

## Ownership Dispute Guidelines

1. Racing Australia's (**RA**) role is to record information (as provided to it) regarding the ownership and identity of Thoroughbreds for racing in Australia on the Register of Racehorses (**Register**). This role is relevantly performed by the Registrar of Racehorses (**Registrar**).
2. RA is not responsible for determining the legal ownership of Thoroughbreds. It simply records the information (as provided to it) as to ownership of Thoroughbreds.
3. Where RA is advised in writing that there is a dispute concerning the ownership of a Thoroughbred (**Dispute**) which is:
  - (a) recorded on the Register; or
  - (b) the subject of an application to be recorded on the Register,the Registrar will make an entry on the Register that there is a Dispute. As a consequence, the Registrar will not process any changes to the ownership details entered on the Register and will not process any pending application to be recorded on the Register.
4. It is not the role of RA, nor does it have the power, to resolve ownership disputes. Such disputes are private, civil matters that should be resolved between the parties accordingly.
5. It is not necessary to join RA or the Registrar in any court proceedings, arbitration, mediation or other dispute resolution process relating to the Dispute. The joinder of RA and/or the Registrar will lead to additional and unnecessary legal costs in respect of which RA and/or the Registrar will seek appropriate costs orders against the parties to the relevant dispute resolution process. These guidelines will be relied upon for such purposes.
6. RA will comply with the terms of any binding court order, arbitral award, mediation agreement or other settlement agreement relating to the Dispute (to the extent it is required to do so) following service of such order, award or agreement on RA. Further, the Registrar will make any changes to the Register required by the terms of such order, award or agreement (to the extent it is required to do so).
7. Where RA is advised in writing of a Dispute and it is not resolved in any court proceedings, arbitration, mediation or other dispute resolution process, RA and the Principal Racing Authorities reserve the right to deal with the registration of the horse under the Australian Rules of Racing, including but not limited to AR 38.
8. Where RA is advised in writing of a Dispute, the Registrar will advise all owners of the horse entered on the Register, as well as those on the ownership application, of the Dispute and the actions taken by the Registrar.

Note: RA reserves the right to amend these guidelines at any time without notice.

### AR 38 Registration of a new owner of a transferred horse

- (1) If a registered horse is transferred to a new owner, that new owner must apply for registration of the transfer to Racing Australia or a PRA using a form prescribed for that purpose.
- (2) An application for the registration of a horse purchased by or transferred to a Syndicate must be signed by the Syndicate manager or authorised representative of the Syndicate.
- (3) Racing Australia, a PRA or the Stewards may conduct inquiries into the circumstances of the transfer of a horse as they see fit, whether or not the transfer has been effected.
- (4) On proper cause, including but not limited to lack of bona fides of the transaction or the identity of the persons or horses concerned, or a determination that they or any of them are subject to any penalty or restriction under the Rules, Racing Australia, a PRA or the Stewards may:
  - (a) reject an application for the registration of a transfer of an interest in a horse;
  - (b) if a transfer has been effected, set aside the transfer.
- (5) Until a transfer of a horse or ownership interest in a horse is registered, a horse cannot start in a race without the permission of a PRA or the Stewards. A PRA or the Stewards may impose conditions as they see fit on any permission granted.