

Amendments to the Local Rules (Thoroughbred Racing)

1. Proposed amendments to Local Rule 64.A

1.1. Background

In 2014 Racing Queensland introduced true weights (handicap weights relative to a horse's rating in the absence of the required minimum) for TAB races. This facilitated races having a spread of weights at acceptance time if they were required to be raised to comply with AR167. The outcome has been that races have subsequently become 'true' handicaps in such circumstances.

The purpose of the proposed change is to amend the rule to include Group 2 races given the limit weight in those races differs from those applicable to standard handicap races and to enable races at non-TAB race meetings to be afforded a spread of weights at acceptance time, which will enable them to be treated on the same basis for TAB races.

1.2. Proposed amendments

LR.64.A. Weights, Penalties and Allowances

- (1) *For all handicap races (with the exclusion of Group 1 and Group 2 Handicap races), if the highest weighted horse at acceptance time has less than 4kg above the minimum weight designated in the conditions of the race 58kg, then its weight shall be raised to the weight that is 4kg above the minimum weight 58kg and any horses weighted on or below the of the minimum shall have their weight increased by the same number of kilograms relatively using the allocated true weight (handicap weight relative to a horses rating in the absence of the required minimum) except that no horse will have a weight below the designated minimum weight. Where a horse is weighted on the minimum but would otherwise be allotted a lesser weight in absence of the required minimum, the increase shall be applied to the lesser weight.*
- (2) *For Group 2 handicap races, if the highest weighted horse at acceptance time has less than 5kg above the minimum weight in a Group 2 handicap, its weight shall be raised to the weight that is 5kg above the minimum weight and any horses weighted on or below the minimum shall have their weight increased by the same number of kilograms, using the allocated true weight (handicap weight relative to a horses rating in the absence of the required minimum) except that no horse will have a weight below the designated minimum weight. This Rule only applies to handicap races at TAB meetings with the exclusion of Group 1 handicap races.*

2. Proposed amendments to Local Rule 37

2.1. Background

The current rule facilitates the capacity for connections of horses to pursue alternative opportunities to race should a horse be unable to secure a start in a race as a consequence of a number of factors. Recent occurrences have however highlighted anomalies with the rule's current composition.

The proposed amendment to the rule will address the anomalies and result in the connections of horses being provided with the potential to secure a start in another race.

2.2. Proposed amendments

LR.37. Re-nomination if race abandoned or cancelled

- (1) *Subject to the approval of Stewards and notwithstanding the provisions of AR177-111A, in the following instances a horse may be renominated for a Race Meeting for which the weights have been released but which the acceptance deadline has not expired:*
 - (a) *a horse nominated for a race that was abandoned at closure of nominations; or*
 - (b) *a horse declared an emergency or balloted from a race at the closure of acceptances; or*
 - (c) *a horse accepted for a race that was abandoned at closure of acceptances; or*

- (d) *a horse declared an emergency which was eliminated at the final scratching deadline;*
or
- (e) *a horse accepted for a race that was later abandoned or declared a no race; or*
- (f) *the conditions of a race are amended.*

Amendments to the Local Rules (Thoroughbred Racing) – Training Disputes Tribunal

1. Proposed amendments to Local Rules

1.1. Background¹

In 2017 Racing Australia adopted a series of Training and Owner Reforms (the **TOR**) to standardise arrangements between trainers and owners as well as co-owners of a horse. The TOR provides for the establishment of a Training Disputes Tribunal (the **TDT**) to determine disputes between trainers and owners.

Each PRA was able to determine how it wishes to establish its Tribunal. Racing Victoria determined to appoint external parties to constitute the TDT whereas Racing NSW appointed its General Counsel to be the principal member of the TDT (who is then able to call on other legal counsel as required).

Racing Queensland appointed 3 external legal professionals to constitute the TDT after undertaking an Expression of Interest process. The Tribunal Members were engaged under a Tribunal Member Agreement which, *inter alia*, set the fee for hearing each dispute referred to the Panel Member and also guaranteed a minimum payment. These Tribunal Member Agreements expired on 31 July 2018.

To date, there has not been a dispute that has been allocated to the TDT. Instead, the Enforcement Action Application (EAA) process under the TOR, which allows for direction of prizemoney to the trainer owed the training fees, has been regularly used and Racing Queensland has received 88 of these applications over the last 2 years.

