



## AMENDMENTS TO RWWA RULES OF THOROUGHBRED RACING

In accordance with Section 45 (1) (a) 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 Thoroughbred Racing be amended as detailed below.

### **AMENDMENTS TO LOCAL RULES**

#### **Add Local rule 313**

##### ***LR 313. 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.

### **AMENDMENTS TO NATIONAL RULES (effective 1 August 2021)**

#### **Add TOR sub-rules 6(6) and 6(7)**

- (6) Subject to subrule (7), if an EAA has been applied by Racing Australia and/or a PRA against an owner under this rule at any time (including prior to the commencement of this subrule), while that EAA remains in place:
- (a) that owner must not, either directly or indirectly, acquire an interest in another horse and/or lodge with Racing Australia or a PRA in respect of another horse:
    - (i) a Foal Ownership Declaration;
    - (ii) a registration application;

- (iii) a transfer of ownership application, except for the purpose of that owner selling his or her interest in another horse; or
  - (iv) a lease application; and
- (b) *Racing Australia and/or a PRA must not process any such application or lodgment.*
- (7) *Racing Australia and/or a PRA (as applicable) may waive any prohibitions in subrule (6) if they are of the opinion that such waiver will assist in reducing the relevant owner's training fees and/or training disbursements debt.*

### **Rationale**

Racing Australia has advised that the intention of the rule is that it applies in respect of open EAAs lodged both before and after 1 August, such that existing defaulting owners do not escape the restrictions imposed by the rule change.

Under the Trainer and Owner Reforms (TOR) Rules in Schedule 2 to the Australian Rules of Racing, where an owner has failed to pay their training fees as required (and has not lodged a Dispute Notice in respect of them) a trainer may lodge an Enforcement Action Application (EAA) against the owner. Upon lodging an EAA, the trainer may seek the following consequences be applied against the owner until the outstanding fees have been paid:

- owner not permitted to transfer the horse to another trainer (if the owner owns at least 50% of the horse);
- owner not permitted to transfer their share in the horse to another person; and
- owner's prizemoney is frozen and redirected to the trainer.

However, an EAA issued against a defaulting owner does not restrict that owner from entering the ownership of other horses, even while the debts remain unpaid. This can affect future training and joint ownership relationships, as participants may unwittingly enter into arrangements with persons who have a history of not paying their training fees and who can continue to accumulate training debts throughout the industry. This has the potential to create negative experiences for participants and can threaten (particularly for owners) their ongoing involvement in the industry.

To address this situation, Racing Australia has approved amendments to TOR Rule 6, such that where a defaulting owner is the subject of a current EAA he or she will be prohibited from entering the ownership of any other horse. Only once the EAA is lifted (i.e. by payment of the training debt or through agreement with the trainer) will such an owner be permitted to acquire and register ownership interests in other horses. The rule change includes a discretionary element that allows Racing Australia/Principal Racing Authorities to waive any relevant ownership restriction where they believe it will assist in reducing the training debt owed by a defaulting owner.

These changes will not affect a defaulting owner's existing ownership in other horses (if any) given the potential for that to affect other innocent owners.

### **AMENDMENTS TO NATIONAL RULES**

#### **Amend AR297(4)(d)**

*Without limiting their powers to refuse to reinstate a horse to race or be trained in their absolute discretion, for the purposes of subrule (3) a PRA or the Stewards must not grant permission for a horse to be reinstated to race or be trained unless:*

*(d) the relevant PRA or the Stewards have considered the wishes of the last owner/s of the horse prior to **retirement from racing** in respect of any future reinstatement, as notified on the relevant form (including a Stable Return where applicable).*

#### Rationale

Racing Australia has advised of the above correction (in bold) to AR 297(4)(d),

Chris Courtland

SENIOR STEWARD