



RACING AND WAGERING WESTERN AUSTRALIA

## 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.

### **AMENDMENT TO NATIONAL RULES (effective 6 April 2022)**

Amend AR 2 Dictionary definition of “official”

**official** means any:

- (a) *director, board member or committee member of Racing Australia, a PRA or a Club;*
- (b) *person employed, engaged or appointed by Racing Australia, a PRA, a Club or a government body in relation to the management and/or control of racing, including but not limited to the conduct of race meetings or any other matter regarding its business and affairs.*

Amend AR 279

### **AR 279 No damages for decisions made under the Rules**

- (1) *A person is not entitled to make any claim for damages by reason or in consequence of the imposition, annulment, removal, variation, or remission of any decision made, or penalty, restriction or sanction imposed or purporting to be imposed, under the Rules.*
- (2) *Neither Racing Australia (including the Australian Stud Book), a PRA, a Steward, a Club, or an official shall be liable to any person for any loss or damage sustained by that person as a result of, or in any way (either directly or indirectly) arising out of the exercise of, any right, privilege, power, duty, function or discretion conferred or imposed, or bona-fide believed to have been conferred or imposed, under the Rules.*

Under the current AR 279, a PRA, Steward, race club or official cannot be liable for any loss or damage suffered by a person as a result of a decision made by any of them under the Rules of Racing.

This rule provides an important protection for racing authorities and officials which helps enable them to effectively carry out their functions and make decisions under the Rules. It can and has been relied upon by PRAs in defending litigation by participants arising from such decisions.

In circumstances where Racing Australia (including the Australian Stud Book) also makes decisions under the Rules which an aggrieved person may seek recourse in respect of, it is equally important that Racing Australia and its directors and employees have the benefit of those same protections under the Rules. AR 279 has been amended accordingly.

The definition of “official” in AR 2 has also been amended to ensure protection is extended to Racing Australia’s directors and employees.



**Mark Kemp**

**MANAGER INTEGRITY OPERATIONS**