



HARNESS RACING VICTORIA

## EMBARGOED TRAINER TRANSFER POLICY

Approved by:		Date of Approval	
Board VRIB		9/03/2022	
Business Unit		Document Owner	Document Writer
Integrity		GM Integrity	Stewards - Chairman
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1	01 Dec 2017	New Edition	
2	02 Jan 2020	Update to new template	
3	01 July 2021	General review and title change from 'Transfer of Horses from Disqualified or Suspended Trainer Policy' to 'Embargoed trainer transfer policy'.	
4	9 March 2022	Updated to include amendments to the Australian Harness Racing Rules and change in process. Approved by Board and VRIB	
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# Embargoed Trainer Transfer Policy

INT-PO-004  
(01 DEC 2017)

## 1. INTRODUCTION

### 1.1. Background

Harness Racing Victoria (HRV) is authorised by the Racing Act (1958) to make policy for the proper administration of the Victorian Harness Racing Industry.

There have been multiple historical circumstances identified whereby a trainer has been penalised under the Australian Harness Racing Rules (AHRR), only for horses previously trained by that person, to be transferred to an immediate family member, a trainer who trains from the same registered training address or a known close associate.

This gives rise to the perception that the trainer subject to penalty remains involved in the training, or influencing the training, of the horses previously trained by them.

### 1.2. Purpose

The purpose of this Policy is to prevent a trainer who is the subject of disciplinary action (i.e. suspension, disqualification, or licence cancellation) from transferring a horse trained by them at the time the penalty was imposed to a relative or close associate to circumvent the purpose or effect of the penalty.

This policy further serves to outline to all industry stakeholders the restrictions placed on the transfer of a horse from a trainer who is subject to the provisions of AHRR 190AC.

### 1.3. Objectives

The objectives of this policy are to:

- Protect the integrity of the Victorian Harness Racing Industry by ensuring that penalties imposed for breaches of the AHRR are strictly adhered to and that the persons subject to those penalties are not involved in the training, or influencing the training, of a registered horse during the term of an applicable penalty (disqualification/suspension of training licence)
- Provide advance notice to all industry stakeholders, particularly trainers and registered owners, of the restrictions placed on the transfer of a horse from a trainer which is subject to the provisions of AHRR 190AC.

## 2. SCOPE

This policy applies to all horses that were under the care of a trainer who:

- Is subject to an active period of disqualification;
- Is subject to an active period of suspension of a training licence;
- Is subject to the provisions of AHRR 190AC.



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### 3. DEFINITIONS

For the purposes of this policy the following definitions apply:

**Immediate Family Member:** An Immediate Family Member is defined as the following persons who are related to the disqualified or suspended trainer:

- Spouse;
- De facto;
- Child;
- Parent;
- Grandparent;
- Grandchild;
- Uncle;
- Aunt;
- Sibling;
- Niece;
- Nephew;
- Cousin;
- Child, parent, grandparent, grandchild, uncle, aunt, sibling, niece, nephew or cousin of the trainer's spouse or de facto partner.

**Close Associate:** A "close associate" includes, but is not limited to, relationships where there has been previous commercial relationships, including a trainer-owner relationship, trainer-breeder relationship, co-located registered training addresses or employee-employer relationship, either currently or previously.

**Registered Training Address:** The Registered Training Address is any address which a trainer has notified as being a stable location for horses trained by them.

**Arm's length transfer:** 'Arm's length transfer' means a transfer to a person who is not an immediate family member and/or not a close associate of the trainer subject to disciplinary action or subject to AHRR 190AC.

**Embargoed Trainer:** 'Embargoed Trainer' means a trainer who is subject to an active period of suspension of their trainer's licence, an active period of disqualification, had their trainers licence cancelled, and/or who is subject to the provisions of AHRR 190AC.



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### 4. COMMENCEMENT DATE

01 May 2022

### 5. RELEVANT AUSTRALIAN HARNESS RACING RULES

**25. (5)** The Controlling Body or Stewards may reject a stable return or impose on the return such conditions as it or they consider appropriate.

