

RULES FOR PROHIBITIVE SUBSTANCES & DISCIPLINE FOR HORSES

PRELIMINARY

1. For the purpose of these rules, except in so far as the context or subject matter otherwise indicates or requires:

“ASC” means Agricultural Societies Council of NSW Ltd.

“Attendant” means any person apparently in charge of a horse at any show conducted by a Show Society.

“Board” means the persons who from time to time are or comprise:

- The President of the ASC,
- The representatives of the Groups, and
- The Life Members of the Board.

“Committee” means the Disputes/Disciplinary Committee;

“Competitor” means the person who rides or handles, or who intends to ride or handle, a horse in any competition.

“Event” means the Show in which it is intended that a horse will compete.

“Group” means the Show Societies identified as comprising each of Groups 1 to 14 in the ASC’s then current publication providing the dates for agricultural shows (“Shows Booklet”).

“Inquiry” includes an investigation or other proceeding.

“Misconduct” includes any conduct that is inimical to the interests of the ASC, a Show Society or a Group, or which is, or may be, prejudicial to the health or wellbeing of a horse, and also includes:

- (a) a breach of the Constitution of the ASC or of any ASC rule;
- (b) any conduct considered by the Committee to be unsportsmanlike or to be contrary to the manner in which a person ought to behave;
- (c) any conduct that induces, or may induce a breach of the peace or which is, or may be, a nuisance;
- (d) any conduct which does, or might, prejudice the smooth running, or interfere with the conduct of, any meeting of the ASC (or any committee of the ASC) or of any Show;
- (e) any conduct which may bring any person into discredit; or

(f) any conduct that may reasonably be regarded as seeking to induce misconduct by another person.

“Owner” means the person in whose name the horse is registered with any organisation.

“Prohibited Substance” means any substance referred to in the Schedule to these rules

“Show” means any event conducted by a Show Society at which horses compete or are intended to compete.

“Show Official” means any person who, with the authority of the relevant Show Society, is involved in conducting, directing or running a Show or any part of a Show.

“Show Society” means an organisation (whether or not incorporated) that is affiliated with the ASC

The singular includes the plural and vice versa.

2. Subject to rule 3, all inquiries, investigations and appeals shall be conducted in accordance with these rules.
3. Any person who is or whose actions are the subject of an inquiry (referred to in these rules as the “person concerned”) may agree to the procedures provided for herein being varied in any respect and any such agreement shall be binding on the person concerned for all purposes connected with the inquiry or arising therefrom.

BODIES THAT MAY CONDUCT INQUIRIES

4. All inquiries shall be conducted by the Committee
5. The Committee shall comprise such persons (being not less than 3 or more than 7) as the Board may from time to time appoint (one of whom shall be nominated by the Board as chairman), but no more than 2 members of the Committee shall be members of the same Group.

HOW INQUIRIES ARE INITIATED

6. An inquiry may be initiated by the Board:
 - a) Upon receipt by the Secretary of a written complaint that a person may have committed misconduct;
 - b) Upon resolution of the Board on its own motion.
7. An inquiry may not be initiated in respect of any matter that the Board considers

- a) is of a domestic nature relating only to the internal affairs of a Show Society or a Group, or
- b) is principally concerned with legal rights between members of a Show Society where the courts are a more appropriate venue.

CONDUCT OF INQUIRIES

- 8. The Committee may require that any matter the subject of an inquiry be, so far as possible, reduced to writing.
- 9. The person concerned shall be informed in writing of any complaint and be provided with a copy of all documents in possession of the Committee necessary to enable the person to understand the nature of the complaint and of any case he/she may have to answer.
- 10. (a) The Committee shall conduct a hearing at such time and place as it considers appropriate provided that at least 21 days' written notice thereof is given to the person concerned and to the person or persons (if any) who made the complaint the subject of the inquiry and to any witnesses of the events in question and all such persons shall be entitled to appear and be heard at the inquiry and to give such evidence as shall be relevant in the circumstances.
 - (b) Where a witness in relation to the matter the subject of an inquiry resides more than 100 kilometres by road from the place at which the inquiry hearing is to be conducted and that witness has presented a written statement to the Committee, the Committee may permit the witness to give evidence and be cross examined by means of a telephone conference.
- 11. (a) All persons who constitute the Committee for the purpose of an inquiry must be present at any hearing conducted by the Committee.
 - (b) Despite (a), with the consent of the person concerned, the Committee may conduct an inquiry, or part of an inquiry, by teleconference.
- 12. The Committee may conduct the inquiry notwithstanding that any person (including the person concerned) who has been given notice fails to appear at the inquiry.
- 13. (a) The Committee may from time to time on its own motion adjourn the conduct of the inquiry to such time and place as it considers fit but notice of such adjournment shall not be required to be given to persons not present at the inquiry when the adjournment is announced.

