



NEW FOAL AND OWNER REGISTRATION RULES

Frequently Asked Questions

Introduction

Rules of Racing have always applied

The vast majority of broodmare owners (approximately 99%) have always been subject to the Australian Rules of Racing as it is a condition of registration of the mare for naming purposes in Australia that the owner agrees to be bound by the Australian Rules of Racing (there is a small proportion of mare owners, being approximately 1%, where the mares have been named overseas that would not have already signed the naming form).

As you are aware, even an unraced mare needs to be registered and named in order to be served by the stallion.

Accordingly, it is difficult to understand the argument that breeders should not be governed by the Australian Rules of Racing. The term "breeder" is simply another term for an owner of a mare.

Q1: Why do we need the new rules on traceability?

Traceability is the cornerstone of integrity and animal welfare. It is simply unrealistic to think that traceability will not be required in the Thoroughbred industry. If the industry doesn't introduce it, then there is little doubt that it will be introduced by Governments and the industry will be criticised for failing to do so. Harness Racing already has full traceability from birth and it has been introduced into the Greyhound industry.

Q2: What are the new rules for traceability?

The new Australian Rules of Racing and Stud Book Rules introduced to provide traceability of Thoroughbreds from the date of their birth require two actions for a horse to be accepted into the Stud Book:

1. Foals must be registered with the Stud Book through the Mare Return within 30 days of foaling.
2. Each foal's owner(s) must be declared with the Registrar within a further 30 days (60 days in the first year).

For example, a foal born on 15 August must be registered by 14 September. Its owners must then be declared by 14 November, 2016. Upon completion, all Thoroughbred foals and their owners will come under the Australian Rules of Racing.

These new rules will assist to maintain high standards of integrity and animal welfare in the industry.

Q3: From what date do the new rules governing foals and their owners come into effect?

1 August, 2016 for foals born in 2016 onwards.

Q4: How does the system work? What do I have to do?

A Mare Return is submitted to the Stud Book in the usual fashion within 30 days after the birth of a foal. This process does not change.

However, when you submit and pay for your Mare Return, a tax invoice will be emailed to you which will include what is called a Foal Ownership Declaration Form.

The Manager of the foal must complete the Foal Ownership Declaration Form. Additionally, each owner of the foal must individually complete a Foal Ownership Declaration Form.

All Foal Ownership Declaration Forms, totalling 100% ownership of the foal, are submitted to Racing Australia. Upon receipt, the Mare Return will be accepted into the Stud Book.

Q5: Where will I find the new Foal Ownership Declaration Form?

Foal Ownership Declaration Forms will be emailed to you when you submit your Mare Return. They will also be available online for you to print, complete and send to Racing Australia.

Q6: How much time do owners have to submit the Foal Ownership Declaration Form?

In recognition that 2016 is the first year of the new system, owners will have 60 days after the Mare Return is submitted to complete the Foal Ownership Declaration Form.

The period of time for returning Foal Ownership Declaration Forms will be 30 days after submitting the Mare Return from 2017 onwards when the system will be online.

Q7: What if the Foal Ownership Declaration Form is not submitted within the required 60 days?

A foal will not be accepted into the Stud Book unless the Foal Ownership Declaration Form is submitted and therefore the foal will be unable to be registered for racing.

An extension to the 60 days may be granted on the basis of veterinary advice or at the discretion of the Registrar.

Q8: What is the cost of compliance in this new system?

Racing Australia is resolved to keep compliance costs as low as possible. There is no fee for submitting the Foal Ownership Declaration Form. Subsequent Transfers of Ownership fees will be set at a level only to recover costs of the transaction.

From 2017 the Foal Ownership Declaration Forms will be able to be submitted online thereby reducing compliance requirements.

Q9: Who is responsible for lodging the Foal Ownership Declaration Form in the case of multiple owners?

The Manager of the foal is the person responsible for ensuring each individual owner completes the Foal Ownership Declaration Form. The Manager is the first-named person recorded on the Foal Ownership Declaration Form.

Q10: Does the foal also come under the Australian Rules of Racing along with its owners?

