

FREEDOM OF INFORMATION STATEMENT

**RACING AND WAGERING
WESTERN AUSTRALIA**

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Published 12 February 2025

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This Freedom of Information Statement (**Statement**) is prepared and published pursuant to the requirements of Part 5 of the *Freedom of Information Act 1992* (**FOI Act**) and relates to Racing and Wagering Western Australia (**RWWA**).

The FOI Act:

- (a) confers upon individuals a right to apply for access to certain information and documents held by RWWA (**FOI Application**);
- (b) confers upon individuals a right to apply to RWWA for amendment to their personal information to ensure that personal information in RWWA's documents is accurate, complete, up to date and not misleading; and
- (c) obligates RWWA to make publicly available certain information about its operations.

This Statement provides direction to the public about RWWA's operations, the types of information available and how the public can access that information.

All FOI Applications received by RWWA are dealt with in accordance with the FOI Act and guidance published by the Office of the Information Commissioner WA.

RWWA has appointed a FOI Coordinator with responsibility for ensuring RWWA's compliance with the FOI Act and dealing with FOI Applications.

1. Purpose

To foster development, promote the welfare and ensure the integrity of metropolitan and country thoroughbred, harness and greyhound racing (referred to as the "three racing codes") in the interests of the long-term viability of the racing industry in Western Australia.

RWWA's values of Respect, Accountability, Connection and Excellence underpin all our interactions both internally and externally.

2. Applicable Legislation

RWWA is established under the *Racing and Wagering Western Australia Act 2003* (WA) (**RWWA Act**) as the controlling authority for thoroughbred, harness and greyhound racing in Western Australia, with the responsibility for the off-course wagering functions trading as the TAB.

The principal legislation governing RWWA's functions and activities includes the following:

- (a) *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*;
- (b) *Betting Control Act 1954*;
- (c) *Betting Control Regulations 1978*;
- (d) *Betting Tax Act 2018*;
- (e) *Betting Tax Assessment Act 2018*;

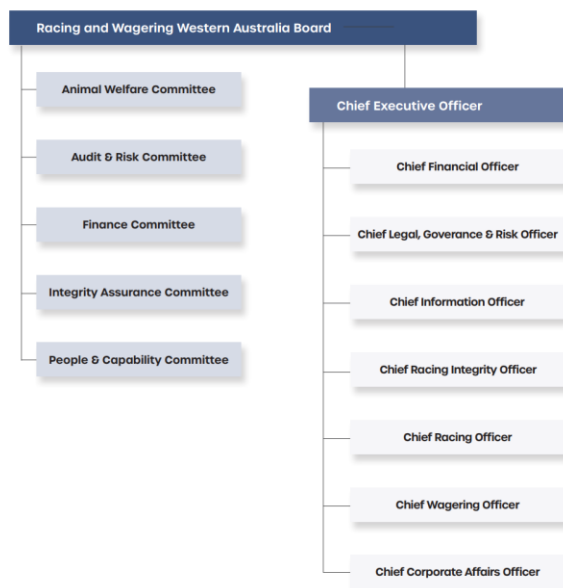
- (f) *Financial Management Act 2006*;
- (g) *Gaming and Wagering Commission Act 1987*;
- (h) *Procurement Act 2020*;
- (i) *Racing and Wagering Western Australia Act 2003*;
- (j) *Racing and Wagering Western Australia Regulations 2003*;
- (k) *Racing Bets Levy Act 2009*;
- (l) *Racing Restriction Act 2003*;
- (m) *Taxation Administration Act 2003*;
- (n) *Rules of Wagering 2005*;
- (o) *Gaming and Betting (Contracts and Securities) Act 1985*; and
- (p) *TAB (Disposal) Act 2019*.

RWWA also has varying responsibilities under legislation administered by other authorities.

RWWA's Structure and Functions

3. Organisational Structure

RWWA's organisational structure is based on a corporate model comprising a number of divisions which oversee its various functions and activities.



