



RACING AND WAGERING WESTERN AUSTRALIA

NOTICE OF AMENDMENTS TO RWWA RULES OF HARNESS RACING

In accordance with Section 45 (1) (b) of the *Racing and Wagering Western Australia Act 2003*, notice is hereby given that the Board of Racing and Wagering WA has resolved that the RWWA Rules of Harness Racing be amended as follows;

Local Rule amendments applicable 1 August 2021

Add local rule 96B

LR 96B. RWWA Local Rule of Retirement

- (1) (a) *The managing owner shall be liable for all costs associated with compliance with this rule. Any proven failure to pay such costs in accordance with the terms of payment when invoiced by the Trainer or other service provider, may at the sole discretion of the Stewards, result in:*
 - (i) *Stewards ordering that any prizemoney payable to the managing owner be withheld and redirected to the relevant party until such account is paid; and/or*
 - (ii) *Refusal of nominations for any horses of the same ownership; and/or*
 - (iii) *Cancellation of registration of the managing owner in any other horses; and/or*
 - (iv) *Other such action as may be taken under the RWWA Rules of Racing*
- (b) *Where the managing owner can demonstrate to the satisfaction of the Stewards that they have been unable to recover such costs attributable to any part-owner, then any action outlined in sub rule (1)(a) shall not apply and action will be taken in accordance with the rules against only any defaulting part owner.*
- (2) *The last registered managing owner or the person in control of the-horse at the relevant time, shall, unless the result of accident or illness requiring immediate euthanasia, ensure that any non-emergency euthanasia of the horse, must only be performed by a registered Veterinary Surgeon or an appropriately registered service provider complying with all relevant welfare standards;*
 - (a) *on humane grounds where the horse is seriously ill or injured; or*
 - (b) *where a Veterinary surgeon has, assessed the horse as being unsuitable for rehoming on medical grounds; or*
 - (c) *where written direct evidence is received to the satisfaction of the Stewards from at least 2 persons who have direct personal knowledge of the horse's unsuitability for rehoming due to past demonstrated dangerous behaviours.*
- (3) *Where any horse has been euthanased pursuant to part (2) of this rule, documentary evidence of compliance to the satisfaction of the Stewards, must be lodged with the Controlling Body by the prescribed time as specified by the relevant national rule and/or no later than within 7 days.*
- (4) *Should part (2) of this rule not apply, the last registered managing owner or the person in control of the horse at the relevant time, must to the satisfaction of the Stewards make reasonable effort to rehome the horse over a period of not less than 6 weeks* following the decision to retire/deregister the horse from the racing industry by undertaking at least two of the following options;*
 - (a) *publicly advertising the horse in no less than two recognised media platforms for the sale or availability of horses for a period of no less than 6 weeks;*

- (b) *making application to re-home the horse through a credible animal adoption or re-homing agency, including Industry Retirement Programs;*
- (c) *consigning the horse to a public auction.*
- (d) *consigning the horse to an industry auction*
- (5) *Documentary evidence of unsuccessful attempts to rehome the horse in accordance with the requirements prescribed in subsection (4) of this rule must be provided to Stewards when lodging the required documentation to retire/deregister the horse.*
- (6) *An owner or person responsible at the relevant time who, in the opinion of the Stewards, fails to comply with any provision of this rule shall be guilty of an offence and liable to penalty.*
- (7) *It shall not be mandatory for any horse that has been retired for the purposes of Breeding for a period of at least twelve months or that is over 15 years of age to be subject to sub-rule (4) of this rule.*

Rationale

This WA Racehorse Welfare Plan, as announced by the previous Racing Minister, committed racing to the development of a framework whereby industry participants must aim to rehome all healthy and behaviourally sound horses.

There is a community expectation that healthy and behaviourally sound horses should not be euthanized at the conclusion of their racing careers without at least making every reasonable effort to afford alternative outcomes.

This rule was developed by a working group comprising members of both thoroughbred and harness codes and has been tabled before the respective consultative groups of each. All suggestions by the working group have been included within the final version of the rule with no objections raised to its construction, application or intent by the eligible bodies representatives on the Consultative Groups.

RWWA will shortly be publishing separately to industry, extensive details which explain the requirements to comply with this rule.

As this is a significant change, the Stewards will apply a period of amnesty to ensure suitable education and communications to industry are issued with sufficient time for any person to reasonably comply with this rule prior to undertaking enforcements under the rules. This will be assessed on a case-by-case basis as familiarity with the rule and its requirements become established within the industry.

Further Local Rule amendments

Add local rule 172

LR172 Offences in relation to mobile phone possession or use on course

- (1) *Unless permission has been granted by the Stewards for emergency, family, or other exceptional reasons only, a driver must not use any mobile telephone, tablet, radio transmitter, radio transceiver or any other appliance, apparatus, instrument or equipment capable of receiving or transmitting information from the time of arriving on course until the completion of all driving engagements.*
- (2) *Without the permission of the Stewards, a person (including but not limited to a driver) must not:*
 - (a) *bring into the drivers' room;*
 - (b) *have in that person's possession in the drivers' room;*

(c) *use in the drivers' room, any mobile telephone, tablet, radio transmitter, radio transceiver or any other appliance, apparatus, instrument or equipment capable of receiving or transmitting information.*

(3) *The Stewards may take possession of and retain in their possession (including for the purposes of examining) any appliance, apparatus, instrument or equipment that is used by any person in contravention of this rule.*

Rationale

The racing industry is vulnerable from those who would seek to gain an unfair advantage by attempting to receive privileged information from drivers at race meetings or by those attempting to affect a race's outcome. Matters such as this can damage the public perception of the sport which the industry heavily relies upon. They also represent serious integrity risks.

There is also a need to protect the perception and image of the Harness Racing industry and drivers observed using these devices during the period in which they have driving engagement reflects poorly on the image of the industry.

Accordingly, the use of a mobile phone or other electronic devices capable of receiving or transmitting such information by all drivers is prohibited between the period from when arriving on course until the completion of all driving engagements.

Add local rule 35A

LR 35A. Racing by 2 year olds

A horse shall not before 1st May in the racing year in which it attains the age of 2 years compete in a race in excess of 2200 metres.

Rationale

This rule originally appeared as section (2) within a Local Rule 35A but on 1 August 2020 Local Rule 35 was changed to read National Rule 35 and section (2) was rescinded.

Very young horses are still not permitted to compete in races in excess of 2200 metres in distance and the rule is therefore re-instated so that it clarifies this requirement.

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SENIOR STEWARD