

## Episode Summary

**Episode number:** 102  
**Episode name:** Trooping the Colour: Horses, Racing and the Law  
**Guest(s):** Daniel Morgan

**What area(s) of law does this episode consider?** Equine law.

**Why is this topic relevant?** Few nations on earth stop for a horse race; but every November Australia does just that. Billed as the “*race that stops the nation*”, the Melbourne Cup is a national - perhaps even international - icon. But our national love for horses goes far beyond just racing.

The Light Horse Brigades are an important part of Australia’s wartime history, the brumby is a controversial but beloved modern symbol of the Australian Alps, and did you know the Mounted Unit of the NSW Police is the oldest continually operating mounted unit in the world? Beating out both the Met Police in London and the Mounties in Canada.

No surprise then that our national love of horses crosses into legal practice. What may not have crossed your mind is the complex way in which horses are owned, stabled, raced, and even bred is the subject of webs of legal arrangements often requiring specialist legal knowledge to understand and construct.

**What legislation is considered in this episode?** *Personal Property Securities Act 2009* (Cth) (**PPSA**), s 86

**What are the main points?**

- The field of equine law has grown significantly in Australia, largely due to the changes in the industry from a side business to much more open and commercial.
- For example, small shares in horses can now be bought and sold, allowing for a wider audience to be involved in the industry.
- Syndication is regulated by various laws and requirements, often requiring legal advice for those involved.
- Equine law otherwise involves transactions that require a clear understanding of both commercial law fundamentals and the specific nature of the equine industry.
- There are contracts unique to the industry such as stallion service agreements, agistment agreements, and foal share agreements which require specific knowledge.
- The PPSA has significantly impacted how these transactions are handled, particularly due to specific provisions relating to livestock.

- An interesting challenge is that horses, while being identifiable by DNA similar to serial numbered property, can't currently have those identification numbers registered.
- This surprising overlap of equine law with other areas like corporate advisory or insolvency is key in understanding different aspects of the horse industry.
- The welfare of horses is also governed by both industry rules and legislation, working together to ensure the health and safety of the horses.
- Lawyers in this area sometimes find themselves advising new entrants to the industry on both legal and industry matters.
- Having a passion for horses and knowledge of the industry is crucial for a successful career in equine law

**What are the practical takeaways?**