4. Decision-Making Process and Reporting Lines

RWWA's decision-making processes and reporting lines (including delegated authorities) are consistent with the requirements of the RWWA Act and are as follows:

- (a) The **Executive Officers** of each division report to the **Chief Executive Officer (CEO)**:
 - (i) The **Racing Division** is responsible for racing operations and the overall strategic direction of the racing industry in Western Australia. Responsibilities include fixture planning, racing systems and information maintenance, handicapping and grading, race programming, base and feature stakes allocations, domestic and international vision contracts, industry consultation, racing industry development, industry training and control of RWWA-owned animal industry training venues.
 - (ii) The **Racing Integrity Division** consists of Stewards, Veterinarians, Investigators, Licensing Officers, and related support team members and are responsible for ensuring the integrity, welfare, and safety of racing in Western Australia in accordance with the Rules of Racing. The Racing Integrity Division officiates the conduct of all race meetings in Western Australia across the three racing codes and undertake investigations and inquiries into all matters relating to racing.
 - (iii) The **Wagering Division** is responsible for electronic and retail wagering, retail administration, all TAB contractual arrangements and administrative functions, all wagering race day services, management of all RWWA owned and leased properties and telephone betting operations. Within the Wagering Division, the Marketing Team are the primary custodians of all RWWA-owned brands and are responsible for the execution and delivery of brand strategy and production of content and events.
 - (iv) The **Technology Division** is responsible for providing technical, consulting and support services for the day-to-day delivery of racing and wagering services throughout Western Australia. The Technology Division provides technical support services for all racing and wagering information systems, ticket machines, the data communications network, information security, project delivery, TABradio and all wagering-related technical infrastructure.
 - (v) The **Finance Division** is responsible for financial management, including strategic analysis, and a variety of other business services such as business partnering, accounts payables and receivables, and procurement of goods and services.
 - (vi) The **Legal, Governance and Risk Division** is responsible for leading and advising on legal, governance and risk matters including work health and safety, internal audit, compliance, anti-money laundering and counter-terrorism financing, insurance and general legal matters. The Legal, Governance and Risk Division also assists and advises the Executive, the Board and Board Committees to continually improve RWWA's position as a competitive, responsible organisation.
 - (vii) The **People and Capability Division** is responsible for the development and implementation of human resource management and effective management of all related workplace and employee related functions across the organisation.

- (viii) The **Corporate Affairs Division** is responsible for driving RWWA's brand, reputation and stakeholder relations and ensure a consistent and clear public presence. The Division oversees all internal and external communications, media relations and public affairs.

(b) The **CEO and Board Committees** report to the **Board of Directors**:

- (i) The **CEO** is appointed by the Board to manage the day-to-day operations of RWWA.
- (ii) The **Animal Welfare Committee** is responsible for overseeing welfare strategies, initiatives and outcomes relating to equine and canine animals in the Western Australian racing industry.
- (iii) The **Audit and Risk Committee** is responsible for overseeing risk management and internal controls, financial performance and reporting, internal and external audit functions, governance, and compliance with relevant laws and regulations.
- (iv) The **Finance Committee** is responsible for overseeing investment, finance, transformation and infrastructure decisions, strategies and policies.
- (v) The **Integrity Assurance Committee (IAC)** is responsible for overseeing functions that relate to stewards, drug testing and control, licensing and registration, handicapping, racing appeals and the Rules of Racing.
- (vi) The **People and Capability Committee** is responsible for overseeing organisational culture and capability, remuneration, diversity and inclusion, and learning and development.

(c) The **Board of Directors**:

- (i) The Board's role is to set policies and strategies for the future direction of the organisation and to make decisions necessary to meet RWWA's objectives and performance targets.
- (ii) Board members are approved by the Minister for Racing and Gaming in accordance with the RWWA Act.

5. RWWA's Brands and Websites

RWWA is the owner of the following brands and associated websites:

Trading Name	Trade Mark	Website
Racing and Wagering Western Australia		www.rwwa.com.au

Trading Name	Trade Mark	Website
RacingWA		www.racingwa.com.au
TABtouch		www.tabtouch.com.au www.tabtouch.mobi
Off the Track WA		www.offthetrackwa.com.au
Greyhounds as Pets WA		www.greyhoundsaspets.com.au

6. RWWA's Functions (involving decision making that affects the public)

The RWWA Act sets out RWWA's functions in relation to racing and wagering.