With no matters having been brought before the TDT since its establishment, Racing Queensland considers that the current approach of using an external panel does not provide the panel members with the opportunity to contribute to dispute resolution nor does it provide value for money to Racing Queensland.

As a result of the above, Racing Queensland has undertaken a review of its approach to the composition of the TDT in the Local Rules and as a result, is proposing to amend the Local Rules to change the composition of the TDT to better utilise existing internal resources of Racing Queensland, in line with the Racing NSW approach. Racing Queensland proposes to no longer constitute the TDT with external members but to instead constitute the TDT by the General Counsel of Racing Queensland (and, should the need arise, by other appropriately qualified solicitors).

This proposed approach is consistent with the TOR Rules on the basis that:

- TOR Rule 2 [2](a) empowers a PRA “*to appoint a person/s, who must have relevant experience in dealing with commercial disputes, as a TDT member for the purpose of determining disputes in relation to training fees and/or training disbursements;*”;
and
- TOR Rule 8[8] entitles a PRA “*to make its own rules and regulations specific to its State or Territory in relation to the rule and/or processes of its TDT, provided that they are procedurally fair and are not inconsistent with the overriding purpose of TOR Rule 8, being to have in place a TDT to impartially and efficiently determine disputes in respect of training fees and/or training disbursements.*”.

¹ Capitalised terms not otherwise defined in this document have the meaning given to them the Australian Rules of Racing as at 1 March 2019 or the Local Rules (Thoroughbred Racing) 28 December 2018 (as appropriate).

Racing Queensland considers that the proposed appointment of its General Counsel to constitute the TDT is in compliance with the TOR Rule 2[2](a) and that the proposed amendments to LR 120(1), 121(1) and 127(1) as set out in this document are consistent with the powers granted to Racing Queensland in TOR Rule 8[8] and otherwise.

Racing Queensland is also proposing changes to LR121 confirm the process for the allocation of a dispute to the TDT, in line with the Local Rules in NSW and Victoria.

1.2. Proposed amendments

LR.119 Interpretation

- (1) In LR 120 - 128, the following words have the meaning shown unless the context requires otherwise:

....

General Counsel means the person employed by Racing Queensland in the capacity of general counsel, from time to time.

....

LR.120 Appointment and function

- (1) ~~Racing Queensland may~~ The TDT is to be constituted by:
- (a) ~~appoint not less than 3 persons to constitute the TDT~~ the General Counsel; and, who must each be
 - (b) such other legal advisers as may be engaged by Racing Queensland or the General Counsel from time to time who must each be a solicitor or barrister with not less than 5 years' experience post-qualification and who, while holding office, must be an Eligible Individual; ~~and.~~
- ~~(b) define the term of the office and remuneration of persons appointed to constitute the TDT.~~
- (2) The function of the TDT is to hear and determine disputes in relation to Training Fees and/or Training Disbursements, as provided for in the TOR (as amended by LR 119 - 128) and in the STA (as amended by LR 119 - 128).

LR.121 Constitution and hearing proceedings

- (1) To hear and determine any matter referred to in LR 120(2), the TDT must be constituted by ~~a single member~~ the General Counsel, of the TDT. Matters are to be heard by the General Counsel or may be allocated by the General Counsel to another TDT members (if any) by the registrar of the TDT, who is to be an employee of Racing Queensland.
- (2) A dispute is deemed to have been allocated to the TDT once:
- (a) The TDT has received formal notice from Racing Australia that Racing Australia has allocated a matter to the TDT under the TOR Rules (and specifically TOR Rule 5(4)); and
 - (b) Racing Queensland has received the Filing Fee (as defined in the TOR Rules and referred to in TOR Rule 8(1) from Racing Australia.
- (3) Upon Receipt of the allocation of a matter to the TDT under LR121(2), the TDT must as soon as is reasonably practicable notify the parties to confirm that the matter has been allocated to the TDT.

LR.127 Limitation of liability

- (1) The TDT, ~~and any of its other~~ members (including the General Counsel and any other legal advisers engaged from time to time) and Racing Queensland shall not be liable to any person for any act or omission in connection with any proceeding before the TDT, except to the extent such limitation of liability is prohibited by law.