



HARNESS RACING VICTORIA

## EMBARGOED TRAINER TRANSFER POLICY

Approved by:		Date of Approval	
Board		14/04/2021	
Business Unit		Document Owner	Document Writer
Integrity		GM Integrity	Stewards - Chairman
Version Number	Date Effective	Description	
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'.	
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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 participant who is the subject of disciplinary action (i.e. disqualification, warning off or suspension) 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.

### 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 disqualified or suspended trainer.

## 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.

## 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;



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- 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 trainers 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.

### 4. COMMENCEMENT DATE

01 July 2021

### 5. RELEVANT AUSTRALIAN RULES OF HARNESS RACING

**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 “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.



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(3) 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.

(4) If a transfer is not approved or is revoked the horse is ineligible to race.

(5) 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.

### 6. RESTRICTIONS ON TRANSFER FROM DISQUALIFIED OR SUSPENDED TRAINER

Upon a trainer being disqualified or suspended the following shall not occur, unless approval is given by the HRV Stewards:

- A horse which is trained by a person subject to an active period of disqualification or suspension shall not be transferred to an immediate family member or to a person whom the HRV Stewards determine is a close associate;

In order for approval to be given written application must be made to the HRV Stewards.

### 7. TRANSFER APPROVED – 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 previous trainer who is subject to disciplinary action.

“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.

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.

These conditions may include, but are not limited to, the trainer receiving the horse, and/or the owner of the horse, providing evidence to HRV that there is no involvement of the previous trainer who is subject to disciplinary action and the horse not being permitted to be trained from specific locations.