RWWA's functions in relation to **racing**, which involve decision making that may affect the public, include:

- (a) to control, regulate and supervise racing in Western Australia;
- (b) to foster the development, promote the welfare and ensure the integrity of metropolitan and country thoroughbred racing, harness racing and greyhound racing, in the interests of the long term viability of the racing industry in Western Australia;
- (c) to enter contracts (for the commercial exploitation of information held by RWWA relating to the racing industry in Western Australia);
- (d) to undertake and manage racing industry strategic planning, promotion, marketing, sponsorship and administration;
- (e) to supervise racing clubs and their affairs;
- (f) to make loans/grants to racing clubs and allied bodies for purposes specified in the RWWA Act;
- (g) to determine the race meetings on which RWWA will conduct off-course wagering;

- (h) to coordinate an annual programme of race meetings;
- (i) to establish policies for stake money levels and race conditions and programs in consultation with racing clubs;
- (j) to establish policies for, and manage the provision of, programs for apprentice jockey, trainee driver and other racing industry training requirements;
- (k) to endeavour to ensure that racing industry issues such as insurance, broadcasting of race meetings and the establishment and maintenance of training facilities are carried out in an appropriate and adequate manner;
- (l) to liaise with government and other authorities, whether in or out of Western Australia, with respect to, and to represent the interests of, the racing industry in Western Australia;
- (m) to carry on all the functions of the principal club for Western Australia and committee of the principal club for Western Australia under the Australian Rules of Racing, the Australian Rules of Harness Racing and the Australian Greyhound Racing Rules;
- (n) make rules of racing with respect to the control, regulation and supervision of thoroughbred, harness and greyhound racing;
- (o) license, refuse to license (or suspend or cancel a licence):
 - (i) a racecourse, a race meeting, a race and training and trial tracks; and
 - (ii) any owner or trainer of thoroughbred racing horses, harness racing horses or greyhounds, any jockey, apprentice jockey or track work rider, any driver of harness racing horses or any other person associated with racing;
- (p) register or refuse to register (or suspend or cancel such registration):
 - (i) a racing club, or suspend or cancel the registration of a racing club;
 - (i) any thoroughbred racing horse, any harness racing horse or any greyhound,
- (q) give directions to a racing club or an allied body/person to carry out works to improve safety at a racecourse or training track;
- (r) give directions to a racing club or associated person to produce records;
- (s) establish the IAC;
- (t) take disciplinary action, such as:
 - (i) disqualify any owner or trainer of horses, greyhounds, jockeys or driver;
 - (ii) prohibit any person, horse or greyhound from participating in racing;
 - (iii) prohibit any person from attending or taking part in a race meeting or entering upon and remaining on a racecourse at which racing is conducted or any licensed racecourse;

- (iv) impose fines of up to \$100 000 (or non-pecuniary penalties) for breaches of the rules and recover those penalties;
- (u) make rules of racing with respect to:
 - (i) the control, regulation and supervision of thoroughbred racing harness racing and greyhound racing;
 - (ii) the effect of a disqualification or penalty imposed on a person, horse or greyhound;
 - (iii) the holding and conduct of race meetings and trials and jump-outs;
 - (iv) the keeping, breeding, naming and identification of horses and greyhounds;
 - (v) prizes for racing;
 - (vi) the appointment of stewards;
 - (vii) fees and charges to be paid to RWWA in respect of licensing, registration and the services of stewards; and
 - (viii) the powers and duties of race clubs, stewards and other officers of RWWA in relation to racing.

RWWA's functions in relation to **wagering**, which involve decision making that may affect the public, include:

- (a) ensure that on-course wagering by bookmakers and racing club totalisators is conducted in accordance with applicable legislation and the rules of wagering;
- (b) carry on the business of operating an off-course totalisator wagering service on races and certain sporting and other events;
- (c) carry on the business of operating an on-course totalisator wagering service on behalf of racing clubs where it has been engaged to do so;
- (d) carry on the business of setting, accepting and making fixed odds wagers in relation to races and certain sporting and other events;
- (e) to develop and implement a scheme for the distribution of net profits and to negotiate funding arrangements with individual racing clubs;
- (f) establish offices and TAB Agencies where wagers may be made;
- (g) conduct totalisator wagering and fixed odds wagering on any games or any race sporting event or other event;
- (h) participate in a combined totalisator pool scheme;
- (i) collect moneys payable by way of dividends or refunds in respect of any wager that is placed by RWWA either in a totalisator pool conducted and operated by RWWA or operated under a combined totalisator pool scheme;

- (j) provide a jointly operated fixed odds wagering system with any approved person; and
- (k) establish a wagering account for a person and attach conditions to the maintaining such an account.

