



NOTICE OF AMENDMENTS TO RWAA 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 RWAA Rules of Harness Racing be amended with effect from 1 March 2023 as follows;

Where deemed necessary a rationale for the amendments has been included.

DICTIONARY

Add definitions:

“Approved Method” means an analytical method that the National Association of Testing Authorities (NATA) has formally recognised as capable of meeting the competency requirements to produce reliable technical results when used by the drug testing laboratory approved by the Controlling Body.

Rationale;

The definition of *“approved instrument”* was deleted from the Dictionary on 1 June 2022 following an acceptance of the fact that the methods of testing TCO₂ measurement were changing.

Rather than specifying a particular instrument of measurement it was more appropriate to define an approved method of measurement as this would cover future changes to instruments used for measurement.

“Australian bred” means a foal that is registered in Australia and is the progeny of a mare registered in the Australian Trotting Stud Book domiciled in Australia at the time of service by a stallion registered in the Australian Trotting Stud Book at the time of service.

“Co-owner” means a natural person who owns a horse together with at least one other natural person and is registered or is intended to be registered with a Controlling Body as an owner.

“Manager” means a natural person registered by a Controlling Body as the manager of a horse owned or leased by a natural person, a group of natural persons or a Syndicate.

“Owner” means a natural person with an actual interest, beneficial interest or share in a horse.

Rationale;

The Dictionary currently contains a definition of *“connections”* which is in reality all encompassing. The Thoroughbred rules include a definition of co-owner, manager and owner. Despite the breadth of *“connections”* it was agreed that the Dictionary should include the Thoroughbred definitions particularly given the introduction of the Traceability Rules and their focus on the responsibilities of the owner.

It was also agreed that the owner should be a natural person as opposed to a *“legal person”* such as a Company.

The definitions of *“Co-owner”*, *“Manager”* and *“Owner”* have therefore been added.

“Offence Provision” means a provision of these Rules and the Australian Trotting Stud Book Regulations which is either described as an Offence Provision or provides in it, or with reference to it, that failure to comply or contravention of it makes a person guilty of an offence.

“Stud Book Regulations” or “SBR” means regulations made from time to time by Harness Racing Australia entitled ‘Australian Trotting Stud Book Regulations’ or some adaptation thereof.

Amend definitions:

“Foreign horse” means a horse foaled outside Australia which is not Australian bred.

“Recognised harness racing authority” means Harness Racing Australia and any organisation accepted by the Controlling Body as controlling the harness racing industry in a State or Territory of Australia or in part of or the whole of a country.

“Sample” means a sample or specimen of saliva, urine, perspiration, breath, blood, tissue, skin, hair or any other excretion, bodily fluid, tissue or matter taken from a person or horse.

Rationale;

There are no less than eleven rules which refer to a sample taken from a horse. Despite that the current definition is limited to “matter” being taken from “a person”. The words “or horse” have therefore been added.

Notes;

(2) Offence provisions are found throughout the rule and are not confined to those in Part 14 or under the bold type heading “Offences”.

2. STEWARDS

Powers

- **Add new Rule 15A**

15A. (1) Without limiting Rule 15 the Stewards have the power at any time to enter upon land and premises owned, or occupied by or under the control of a licensed person and used in any manner for harness racing purposes to :-

- (a) Inspect and search the premises.
- (b) Inspect and search any item or thing in or on the premises.
- (c) Inspect and search any vehicle, float, trailer, gear or equipment in or on the premises.
- (d) Take extracts from or make copies of, or download or print-out, any documents found in the course of the inspection.
- (e) Photograph or film anything in or on the premises.
- (f) Secure against interference anything that cannot be conveniently removed from the premises.

- (g) *Require any person who is on the premises to:-*
 - (i) *State his or her full name and address.*
 - (ii) *Answer (orally or in writing) questions put to them that are relevant to the investigation.*
 - (iii) *Give any information in the person's possession or control that is relevant to the inspection.*
 - (iv) *Operate equipment or facilities on the premises for inspection purposes.*
 - (v) *Give any translation, code, password or other information necessary to gain access to or interpret and understand any document or information located or obtained by the Stewards in the course of the inspection relevant to the investigation.*
 - (vi) *Give other assistance that the Stewards reasonably require to carry out the inspection.*
- (h) *Inspect and search any licensed person.*
- (2) *A Steward who enters and remains upon land or premises under this rule shall not thereby commit a trespass thereon and no action shall be brought or maintained against the Stewards or the Controlling Body for any damages or relief in respect of such entry or remainder.*
- (3) *For the purposes of this rule premises include land, buildings or any fixed or removable structure including any vehicle.*
- (4) *A person who obstructs, hinders, frustrates or impedes, or endeavours to obstruct, hinder, frustrate or impede a Steward from exercising a power in sub-rule (1) is guilty of an offence.*

- **Add new Rule 15B**

- 15B.** (1) *Without limiting Rules 15 and 15A the Stewards are empowered to:-*
- (a) *Require production of and take possession of any mobile phone, computer, tablet, storage device or other electronic device for the purpose of examining (by any means) its data and/or contents.*
 - (b) *Require production of any documents or records (including, but not limited to, phone, veterinary or bank records).*
- (2) *A person who obstructs, hinders, frustrates or impedes or endeavours to obstruct, hinder, frustrate or impede a Steward from exercising a power in sub-rule (1) is guilty of an offence.*

Rationale;

Extends the power of the Stewards to match some of those that are included within the Local Rules of some Controlling Bodies.

