



RACING AND WAGERING WESTERN AUSTRALIA

AMENDMENTS TO RWWA RULES OF HARNESS RACING

Notice is hereby given that the Board of Racing and Wagering WA have resolved that the RWWA Rules of Harness Racing 2004 be amended. In accordance with section 45 (1) (b) of the Racing and Wagering Western Australia Act 2003 the Board of Racing and Wagering WA resolved that the below mentioned amendments be adopted accordingly into the RWWA Rules of Harness Racing.

Amendments to National Rules effective 29 March 2019

Harness Racing Australia (HRA) has given notice of amendments to the Australian Harness Racing Rules (National Rules) as follows;

DICTIONARY

Amend definition of “Therapeutic substance”

“Therapeutic substance” means a prohibited substance to which a screening limit applies and which is promulgated as such from time to time by Harness Racing Australia and published on the websites of Harness Racing Australia and a Controlling Body”

MEETING AND RACES

Appointed times

Amend Rule 41(1)

41.

- (1) A horse entered to race at a meeting shall be *within the stabling area of the race course* at which the meeting is to be conducted *60* minutes before the scheduled start time of the race or such other time as determined by the Controlling Body.

HORSES

Registration certificate – deregistration of a horse

Amend Rule 96A(4)(b)

- 96A. (4) The owner, or trainer of the horse at the time of its death shall:-
- (a) In the case of a horse which dies within 14 days of being entered for or participating in a trial or race notify the Controlling Body of the death within 24 hours of its occurrence.
 - (b) In any other case notify the Controlling Body of the death within *7* days of its occurrence.

Changes the notification requirement in section (b) from 28 days to 7 days.

Medical and surgical procedures

Amend Rule 100(2)

100. (2) Notification under sub rule (1) shall be given within **7** days of the gelding or other procedure occurring, in writing or such other form as the Controlling Body may determine and, if the horse is named, notification shall be accompanied by the horse's registration certificate.

Changes the notification requirement for the gelding of a horse from 28 days to 7 days.

Bleeding Attacks

Add new Rule 101C

101C.

- (1) *If a horse suffers cardiac arrhythmia after a race the trainer shall immediately and in any event within 24 hours notify the Stewards.*
- (2) *If the Stewards are satisfied that a horse has suffered cardiac arrhythmia the Stewards shall:*
 - (a) *After the first attack stand the horse down from racing for a period of 14 days, require the horse to undergo an ECG prior to a trial and then trial to the satisfaction of the Stewards.*
 - (b) *After the second attack stand the horse down from racing for a period of 28 days, require the horse to undergo an ECG before trialling and then trial on two occasions to the satisfaction of the Stewards.*
 - (c) *After the third attack, bar the horse for life.*

New rule that deals with horses that suffer cardiac arrhythmia.

Temporary transfer of horse

Amend Rule 119A(2)

119A. (2) *The period in which a horse may be left with another licensed trainer or another person shall not exceed **14 days** from the date of approval.*

Changes the period a horse can be left with another trainer from 6 weeks to 14 days.

STARTING

False Start

Amend Rule 141(1)

141. (1) *In mobile start races the starter may declare a false start if at or before the starting point a horse causes interference to another runner, falls, breaks gear or scores up in front of the gate **or in an incorrect barrier position.***

Adds the option to declare a false start if a horse is in an incorrect barrier position.

DRIVERS

relating to matters at the start and during the race

Amend Rule 163(2)

163. (2) *If a driver's horse or sulky shifts inside the line of marker posts, the driver shall restrain the horse and, without interference to another runner, **return to a position outside the line of marker posts** at the first opportunity.*

Formerly stated "regain position in the true running line"

relating to production of licence

Repeal Rule 172 (1), (2)

172. (1) *A driver shall produce his driver's licence to the Stewards on demand.*

(2) *A driver who fails to comply with sub rule (1) is guilty of an offence.*

Rule to be repealed as Drivers are no longer required to produce a licence.

OBJECTIONS AND PROTESTS

Lodgment

Add new Rule 176(6)

176. (6) *Where a protest has been lodged in accordance with this Rule and a horse or its driver causes interference to another horse or its driver and the Stewards are of the opinion that the horse interfered with would have finished ahead of the first mentioned horse had such interference not occurred they shall place the first mentioned horse immediately after the horse interfered with.*

PROHIBITED SUBSTANCES

Determination of prohibited substance

Amend Rule 188A(1)(a)

188A. (1) *The following are prohibited substances:*

(a) *Substances capable at any time of causing either directly or indirectly an action or effect, or both an action and effect, within one or more of the following mammalian body systems:-*

- the nervous system*
- the cardiovascular system*
- the respiratory system*
- the digestive system*
- the musculo-skeletal system*
- the endocrine system*
- the urinary system*
- the reproductive system*
- the blood system*
- the immune system*
- the integumentary system***
- the ocular system***

Adds two new mammalian body systems.