Pursuant to the RWWA Act, RWWA is to perform its functions in accordance with its strategic development plan and statement of corporate intent, and must:

- (a) act in accordance with prudent commercial principles; and
- (b) endeavour to make a profit.

7. Public Participation

RWWA endeavours to enable public participation in RWWA's policy formulation and the performance of its functions by conducting regular forums with customers, racing consultative bodies and racing industry bodies to enable frank and open exchange of information and views on matters relating to the conduct of RWWA's business. For example:

- (a) RWWA frequently invites non-government industry committees to liaise with us on matters concerning RWWA's stakeholders and the public, including bi-monthly meetings with the TAB Agents Advisory Council and bi-annual meetings with the Racing Industry Consultative Groups;
- (b) on an ongoing basis, RWWA consults with racing clubs directly and/or through representative bodies of racing clubs, including the WA Provincial Thoroughbred Racing Association, Country Racing Association and WA Country Harness Racing Association,
- (c) RWWA directly consults with stakeholder groups as and when required on matters specific to their membership base; and
- (d) RWWA ensures the general public can provide direct feedback at any time via email, post, phone or in person.

Information held by RWWA

8. Publicly Available Documents/Information

RWWA has a number of publications that are freely available to the public available from the RWWA Head Office, by contacting RWWA's FOI Coordinator or via our websites:

Categories	Format Held	Access Information
Rules of Racing for each of the three racing codes	PDF	www.racingwa.com.au
Racing Policies for each of the three racing codes	PDF	www.racingwa.com.au

Categories	Format Held	Access Information
Brochures and publications describing various bet types, including information about the TAB and services and products provided	Paper hardcopy PDF	Head Office TAB Agencies www.tabtouch.com.au
Annual Reports (2000 to present)	PDF	www.rwwa.com.au
Annual Reports (1961 to 2000)	Paper hardcopy	Head Office
Racing Industry Status reports (2003 to present)	PDF	www.rwwa.com.au
Statement of Corporate Intent (2010 to present)	PDF	www.rwwa.com.au
Race results (1961 to present)	Paper hardcopy	Head Office
Information on all stewards inquiries for each of the three racing codes	PDF	www.racingwa.com.au
Economic and Social Impact Report	PDF	www.rwwa.com.au
Pending Enquiries and Appeals Register	PDF	www.racingwa.com.au www.rwwa.com.au
Veterinary Notices for each of the three racing codes	PDF	www.racingwa.com.au
Suspended and disqualified participant list	PDF	www.racingwa.com.au www.rwwa.com.au
Thoroughbred Approved Gear documents	PDF	www.racingwa.com.au
Harness Approved Gear documents	PDF	www.racingwa.com.au
GAP Training Guide	PDF	www.greyhoundsaspets.com.au
Harness Business Model	PDF	https://racingwa.com.au/racing/harness-racing/harness-handicapping-system

Categories	Format Held	Access Information
Thoroughbred Trainer and Owner Reforms	PDF	https://racingwa.com.au/industry-essentials/rules-and-policies/trainer-and-owner-reform
Code Of Practice for the Keeping of Racing Greyhounds April 2019	PDF	www.racingwa.com.au
Training Guide - Setting Your Greyhound Up For Success	PDF	www.greyhoundsaspets.com.au
Guide to Your Greyhound	PDF	www.greyhoundsaspets.com.au
GAP Trainer – Preparing your Greyhounds for Life As A Pet	PDF	www.greyhoundsaspets.com.au
Acceptance Criteria and Terms and Conditions for OTTWA Retraining	PDF	www.offthetrackwa.com.au
Application form for OTTWA Retraining Program	PDF	www.offthetrackwa.com.au

9. Documents/Information Available via FOI Application

RWWA maintains standard statutory information and records required for the commercial operation of the business and personnel functions.