**120. (1)** A horse trained but not owned by a trainer whose licence has been suspended or cancelled or who is disqualified (in this rule called the "disqualified person") is ineligible to race until it is transferred to the control of a licensed trainer.

- (2) A transfer must be approved by the Controlling Body or Stewards.
- (3) A horse which is trained by a disqualified person shall not without the approval of the Stewards be transferred to an immediate family member or to a person whom the Stewards determine is a close associate.
- (4) For the purposes of this rule:-
  - (a) An immediate family member means the following persons who are related to the disqualified person:-
    - (i) Spouse, defacto, child, parent, sibling, grandparent, grandchild, uncle, aunt, niece, nephew, cousin;
    - (ii) Child, parent, sibling, grandparent, grandchild, uncle, aunt, niece, nephew or cousin of the disqualified person's spouse or defacto partner.
  - (b) A close associate includes but is not limited to the following which may be existing or prior:-
    - (i) Commercial relationship
    - (ii) Trainer/owner relationship
    - (iii) Trainer/breeder relationship
    - (iv) Employee/employer relationship
    - (v) Co-located registered training address.
- (5) The Controlling Body or Stewards may at any time revoke the approval of a transfer if it or they form the view that the disqualified person is involved with or influencing the training of the horse.
- (6) If a transfer is not approved or is revoked the horse is ineligible to race.



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(7) A horse may be declared ineligible to race by the Controlling Body or Stewards if it or they form the view that the disqualified person is involved with or influencing the training of the horse.

**190AC.** (1) When a trainer is notified by the Stewards that the presence of a substance prohibited by Rules 188A, 190A or 190AB has been certified to be present in a horse trained by that trainer at the time the sample is taken, the trainer is not permitted without the prior approval of the Stewards to:-

- (a) transfer the ownership of any horse they own to any other person;
  - (b) transfer any training responsibilities for any horse they train to any other person.
- (2) For the purposes of sub-rule (1) “certified” means the issuance of an evidentiary certificate pursuant to Rule 191(1).
- (3) A trainer who fails to comply with sub-rule (1) is guilty of an offence.

## 6. RESTRICTIONS ON TRANSFER FROM EMBARGOED TRAINER

The following restrictions are placed upon the transfer of a horse trained by an Embargoed Trainer:

- A horse which is trained or owned by an Embargoed Trainer subject to AHRR 190AC shall not be transferred to an immediate family member or to a person whom the HRV Stewards determine is a close associate;
- A horse which is trained by an Embargoed Trainer subject to an active period of suspension or disqualification or whose trainer’s licence has been cancelled shall not be transferred to any person prohibited by AHRR 120.
- Such transfer may occur with the approval of the HRV Stewards after making written application. Approval may only occur in circumstances where the HRV Stewards are satisfied that such transfer is an “Arm’s Length Transfer”.

## 7. TRANSFER APPROVAL – CONDITIONS IMPOSED

The transfer of horses will only be permitted where the HRV Stewards determine the transfer to be an “arm’s length transfer” from the Embargoed Trainer.

Approval otherwise is unlikely and will only be granted if the HRV Stewards are satisfied that there are exceptional circumstances.

In the instance that approval is given for a horse to be transferred to an immediate family member or to a close associate the HRV Stewards may impose such conditions as they see fit.



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These conditions may include, but are not limited to, the trainer receiving the horse, and/or the owner of the horse, providing evidence to the HRV Stewards that there is no involvement of the Embargoed Trainer, the horse not being permitted to be trained from specific locations and/or specific persons not permitted to assist in the training, care, control and supervision of a certain horse or horses.

### **8. AHRR 120(7) – SHOW CAUSE PROVISION**

If at any time the HRV Stewards form a view that the Embargoed Trainer may be involved in, and/or influencing, the training of a horse the HRV Stewards shall require the connections of such horse to show cause as to why AHRR 120(7) should not be invoked, and the horse be declared ineligible to race.