



# **QRIC Equine Traceability Enforcement Standard**

**2023**



**QUEENSLAND RACING  
INTEGRITY COMMISSION**

# Equine Traceability Enforcement Standard

**V1.00**

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## **1 Date Standard made**

30 March 2023

## **2 Effective date of Standard**

31 March 2023

## **3 Purpose of this Standard**

Under section 58 of the *Racing Integrity Act 2016* (RIA) the Commission may make a standard for a code of racing if the Commission reasonably believes it is good management to have the standard.

On 14 January 2020, the final report following the Inquiry into animal cruelty in the management of retired Thoroughbred and Standardbred horses in Queensland (the Martin Inquiry Report) was handed down making a total of 55 recommendations. Relevant to this Standard are the following recommendations:

*3.3 - The QRIC commits more resources to the active enforcement of retirement notifications including the auditing of 'high-risk' categories such as racing horses that have been 'spelling' for more than 12 months and horses that are still registered but have not had a race start in the last 12 months.*

*3.4 - The QRIC develops a penalty standard for the failure to provide timely retirement and death notifications that reflects the critical role they play in monitoring the welfare of retired racing horses.*

*5.1 - The requirement to provide notification of retirement and death under the rules of racing be actively enforced in Queensland by the QRIC.*

In December 2020, the Commission established the "Retirement obligations Penalty Standards", which set penalties for non-compliance with the traceability rules.

Primary responsibility for notifications to the Commission regarding the lifecycle of a racehorse rest with the managing owner and trainer. It is essential that the Commission can track the life cycle of a racehorse from youngstock to training, racing, spelling, retirement and the death of a horse, to enable the Commission and Racing Queensland to properly plan and cater for retired racehorses.

It is an essential component of this tracing exercise that owners, trainers and racing participants having responsibility for retired racehorses inform the Commission about key events in the lifecycle of the racehorse.

The Commission is committed to the rigorous implementation of the recommendations of the Martin Inquiry Report. Traceability of the lifecycle of racehorses is critical to ensuing public confidence in the racing industry. There must be significant consequences for participants who fail to comply with rules which are so important to the welfare of racing animals, when compliance with such rules take a relatively small amount of time.

The purpose of the 'Equine Traceability Enforcement Standard' (the Standard) is to ensure the effective enforcement of the traceability rules so that the Commission is able to safeguard the welfare of horses that are or have been involved in racing under the RIA.

## **4 The Traceability Rules**

In the thoroughbred code of racing, the traceability rules are contained in Part 14 of the Rules of Racing of Racing Queensland Constituted by: Australian Rules of Racing and the Local Rules (Thoroughbred Racing) (the Thoroughbred Rules of Racing).

In the harness code of racing, the traceability rules are those outlined in 96E(1) of the Rules of Racing Queensland Constituted by: Australian Harness Racing Rules and the Local Rules of Racing – Harness Racing (the Harness Rules of Racing).

In this Standard the above rules are referred to as the traceability rules.

## **5 Who is affected by this Standard**

This Standard applies to all participants in the thoroughbred and harness codes of racing, including:

1. owners of thoroughbred and standardbred racehorses;
2. the “manager” of a thoroughbred racehorse, as that term is defined in the Thoroughbred Rules of Racing;
3. the “authorised agent” of a thoroughbred racehorse, as that term is defined in the Thoroughbred Rules of Racing;
4. the “connections” of a standardbred racehorse, as that term is defined in the Harness Rules of Racing;
5. the licensed trainer of a thoroughbred or standardbred racehorse;
6. all participants in thoroughbred racing who are responsible for a retired thoroughbred racehorse;
7. all participants in harness racing who are responsible for a retired thoroughbred racehorse;
8. all participants in the thoroughbred code; and
9. all participants in the harness code.

## **6 How decisions will be made under the Standard**

Every steward of the thoroughbred code of racing employed by the Commission has responsibility for making a decision under this Standard in relation to compliance with the traceability rules under the Thoroughbred Rules of Racing.

Every steward of the harness code of racing employed by the Commission has responsibility for making a decision under this Standard in relation to compliance with the traceability rules under the Harness Rules of Racing.

Prior to issuing a penalty for a breach of the traceability rules, the steward will issue a show cause notice to the person requiring them to show cause as to why they should not be issued with a penalty for a contravention of the traceability rules.