- (b) The Committee shall only grant an application for an adjournment by a person concerned in circumstances where to fail to do so would in the Committee's opinion constitute a denial of natural justice.
14. The Committee is not bound by rules of evidence and shall conduct the inquiry with the minimum of formality and in such manner as it sees fit.
15. (a) The Committee may require any person to attend a hearing before the Committee and to furnish such information and evidence and to produce such documents relevant to the matter the subject of the inquiry as the Committee sees fit.
- (b) The Committee may of its own motion call evidence from experts.
16. (a) No person shall be legally represented before the Committee.
- (b) The Committee may, at the expense of the ASC, obtain legal advice concerning any matter or thing relevant to the inquiry but any such advice shall, unless the Committee otherwise resolves, be and remain confidential to the Committee.
17. All deliberations of the Committee are and must remain confidential to the Committee. Any breach of this rule may be deemed by the Board to be conduct that is prejudicial to the interests of the ASC and thus constitute an Expulsion Event within the meaning of the ASC Constitution.

DECISIONS OF THE COMMITTEE & CERTAIN PENALTY GUIDELINES

18. (a) The Committee may announce its decision orally or in writing. A decision that is announced orally shall have effect in accordance with its terms.
- (b) The Committee may, but is not obliged to, publish a written report on the facts as found by the inquiry and the penalty (if any) the Committee considers appropriate to impose in the circumstances.
 - (c) If the opinion of the members of the Committee is not unanimous, the decision of the majority shall prevail. If the members of the Committee are equally divided on any question concerning the guilt or innocence of a person concerned, the question shall be resolved in the person's favour.
19. If the Committee considers that the imposition of a penalty may be appropriate, the Committee:
- (a) must have regard to any submission on penalty that the person concerned may wish to make;

- (b) may have regard to any previous instance in which the person concerned has been found guilty of a breach of the rules, or of misconduct, provided that the Committee shall not be made aware of any such previous instance until after the Committee has reached the decision that the person concerned is guilty in respect of the matter then before the Committee.

20. It shall be the duty of the Secretary to cause to be provided to the Chairman of the Committee, prior to the Committee's consideration of the question of penalty, an envelope in which shall be contained a paper on which shall be written either information concerning any such previous instance or a statement to the effect that there has been no previous instance. The information shall not make reference to any occasion when the complaint was dismissed or not found proved.

21. If the Committee considers that the imposition of a penalty is appropriate, the following shall apply as non-mandatory guidelines applicable to matters that do not involve or include the presence of a Prohibited Substance::

- (a) Excessive discipline of horse – 3 to 12mths and/or \$150 to \$1000
- (b) Causing hurt to a horse or undue stress – 12 to 24mths and/or \$500 to \$1000
- (c) Causing injury to a horse - 24mths to life \$1000 to \$3000
- (d) Denigration of an exhibitor, an exhibit, a judge, a Show Official or a spectator during a Show – 3 to 12mths and/or \$150 to \$1000
- (e) Abuse of an exhibitor - 12 to 24mths and/or \$500 to \$1500
- (f) Abuse of a judge - 24mths to life and/or \$1000 to \$3000

In the case where the person concerned has not previously been found guilty of misconduct or a breach of the rules, the Committee should consider whether or not a reprimand is an appropriate penalty.

22. If the Committee, having conducted any inquiry, is of the opinion that that any complaint or allegation which led to the institution of the inquiry was made:

- (a) frivolously,
- (b) without sufficient evidence to justify the making of the complaint or allegation, or
- (c) out of ill will, spite or in bad faith,

the Committee may decide that:

- (i) financial compensation be provided to the person concerned in respect of expenses actually incurred in dealing with the matter,

(ii) there be a penalty imposed on the person considered by the Committee to have acted in any manner described in (a) to (c) of this rule, and the ASC shall take all such action as may be necessary to give effect to such a decision of the Committee.

23. Decisions of the Committee are final and there is no right of appeal.

PROHIBITED SUBSTANCES

24. A person must not administer a Prohibited Substance to a horse, or permit a horse to which a Prohibited Substance has been administered to compete.