These records broadly fall into the following categories and are not freely available to the public:

Accounts and Audits	Land and Buildings	Staff
Agencies	Finance	Tenders
Boards and Committees	Strategic Planning	Administration – General
Communications and Marketing	Legal and Risk	Agents
Equipment	Ministerial	Facility Management
Projects	Sales	Research
ICT	Totalisators – On-Course	Complaints

Individuals seeking information that is not freely available can lodge an application in accordance with the FOI Act, with the FOI Coordinator (see the section titled “Procedure for Accessing Information” below).

10. Personal Information Held by RWWA

The FOI Act provides that an individual has a right to apply to RWWA for:

- (a) access to personal information held about them; and/or
- (b) amend personal information held about them if the information is inaccurate, incomplete, out of date or misleading.

If an individual is concerned that RWWA holds personal information that is inaccurate, incomplete, out of date or misleading, the individual should first contact the FOI Coordinator to discuss whether RWWA will correct that information without the need for a formal application under the FOI Act.

Minor changes to personal contact details may be done over the phone by contacting the Customer Service Centre on 1300 363 688. All other amendments (including an amendment that is accompanied by a request for the Account Security Code to be sent to an individual), must be made in writing (see the section titled “Procedure for Accessing Information” below).

Applications for access to documents containing personal information that solely identifies the applicant, must be accompanied by a copy of a primary identification document (such as, a driver's licence or passport). Applications for access to documents containing personal information about a third party, will not be accepted unless the applicant can demonstrate that they are an authorised representative of the third party (such as, a guardianship order or a power of attorney).

Procedure for Accessing Information

11. Lodging an FOI Application

RWWA aims to make documents/information available quickly and efficiently, and when possible, documents/information will be provided outside of the FOI Application process.

When an individual seeks to make an FOI Application, the FOI Application must:

- (a) be lodged in writing with RWWA:
 - (i) by post – FOI Coordinator, Racing and Wagering WA, 14 Hasler Road, Osborne Park WA 6017
 - (ii) by email – receptionstaff@rwwa.com.au
 - (iii) by fax – (08) 9244 5914;
- (b) provide enough details to enable the requested documents/information to be identified;
- (c) provide an Australian address to which notices can be sent;
- (d) accompany the applicable application fee (see Item 12 below);
- (e) where the request relates to a request to amend personal information, provide:

- (i) details as to why the applicant believes the information is inaccurate, incomplete, out of date or misleading and the reasons for holding that belief; and
- (ii) details of the amendment that the applicant wishes to have made (i.e. by altering information, striking out or deleting information, inserting information, inserting a note in relation to the record, or in two or more of those ways).

The applicant should use the list of record categories outlined in Item 9 (above) to assist them to determine what documents/information they want access to. Better clarification of the scope of the application will reduce the time and cost involved in processing.

Where an applicant is having difficulty defining what documents/information they are seeking access to, the FOI Coordinator can assist with their application.

Some documents/information are protected from disclosure because their release would have an adverse effect on the private and business interests of individuals, or would hinder the proper functioning of government.

12. Fees and Charges

The fees and charges for FOI Applications are as follows.

Personal information about the applicant	No fee and no charges
Application fee (for non-personal information)	\$30.00
Charge for time dealing with the application (per hour, or pro rata)	\$30.00
Access time supervised by staff (per hour, or pro rata)	\$30.00
Photocopying staff time (per hour, or pro rata)	\$30.00
Per photocopy	\$0.20
Transcribing from tape, film or computer (per hour, or pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual cost
Delivery, packaging and postage	Actual cost

If the fees and charges are likely to exceed \$25.00, RWWA will advise the applicant to determine whether they wish to proceed with the application. Alternatively, the applicant can request an estimate of the charges prior to lodging an application.

RWWA has the right to request an advance deposit, which will be 25% of the estimated charges for the FOI Application which will be payable in excess of the application fee. A further advance deposit may be required to meet the charges for dealing with the application. The applicant will be advised at the time where a deposit will be required.

For financially disadvantaged applicants or those holding valid prescribed pensioner concession cards the charges may be discounted by 25%.

All fees and charges are payable at RWWA's discretion.

13. Access Arrangements

Access to documents/information can be granted by way of:

- (a) inspection on-site;
- (b) a copy of a document;
- (c) a copy of an audio or video tape;
- (d) a computer disk; or
- (e) a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

If for some reason the documents/information cannot be made available to the applicant in the procedure requested, RWWA will discuss with the applicant the most appropriate way in which the documents/information can be examined.