A person who receives a show cause notice must be given a period of time, no less than fourteen (14) days from the date of receiving the notice, to provide submissions to the Commission regarding the content of the notice and proposed actions contained in the notice. Those submissions may be made in writing or a recording of oral submissions may be supplied.

The steward must consider all relevant submissions made by the person within the relevant show cause period stated in the show cause notice.

Stewards may issue a direction to a participant to comply with the traceability rules within 14 days.

Where a participant fails to comply with a steward’s direction to comply with the traceability rules, the steward may issue a show cause notice, requiring the person to show cause as to why they did not comply with the steward’s direction.

Similarly, a person who receives a show cause notice must be given a period of time, no less than fourteen (14) days from the date of receiving the notice, to provide submissions to the steward regarding the content of the notice and proposed actions contained in the notice. Those submissions may be made in writing, or a recording of oral submissions may be supplied.

The steward must consider all relevant submissions made by the person within the relevant show cause period stated in the show cause notice.

## 7 Compatibility with human rights

The *Human Rights Act 2019* (HRA) places obligations on public entities to act compatibly with human rights when acting or making a decision.

Under the HRA, 'compatible with human rights' means an act or decision does not limit a human right or limits a human right only to the extent that is 'reasonable and demonstrably justifiable'. Human rights should only be limited after careful consideration, and in a way that can be justified in a free and democratic society based on human dignity, equality, freedom and the rule of law.

The Commission is responsible for enforcing the Rules of Racing. Stewards of the Commission may impose a range of penalties from a reprimand through to disqualification of a licence. The Commission acknowledges that the imposition of a monetary penalty upon a person may limit a person's human right to privacy and reputation.

The purpose of the imposition of a monetary penalty upon a person for contravening this standard is to:

- maintain public confidence in the racing of animals in Queensland for which betting is lawful;
- ensure the integrity of all persons involved with racing or betting under the RIA or the *Racing Act 2002*; and
- safeguard the welfare of all animals that are or have been involved in racing under the RIA or the *Racing Act 2002*.

Having regard to the other less restrictive penalties, it is considered that a caution or reprimand are not sufficient disciplinary options that enforce compliance and achieve the purposes outlined above. The sanction of a monetary penalty serves as a personal and general deterrent, encouraging all participants to comply with the Standard and ensure that racehorses can be traced throughout their lifetime.

The Commission therefore considers that any limitation imposed upon a person's right to privacy and reputation caused by the imposition of a monetary penalty outlined in this Standard, is reasonably necessary to achieve the purposes of the RIA and the fundamental purpose of a discipline system.

The Commission is therefore satisfied that the limitations upon a person's human rights occasioned by the monetary penalties listed in this Standard are reasonable and justifiable and that this Standard is compatible with the HRA.

## 8 Relationship with the Rules of Racing

This Standard provides the penalties to be applied enforcing the traceability rules<sup>1</sup> under:

- Part 14 of the Australian Rules of Racing; and
- Rules SBR11, SBR12,<sup>2</sup> 96C, 96D and 96E of the Australian Harness Racing Rules;

and when issuing penalties for non-compliance with directions made by a steward in relation to compliance with the traceability rules.

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<sup>1</sup> As made from time to time.

<sup>2</sup> SBR rules are those found in the *Australian Trotting Stud Book Regulations* and reproduced in the Australian Harness Racing Rules.

## 9 Penalties

The following penalties will apply for identified breaches of the traceability rules.

Offence occurrence	Penalty
1 <sup>st</sup> offence	\$250 per breach (per horse)
2 <sup>nd</sup> offence	\$500 per breach (per horse)
3 <sup>rd</sup> offence	\$750 per breach (per horse)
4 <sup>th</sup> offence	\$1000 per breach (per horse)

In addition to the penalties outlined above, stewards may also issue additional penalties where there has been a failure to comply with an order or direction given by a steward.<sup>3</sup>

Where there has been a failure to comply with a steward's direction to take action in relation to one or more traceability rules, the steward may impose a \$1000 fine, in addition to any applicable penalties for individual traceability rule breaches.

## 10 Previous Standards

This standard replaces the document titled 'Retirement Obligations Penalty Standards'.

## 11 Approval



Shane Gillard

Commissioner Queensland Racing Integrity Commission

30 March 2023

## 12. Version Control

Version	Date Approved
1	30 March 2023, Shane Gillard, Commissioner.

<sup>3</sup> See AHR 238 and AR 232(b).