inquiry, the Steward must have reasonable grounds to suspect the relevant person:](#)
    - (i) [may have contravened these Rules; or](#)
    - (ii) [may be involved in a contravention of these Rules; or](#)
    - (iii) [may have knowledge or possession of information as to a contravention of these Rules—](#)  
[because of—](#)

- (iv) the person's attendance at a race-meeting of horse racing in Victoria; or
- (v) the person's participation in an activity in connection with or involving horse racing in Victoria or wagering on horse racing in Victoria.

(3) For the purpose of LR 3, a relevant person means:

- (a) a person who attends a race-meeting for the purpose of horse racing in Victoria;  
or
- (b) a person who participates, whether at a racecourse or any other place, in an activity connected with, or involving, horse racing in Victoria or wagering on horse racing in Victoria.

[LR 3 deleted and replaced 29/1/14]

**LR 6D BE DELETED AND REPLACED AS FOLLOWS:**

### **~~LR 6D – Conduct of proceedings~~**

- ~~(1) **RAD Board may hear as it thinks fit:** Subject to the requirements of procedural fairness, the RAD Board may hear proceedings in any way it thinks fit, including (but not limited to):
  - ~~(a) in the presence of the parties or in the absence of any or all of them;~~
  - ~~(b) by hearing evidence given by means of telephone, video or closed circuit television;~~
  - ~~(c) upon the notes of evidence taken by the Stewards or the Investigators;~~
  - ~~(d) upon the case stated by the parties to the proceedings; or~~
  - ~~(e) by rehearing upon affidavits, statutory declarations and viva voce evidence.~~~~
- ~~(2) **No obligation to conduct appeals as hearings de novo:** For the avoidance of doubt, it is declared that an appeal to the RAD Board is not required to be conducted as a hearing de novo.~~
- ~~(3) **Dismissal of certain proceedings:** The RAD Board may dismiss a proceeding without a hearing if it is satisfied that the proceeding is frivolous, vexatious, misconceived or lacking in substance.~~
- ~~(4) **Right to legal or other representation:** A party to a proceeding is entitled to be represented at the hearing of the matter by a legal practitioner or other person.~~
- ~~(5) **Proceedings are open to public unless otherwise ordered:** All proceedings of the RAD Board must be held in public unless the RAD Board directs or orders, either on application of a party or acting on its own initiative, that:
  - ~~(a) a proceeding or any part of a proceeding be held in private; or~~
  - ~~(b) any evidence given at a proceeding, the content of any documents produced to the RAD Board or any information that might enable a party or another person to be identified must not be published or published only in the manner and to the persons specified by the RAD Board.~~~~
- ~~(6) **To provide reasons:** The RAD Board must give reasons for any decision made in relation to a matter before it, and whether oral or written, such reasons form part of the record of the proceeding in which the decision was made.~~
- ~~(7) **To provide written reasons on request:** If the RAD Board gives oral reasons, a party may within 28 days of the decision, request the RAD Board to give written reasons in which case, the RAD Board must comply with the request within 28 days after the request was made.~~

~~[LR 6D amended 1/8/04]~~

## LR 6D Conduct of proceedings

- (1) Rules of natural justice apply: The RAD Board is bound by the rules of natural justice.
- (2) Hearings before the RAD Board and evidence: Subject to the requirements of procedural fairness, the RAD Board may:
  - (a) if the parties to a proceeding have been advised of the date, time and venue of a hearing, conduct the hearing in the presence of the parties or representatives of the parties, or with only some of the parties or representatives of the parties or without any of the parties or representatives of the parties;
  - (b) hear evidence by telephone, closed circuit television or video links;
  - (c) allow the evidence of a Steward or an investigator to be given on the notes of evidence taken by the Steward or investigator;
  - (d) conduct a proceeding on the case stated by the parties to the proceeding;
  - (e) conduct the re-hearing of a matter by affidavit, statutory declaration or oral evidence.
- (3) No requirement to conduct hearings de novo: The RAD Board is not required to conduct a hearing as a de novo hearing.
- (4) Right to legal or other representation: A party to a proceeding before the RAD Board is entitled to be represented at the hearing of the matter by an Australian Lawyer or any other person.
- (5) Proceedings to be held in public unless otherwise ordered
  - (a) All proceedings of the RAD Board must be held in public unless the RAD Board considers that it is in the interests of justice that part or all of the hearing be held in private; and
  - (b) The RAD Board may order that any evidence given at a proceeding, the content of any document produced to the RAD Board or any information that might enable a party or another person to be identified must not be published or published only in the manner and to persons specified by the RAD Board.
- (6) Dismissal of certain proceedings: The RAD Board may dismiss a proceeding without a hearing if it is satisfied that the proceeding is frivolous, vexatious, misconceived or lacking substance.
- (7) To provide reasons: The RAD Board must give reasons for any decision made in relation to a matter before it, and whether oral or written, such reasons form part of the record of the proceeding in which the decision is made.
- (8) To provide written reasons upon request: If the RAD Board gives oral reasons, a party may, within 28 days of the decision, request the RAD Board to give written reasons in which case, the RAD Board must comply with the request within 28 days after the request was made.

- (9) [RAD Board may otherwise regulate its own procedure: Except as otherwise required by these Rules, the RAD Board may regulate its own procedure in respect of any proceeding before it.](#)

[LR 6D amended 1/8/04, [LR 6D deleted and replaced 29/1/14](#)]

**LR 6E(2), (3) and (6) BE AMENDED AS FOLLOWS:**

- (1) ...
- (2) Decisions of the RAD Board in relation to an appeal: Without limiting LR 6E(1), the RAD Board may in hearing an appeal:
- (a) confirm, set aside or vary the decision appealed against;
  - (b) quash, set aside, mitigate, reduce, alter, vary, increase or add to the penalty imposed by the Stewards or Committee of a Racing Club under the Rules or by the RVL Directors in exercising any power conferred on Stewards by the Rules;  
**and**
  - (c) refer the matter on appeal for rehearing or reconsideration of the decision;  
[and/or](#)
  - (d) [review in full a decision being appealed, including in circumstances where only part of the decision has been objected to, sought to be reviewed or appealed.](#)

~~(3) **Where only part of decision appealed against:** The powers of the RAD Board may be exercised notwithstanding that in the notice of appeal part only of the decision was objected to or sought to be reviewed, varied or otherwise dealt with.~~

[amended 1/9/09, [LR 6E\(2\) and \(3\) amended 29/1/14](#)]

...

- (6) **Directions:**
- (a) The Chair or Deputy Chair of the RAD Board may give [directions in relation to the operation or procedure of the Board](#), ~~on any matter or thing not provided for by the Rules in relation to any proceeding before the RAD Board.~~
  - (b) Any direction made by the Chair or Deputy Chair of the RAD Board pursuant to LR 6E(6)(a) must not be inconsistent with the *Racing Act 1958* (Vic) or these Rules.

[LR 6E amended 1/8/04, [LR 6E amended 29/1/14](#)]

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To view the current version of the Rules of Racing, please visit the following link to the Racing Victoria website: [http://www.racingvictoria.net.au/p\\_Rules\\_of\\_Racing.aspx](http://www.racingvictoria.net.au/p_Rules_of_Racing.aspx)