14. Decision-Making Process

RWWA's FOI Coordinator will assess the application in accordance with the FOI Act and will take one of the following actions:

- (a) engage with the applicant to clarify or narrow the scope of the application;
- (b) approve (either in full or an edited version) the release of the documents/information requested; or
- (c) refuse the release of the documents/information requested.

15. Notice of Decision for Non-Personal Information

As soon as possible, but in any case, within 45 days, the applicant will be provided with a Notice of Decision which will include:

- (a) the date the decision was made;
- (b) the name and the designation of the officer who made the decision;
- (c) if the document is an exempt document the reasons for classifying the matter exempt;
- (d) if the document is edited, the fact that access is given to an edited document;

- (e) if access is refused, the reasons for the refusal or only partial access is given and the process of consideration and decision-making in reaching a decision; and
- (f) information on the right to review and the procedures to be followed to exercise those rights.

16. Notice of Decision for Personal Information

As soon as possible, but in any case, within 30 days, RWWA will provide the applicant with a Notice of Decision, which will include:

- (a) the decision to amend the information;
- (b) the reasons for the decision;
- (c) the right of appeal or review; and
- (d) the right to request that a notation be added to the document, disputing the accuracy of the information.

If RWWA determines that it will amend the record it will do so by altering it, striking out, deleting, or inserting information or a note in relation to the contents.

If RWWA determines that it will not amend the record, the applicant may:

- (a) Request that RWWA make a notation or attachment to the information and RWWA will comply with this request unless it considers that the requested notation or attachment is defamatory or voluminous. If RWWA decides not to comply with the request it will provide the applicant with a written Notice of Decision.
- (b) Apply for RWWA to undertake an internal review of its decision not to amend the personal information (see Item 18 below).

17. Refusal of Access

RWWA may refuse to deal with an application to access information where it considers the application will divert a substantial or unreasonable portion of its resources away from other operations.

However, before RWWA decides to refuse to deal with an application, RWWA will take reasonable steps to help the applicant reduce the amount of work to deal with the application. As part of this process, RWWA may:

- (a) ask the applicant for more information to help understand what is being sought;
- (b) suggest relevant categories of documents/information or files described by subject or name; or
- (c) request the applicant narrow the scope of the application.

If RWWA refuses to deal with an access application, we will provide the applicant with the decision in writing including a summary of the scope of the access application, the steps taken to assist the applicant in reducing the scope and how the application would require an unreasonable diversion of RWWA's resources.

If RWWA is unable to locate the requested documents, and there is reason to believe those documents should exist, RWWA will provide the applicant with a Notice of Decision which will include:

- (a) confirmation that it is not possible to give access to the documents; and
- (b) an explanation that all reasonable steps to locate the documents (including the inquiries made and searches undertaken).

18. Review Rights

Internal Review

Applicants who are dissatisfied with RWWA's decision are entitled to ask for an internal review by RWWA's Internal Review Committee, comprising the Chief Executive Officer and the Chief Racing Officer.

The internal review application should be made in writing within 30 calendar days after receiving a Notice of Decision. Applications for internal review should be addressed as follows:

- (a) by post – FOI Coordinator, Racing and Wagering WA, 14 Hasler Road, Osborne Park WA 6017
- (b) by email – receptionstaff@rwwa.com.au
- (c) by fax – (08) 9244 5914

The applicant will be notified of the outcome of the review within 15 calendar days.

External Review

If the applicant disagrees with the decisions given by the Internal Review Committee they can apply to the Information Commissioner for an external review.

The external review application should be made within 60 calendar days after being given the Internal Review Committee's written notice of the internal review decision.

Where an individual is requesting external review as a third party or following an application for amendment of personal information, they must lodge the external review application within 30 calendar days after being given written notice of the internal review decision.

Applications for external review must be addressed to: Office of the Information Commissioner, Albert Facey House 469 Wellington St, PERTH WA 6831.

Further information is available at the Information Commissioner's website at www.oic.wa.gov.au.

**RACING AND WAGERING
WESTERN AUSTRALIA**

Further Information

1300 363 688 or (08) 9445 5333

www.rwwa.com.au