Yes – once the foal is accepted into the Stud Book it is classified as an “Unnamed Horse” for the purposes of the Stud Book rules and the Australian Rules of Racing.

Q11: Who is responsible for the new Rules relating to the welfare and traceability of an Unnamed Horse whilst in their ownership?

The Manager or his/her Authorised Agent (e.g. the trainer)

Q12: If there has been a breach of the Rules of Racing, who is responsible?

The owners are the persons that agree to be bound by the Australian Rules of Racing and have the ultimate responsibility.

Procedural fairness and due process are paramount in the application of the Australian Rules of Racing and owners would be given every opportunity to make submissions and tender evidence where they believe that the breach has arisen due to matters outside of their control.

Q13: If the Rules of Racing apply from the time a foal is born, what will Stewards be able to do on a stud or other breeding farms?

The PRAs will establish policies to define what Stewards can and cannot do on breeding properties, yearling preparation and spelling farms and other properties where Thoroughbreds are located.

These policies will allow Stewards to enter and exercise their powers on those properties only for the following purposes:

- (i) The testing of a Thoroughbred racehorse (e.g. a spelling racehorse) for the presence of substances that are prohibited at any time under the Rules of Racing;
- (ii) The testing of a young Thoroughbred horse (e.g. foals, weanlings and yearlings) for the presence of anabolic androgenic steroids;
- (iii) The observation of other horses for health and welfare reasons only.

Each State PRA will ensure suitably qualified Stewards are responsible for the enforcement of the new ownership rules.

Q14: What are the responsibilities of the Manager?

The Manager is responsible for notifying Racing Australia of the following events by way of the requisite form:

- (i) any changes in the ownership of the horse
- (ii) changes to the location of the horse
- (iii) lodgement of a Death Notice
- (iv) lodgement of a Retirement Notice (i.e. the Unnamed Horse will not be registered as a racehorse)

All these events which relate to the traceability of a horse are covered by new Australian Rules of Racing.

Q15: What is the process if I sell my foal before the naming registration process?

Upon the sale or change in owner's share percentage from the initial Foal Ownership Declaration Form, a Transfer of Ownership for an Unnamed Horse Form will need to be submitted.

Q16: Who is responsible for lodging the Transfer of Ownership Form for an Unnamed Horse?

All owners relinquishing their interest as well as all new and remaining owners must sign the form and submit to Racing Australia within 14 days of the transfer taking place.

When the Transfer of Ownership Form is completed a Transfer Endorsement Certificate will be returned to the Manager.

Q17: Do I need to submit a Transfer of Ownership Form for an Unnamed Horse if it is sold at a Public Auction?

Yes. However, Racing Australia has an approved list of auctioneers who have the authority to sign the Transfer of Ownership Form on behalf of the outgoing owners. In these instances the form must be stamped with the official auctioneer company name and details. A list of Approved Auctioneers will be available on the Transfer of Ownership Form for an Unnamed Horse.

Q18: How can you be sure when you have either sold a horse or given it away that you no longer have any obligations for its welfare, etc.?

When you transfer your ownership interest in a Thoroughbred horse (including for recreational purposes) to another person, you are discharged from your responsibilities for the horse if you have formally notified Racing Australia of the change of ownership by way of the appropriate transfer form and notified the new owner of those responsibilities.

Q19: When do I have to notify Racing Australia of a change of location of my unnamed horse?

The Foal Ownership Declaration Form provides the location of the foal and subsequent changes in the location of the foal/Unnamed Horse must be notified to Racing Australia by way of a Change of Location Form. To minimise the frequency of notifying changes to locations as required by the new rule AR.54A(1)(b), Racing Australia provides the following practice guidelines:

Notification of a change in location of an Unnamed Horse will not be required as follows, PROVIDED that the time away from the previously notified location does not exceed 90 days:

- (i) Where an Unnamed Horse leaves for veterinary treatment
- (ii) Where an Unnamed Horse leaves for preparation and participation in a sale
- (iii) Where an Unnamed Horse leaves to be educated

If any of the above changes in location exceeds 90 days, the Manager must submit a Change of Location Form.

Please find attached a flow chart of the new system for your information.

1st August 2016