



AMENDMENTS TO AUSTRALIAN RULES OF RACING

Approved & Adopted by Tasracing 30 March 2022. Effective 6 April 2022

AR 279 Liability for decisions made under the Rules of Racing

AR 2 Definition of official

Summary:

Under the current AR 279(2), a PRA, Steward, race club or official cannot be liable for any loss or damage suffered by a person as a result of a decision made by any of them under the Rules of Racing.

This rule provides an important protection for racing authorities and officials which helps enable them to effectively carry out their functions and make decisions under the Rules. It can and has been relied upon by PRAs in defending litigation by participants arising from such decisions.

In circumstances where Racing Australia (including the Australian Stud Book) also makes decisions under the Rules which an aggrieved person may seek recourse in respect of, it is equally important that Racing Australia and its directors and employees have the benefit of those same protections under the Rules. AR 279(2) has been amended accordingly.

Further, the definition of “official” (which only refers to PRAs, race clubs and government bodies) in AR 2 has been amended to ensure protection is extended to Racing Australia’s directors and employees.

Amend AR 279 as follows:

AR 279 No damages for decisions made under the Rules

- (1) A person is not entitled to make any claim for damages by reason or in consequence of the imposition, annulment, removal, variation, or remission of any decision made, or penalty, restriction or sanction imposed or purporting to be imposed, under the Rules.
- (2) Neither Racing Australia (including the Australian Stud Book), a PRA, a Steward, a Club, or an official shall be liable to any person for any loss or damage sustained by that person as a result of, or in any way (either directly or indirectly) arising out of the exercise of, any right, privilege, power, duty, function or discretion conferred or imposed, or bona-fide believed to have been conferred or imposed, under the Rules.

Amend AR 2 as follows:

AR 2 Dictionary

In the interpretation of these Australian Rules (and any race meeting held under them), unless the context requires otherwise, the words and phrases below have the meanings set out in this rule.

...

official means any:

- (a) director, board member or committee member of Racing Australia, a PRA or a Club;
- (b) person employed, engaged or appointed by Racing Australia, a PRA, a Club or a government body in relation to the management and/or control of racing, including but not limited to the conduct of race meetings or any other matter regarding its business and affairs.

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