Add new Rule 188B

188B.

- (1) *In relation to the testing for the presence of a therapeutic substance in a sample taken at any time from a horse there must be an initial screening test or screening analysis of the sample.*
- (2) *As a minimum requirement, the initial screening test or screening analysis is to be conducted as follows:-*
 - (a) *A biological matrix, equivalent in volume to the sample, is to have added to it a quantity of the therapeutic substance, or its specified metabolite, sufficient to bring its concentration to the screening limit specified for that therapeutic substance. This is known as the spiked sample and is to be analysed concurrently with the sample.*
 - (b) *The sample is then to be tested to ascertain whether or not it contains a quantity of the therapeutic substance, or its specified metabolite, that exceeds the screening limit by making a direct comparison with the spiked sample.*
 - (c) *If the screening limit is not exceeded, the detection of the therapeutic substance is not to be reported.*
 - (d) *If the screening limit is exceeded then the sample is to be further tested in accordance with normal laboratory procedures designed to certify the presence of the therapeutic substance in the sample.*
- (3) *A therapeutic substance for the purpose of this Rule and the screening limit applicable to it or its specified metabolite shall be promulgated from time to time by Harness Racing Australia and published on the websites of Harness Racing Australia and a Controlling Body.*
- (4) *The screening limit testing provided for in this Rule is not intended and does not operate to mean that for the purpose of the Rules the therapeutic substance only becomes a prohibited substance if and when the screening limit is exceeded.*
- (5) *It shall not be a defence to any charge under Rules 190, 190A, 190AA, 195 and 196A that the result of any initial screening test or screening analysis should have been below the screening limit for the therapeutic substance in question.*

Adds rules similar to those in thoroughbreds with regard to Screening Limits.

Out of Competition Testing

Amend Rule 190A(2)(c)

- 190A.** (2) *For the purposes of sub-rule (1), the following substances are specified as prohibited substances:-*
- (c) *growth hormones and their releasing factors;*

Unregistered Substances

Amend Rule 194

- 194.** *A person who administers, sells, supplies, distributes or attempts to administer, sell, supply or distribute any substance or preparation that has not been registered, labeled, prescribed or obtained in compliance with relevant State and Commonwealth Legislation is guilty of an offence.*

Rule previously had the words "who procures or attempts to procure or has in his possession or on his premises or under his control".

Administering Substances

Amend Rule 196C(3)

Amend Rule 196(C)(4)

Renumber existing Rule 196C(4) to 196C(5)

196C. (3) Where the Stewards are satisfied that a horse has or is likely to have been administered any alkalinising agent contrary to sub-rule (1) the horse shall either be withdrawn or disqualified from the race.

(4) Alkalinising agent:-

(a) Means any substance that may elevate the plasma total carbon dioxide (TCO₂) of a horse when administered by any route.

(b) Includes but is not limited to substances that are bicarbonates, citrates, succinates, acetates, propionates, maleates, lactates and trometamol (THAM, Tris Buffer or Trometamine) and also include products marked as urinary alkalinises and hind gut buffers.

(c) Does not subject to sub-rule (d) hereof include substances that are alkalinising agents which are contained in commercial feeds and/or balanced commercial electrolytes supplements which when fed and consumed according to the manufacturer's recommendations for normal daily use, which Stewards are satisfied have a negligible effect on plasma TCO₂.

(d) Any exemption from the definition of alkalinising agent granted under this rule does not constitute a defence to a charge laid against a person following the detection by an official racing laboratory of a TCO₂ concentration in a horse in excess of the threshold described by Rule 188.

(5) For the purposes of this Rule:-

one clear day means the twenty four (24) hour period from 12.01 a.m. to 12 midnight.

Clarifies what Alkalinising agent means.

GENERAL OFFENCES

Racecourses

Amend Rule 202

202. A person shall not drive a horse unless that person holds a driving licence, training licence or a stablehand licence or other licence authorising that activity.

Removes the wording "on a racecourse or training track".

Amend Rule 203

203. A person shall not train a horse unless that person holds a training licence.

Removes the wording "on a racecourse or training track".

Amend Rule 204

204. *A person shall not carry out the duties of a stablehand unless that person holds a trainer's, driver's or stablehand's licence.*

Removes the wording "on a racecourse"

Horses

Add new Rule 218A

218A.

(1) A person shall not mistreat a horse.

(2) For the purposes of this rule "mistreat" means to abuse or treat a horse badly, cruelly or unfairly.

Add new Rule 218B

218B.

(1) A person in charge of a horse presented to race which on the racecourse has been found to be suffering a condition or received veterinary treatment shall not be removed from the racecourse without the express permission of the Stewards.

(2) A trainer, or the person in charge, who removes a horse from the racecourse in contravention of sub-rule (1) is guilty of an offence.