25. The Competitor, the Owner and an Attendant of any horse in which a Prohibited Substance is detected is deemed to be in breach of these rules.

26. A horse to which a Prohibited Substance has been administered may not compete, and is not eligible to compete.

27. The Board may in its discretion appoint person(s) (who is/are practising veterinary surgeon(s)) to cause an examination to be made at any time of any horse at any Show conducted by a Show Society. In the course of such examination, the person(s) may

(a) take such samples (including, without limitation, urine, blood, saliva and faeces) from such horse as are considered by that person necessary or advisable;

(b) examine, test, trot up and flex the horse.

28. Any horse that is found to have a limb, or any part thereof, desensitised is deemed to have had a Prohibited Substance administered to it.

29. The opinion of any such person(s) as to whether a Prohibited Substance would not, or could, affect the performance of the horse at the time of competition, shall be final.

30. Any person who fails to permit, or seeks to prevent or hinder, an examination of a horse is deemed to have acted in breach of these rules and at the discretion of the Board and without the need for inquiry by the Committee, may be:

(a) banned from participating in any Show conducted by a Show Society for a period not exceeding 2 years; and/or

(b) fined an amount not exceeding \$1,000.

There is no appeal from a decision of the Board pursuant to this rule.

31. The Committee shall arrange for any test for a Prohibited Substance to be carried out in accordance with such procedures as the Committee may from time to time determine. Until the Committee determines otherwise, the applicable procedures will be as are applied from time to time by the Royal Agricultural Society of New South Wales.

MINIMUM PENALTIES FOR PROHIBITED SUBSTANCE OFFENCES

32. **Level 1 – Use of a Prohibited Substance which would not have affected the performance of the horse at time of competition.**

1st offence – Warning – Prize money not affected – official position not affected

2nd offence - \$200 fine – Loss of prize money – Loss of position

3rd offence - \$500 fine – Loss of Prize money – Loss of position

Further Level 1 offence – Proceed to Level 2 – 2nd offence

Level 2 – Use of a Prohibited Substance which could have affected the performance of the horse at the time of competition

1st Offence - \$500 fine – 12mths suspension-Loss of Prize Money – Loss of official position

2nd Offence - \$1000 fine – 12mths suspension-Loss of Prize Money- Loss of Official Position

3rd Offence - \$1000 fine-24mths suspension-loss of Prize Money-Loss of Official Position.

In addition, and in respect of both Level 1 and level 2, a person who has been found guilty of breach of a breach of rule 24 may be required to reimburse the ASC all costs incurred by the ASC in relation to the detection of the Prohibited Substance in question.

33. Where a penalty comprised or includes the payment of a monetary penalty, that amount must be paid no later than the date nominated by the Committee as the date for payment. Except with the express permission of the Committee, a horse to which the penalty relates is deemed not eligible for and may not be competed in any Show until the monetary penalty has been paid.

PUBLICATION OF RESULTS

34. The Board may, in its entire discretion, publish any decision of the Committee, including any penalty imposed, to the members of the ASC, Show Societies and

Royal Show Societies throughout Australia, Equestrian Australia and the Show Horse Council of Australasia Inc. No action shall lie against the ASC, the Board or any member of a Committee in respect of any such publication.

SCHEDULE

A PROHIBITED SUBSTANCE is any substance or drug originating externally to a horse (and whether or not it is endogenous to the horse) capable of affecting the performance or behaviour of a horse including without limitation:

Drugs acting on the central nervous system

Drugs acting on the autonomic nervous system

Drugs acting on the cardiovascular system

Drugs affecting the gastro-intestinal function

Drugs affecting the immune system and its response

Antibiotics, synthetic anti-bacterial and anti-viral drugs

Antihistamines

Anti-malarial and anti-parasitic agents

Antipyretics, analgesics and anti-inflammatory drugs

Diuretics

Local anaesthetics

Muscle relaxants

Respiratory stimulants

Sex hormones, anabolic agents and corticosteroids

Endocrine secretions and their synthetic counterparts

Substances affecting blood coagulation

Cytotoxic substances

Any substance other than a normal nutrient which by its nature may affect the performance of the horse as a whole.

Recommended wording to be included in Show schedules:

" Drug testing may be carried out at this Show."

" Any competitor found to have breached the ASC disputes and disciplinary regulations will be investigated by the ASC Disciplinary Committee."

