



RACING AND WAGERING WESTERN AUSTRALIA

NOTICE OF 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.

Racing Australia has advised of the following additions to the National Rules which are applicable in Western Australia from 29 July 2022

AR 36A Fitness and propriety restrictions on persons who can own or race a horse

- (1) *Racing Australia, a PRA or the Stewards (as applicable) may restrict any person from holding an ownership or lease interest in a horse if, in their opinion, the person is not a fit and proper person to own or lease a horse.*
- (2) *Without limiting subrule (1), except where otherwise permitted by Racing Australia, a PRA or the Stewards (as applicable), a person is not permitted to hold an ownership or lease interest in a horse if the person:*
 - (a) *has been convicted of an indictable criminal offence or a criminal offence involving violence against a person or dishonest activity in the previous 10 years;*
 - (b) *has been convicted of an offence under any animal welfare or prevention of cruelty to animals legislation in the previous 10 years; or*
 - (c) *is an undischarged bankrupt or is taking advantage of the laws in force for the time being relating to bankruptcy.*
- (3) *Subject to subrule (4), a person must not enter or cause to be entered a horse in a race, official trial or jump-out where a person who is not permitted to hold an ownership or lease interest in the horse pursuant to subrule (1) or (2) purports to hold such an interest in the horse.*
- (4) *Notwithstanding Racing Australia, a PRA or the Stewards assessing a person as fit and proper or not, any other PRA/s may conduct its own assessment as to that person's fitness and propriety before permitting him or her to own, lease or race a horse in that PRA's jurisdiction.*
- (5) *For the sake of clarity and without limiting any other provisions of the Rules, an ownership or lease interest includes an interest held by a person (from 0% to 100% inclusive) as a:*
 - (a) *director or shareholder of a company;*
 - (b) *partner of a partnership or firm;*
 - (c) *trustee of a trust;*
 - (d) *manager or member of a syndicate,**and any other interest or position where the person is able to exercise any control or influence in respect of a horse, or either directly or indirectly has the power to vote or participate in decisions in respect of the horse. (AR 36A added GG 29/7/22)*

AR 36B Ownership via certain trusts prohibited

Without limiting any other provisions of the Rules and except where permitted by a PRA, an ownership or lease interest in a horse is not permitted to be held in a trust where the persons having an interest in the horse, beneficial or otherwise, are not readily and accurately identifiable (for example, where the trust is a discretionary trust with broad and potentially unlimited beneficiaries).

Add a Local Rule definition of “Controlling Body” with effect from 29 July 2022

There are some rules within the RWWA Rules of Thoroughbred Racing that refer to “Controlling Body” rather than the thoroughbred term “Principal Racing Authority” (PRA).

In order to provide clarification of what the meaning of a “Controlling Body” is, the following definition has been added;

Controlling Body means a relevant body or entity (including RWWA), provided for by legislation, that has the control and general supervision of Thoroughbred, Harness or Greyhound Racing within a State, Territory or Country.