Association with disqualified persons

Amend Rule 230

230. *Except with the consent of the Controlling Body a person shall not associate **or communicate** for purposes relating to the harness racing industry with a disqualified person or a person whose name appears in the current list of disqualifications published or adopted by a recognised harness racing authority.*

Illegal betting

Add new Rule 235B

235B. *(1) A trainer shall not place a bet on another horse in a race in which he has a starter.*

(2) A trainer shall not place a bet on a horse in a race to finish ahead of a horse trained by that trainer in the race.

If the above rule was introduced it would effectively mean that a trainer with a runner in a race would commit an offence if they placed a bet on another runner in the race. This would include such things as a trifecta or first four that did not have their runner as the only selection to run first. (eg. picking or including something else to run first and their horse to run second, or not in the selections at all).

Whilst the intent of the rule would appear to be to guard against the negative perception of a trainer backing something other than his horse in a race, or deriving a financial benefit from his horse getting beaten which might encourage negative behaviours, the practical application of such rule raises some concerns, including that it represents a significant change and cultural shift, and as a tri-code body, to prohibit such activity by trainers in one code and not the other codes would be inconsistent. This rule will therefore not apply in Western Australia at this time.

Refer to below new Local Rule 235B which states that this rule **will not** apply in Western Australia.

DISQUALIFIED PERSONS

Restrictions

Amend Rule 259(1)(a) Add New Rule 259(1)(k)

259. (1) *A disqualified person or a person whose name appears in the current list of disqualifications published or adopted by a recognised harness racing authority or a person warned off cannot do any of the following -*

- (a) *associate **or communicate** with persons connected with the harness racing industry for purposes relating to that industry;*
- (k) *associate with licensed persons connected with the thoroughbred or greyhound racing industry including but not limited to entering any premises owned or occupied by such licensed persons.*

Add further elements to the effects of disqualification.

Disqualification by conviction

Amend Rule 267(2)

267. (2) *Where a person is convicted of a crime or offence in any State or Territory of Australia or in any country and sentenced to a period of imprisonment ~~the~~ Stewards shall disqualify that person for a period that is at least equivalent to the **actual sentence imposed**.*

EQUIPMENT AND COLOURS

Offences

Amend Rule 273(2)

273. (2) *A person shall not present to start or start a horse in a race in **gear which in the opinion of the Stewards is:-***

- (a) ***Incorrectly fitted***
- (b) ***Insecure***
- (c) ***Of inferior quality***
- (d) ***In poor order or condition***
- (e) ***Of insufficient strength and quality to cope with the stresses likely to imposed on it in a race.***

Itemises the types of race gear that a horse is not to be presented with.

Amendments to Local Rules effective 29 March 2019

Amend Local Rule 90 as follows;

LR 90. Application for ~~Trainers~~ Licence not granted

- (a) *Subject to the provisions of subsection LR90(c) where an initial application for a ~~Trainers~~ Licence is not granted by the Controlling Body no further application shall be considered for a period of 6 months from the date the first application is not granted. The provisions of this sub-rule shall not apply where the applicant is specifically invited by the Controlling Body to apply for a ~~Trainers~~ Licence.*

- (b) Subject to the provisions of subsection LR90(c) a person who has had a second application for a ~~Trainers~~ Licence not granted by the Controlling Body within 12 months of the initial application shall have no further application considered for a period of 12 months from the date the second application is not granted. Should that or any subsequent application not be granted any further application shall not be considered for 12 months thereafter. The provisions of this sub-rule shall not apply where the applicant is specifically invited by the Controlling Body to apply for a ~~Trainers~~ Licence.
- (c) The Controlling Body may refuse to consider any application for a ~~Trainer~~ Licence until it is satisfied that any direction or condition that it may require as a prerequisite to the granting of such licence has been satisfied.

The current Local Rule 90 sets out criteria that persons who apply for a trainers licence which is not approved/granted may not re-apply for a period of six months thereafter and in the event that the second application is not granted within 12 months of the initial application they cannot re-apply for a further period of 12 months. The equivalent RWWA Rules of Greyhound Racing and Thoroughbred Racing include all applications for licence, not just specifically trainers, and this distinction is now also be made within the Local Harness Rule.

Add new Local Rule 235B

LR235B. Rule 235B shall not apply.

As mentioned above National Rule 235 will not apply in Western Australia.

This change will result in the current Local Rule 235B being renumbered to LR235AB.

Update to Regulations Relevant to the RWWA Rules of Harness Racing 2004

These Regulations have been updated as follows;

Reg.90.2. Stable hands licence

- (2) A stable hand's licence shall not be granted to a person younger than 15 years.

In late 2018 RWWA received advice from the Department of Mines, Industry Regulation and Safety, via email, stating:

Private Sector Labour Relations within the Department of Mines, Industry Regulation and Safety (DMIRS) are currently planning a proactive campaign (education and compliance) into the horse racing, pacing, riding and equestrian industry involving the employment of children under 15 years. Under the Children and Community Services Act, children under 15 years are not allowed to work or volunteer in this industry in WA.