3. MEETINGS AND RACES

Stable returns

- **Amend Rule 25(1)(a), (b) and 25(5)**

- **Renumber existing Rule 25(5) to (4)**
- **Renumber existing Rule 25(4) to (5)**

- 25.** (1) (a) *When a horse enters the stable of a trainer a stable return containing true and correct particulars must be lodged with the Controlling Body or Stewards by the connections of a horse within the time and in the manner and form determined by the Controlling Body or Stewards and the connections shall ensure that all particulars on the stable return are true and correct.*
- (b) *Unless otherwise determined by the Controlling Body or Stewards, a stable return shall be made within twenty four hours and in such form as the Controlling Body may determine.*
- (4) *The Controlling Body or Stewards may reject a stable return or impose on the return such conditions as it or they consider appropriate.*
- (5) *A person who fails to comply with any provision of this rule is guilty of an offence.*

Rationale.

Rule is amended to set a nationally agreed time frame in which a stable return must be lodged - "within 24 Hours".

Amendments/additions to various rules in relation to stable returns and retirement are made above and below to accord with the introduction of enhanced requirements in relation to the traceability of harness horses.

Change of Horse Location – Trainer Obligations

- **New heading**
- **Add new Rule 25B**

- 25B.** (1) *A trainer must:*
- (a) *disclose any change in the previously notified location of a horse in their care within 24 hours of the day on which that change is made, by notifying the Stewards or Controlling Body in such manner or form as may be determined by the Controlling Body; and*
- (b) *lodge a Stable Return within 24 hours of a horse joining or leaving the trainer's stable;*
- (c) *lodge an amendment to a Stable Return immediately if any particulars on the Stable Return have changed.*
- (2) *For the purposes of sub-rule (1):*
- (a) *if a trainer's stable is comprised of more than one registered training establishment, the trainer must disclose at which registered training establishment the horse is located;*
- (b) *when a horse leaves a trainer's stable to spell or otherwise the trainer must disclose the location of the property at which the horse will be located.*
- (3) *A person is not required to comply with sub-rules (1)(a) and (2)(a) if:*
- (a) *the horse is away from its previously notified location for no more than 30 days and during that period the horse is:*
- (i) *located at a veterinary clinic, or under the direct care of a veterinary clinic; or*
- (ii) *under the direct care of a qualified veterinary surgeon, for the purpose of obtaining treatment from a qualified veterinary surgeon; or*

- (b) *the horse is away from its previously notified location for no more than 7 days for the purpose of being offered for sale at a physical public auction.*
- (4) *Nothing in this rule affects a trainer's Stable Return obligations under AHRR25.*
- (5) *If a trainer fails to lodge, in whole or in part, a Stable Return or any amendment thereof, or fails to provide details of the location or movements of a horse, in accordance with the provisions of this rule;*
 - (a) *the entry of the horse for any race or official trial may be rejected or cancelled.*
 - (b) *the horse may be disqualified from any race in which it has competed.*

Change of Horse Location – Owner Obligations

- **New heading**
- **Add new Rule 25C**

- 25C.** (1) *The managing owner of a horse must, unless otherwise contained in a Stable Return lodged by a trainer in accordance with these rules, disclose:*
- (a) *any change in the previously notified location of the horse within 24 hours of the day on which that change is made, by notifying the Stewards or Controlling Body in such manner or form as may be determined by the Controlling Body; and*
 - (b) *the location of the horse upon request by the Controlling Body, including as required under any registration, transfer of ownership, or other form.*
- (2) *The requirement referred to in sub-rule (1)(a) does not apply where the named horse is in the care of a trainer and the managing owner proves to the satisfaction of the Stewards that he or she was not aware, and could not reasonably have been aware, of:*
- (a) *the change in the previously notified location of the horse; or*
 - (b) *the trainer's non-compliance with his or her obligations under this rule.*

5. HORSES

Retirement and Death of a Horse

- **Change heading - Deregistration of a Horse to Retirement and Death of a Horse**
- **Repeal Rule 96A(4)(a), (b), (5), (6), (7), (8), (9), (10)**
- **Repeal Rule 96B**
- **See Stud Book Regulations 11**

Rationale;

Responsibility for lodgement is now transferred to and to be controlled through the HRA Stud Book Regulations which include requirements to notify the death of a horse with HRA and the Controlling Body (RWVA).

Horse Retired to Industry Participant

- **New heading**
- **Add new Rule 96C**

- 96C.** (1) *This rule applies where:*

- (a) *a horse is retired from racing in accordance with SBR 11 or a decision is made not to commence racing the horse (for the purposes of this rule, “retired racehorse”);*
 - (b) *the retired racehorse is not registered for breeding; and*
 - (c) *the person responsible for the retired racehorse is licensed or registered under the Rules (for the purposes of this rule, “responsible person”).*
- (2) *During the period in which the responsible person is responsible for the care of the retired racehorse, within 7 days of any of the following occurring that person must notify the Controlling Body by lodging the relevant prescribed form;*
- (a) *the transfer of the retired racehorse to any other person;*
 - (b) *the change of the retired racehorse’s location;*
 - (c) *the decision to retire the retired racehorse from any post-racing career, including but not limited to equestrian pursuits; or*
 - (d) *the death of the retired racehorse.*
- (3) *A person is not required to comply with sub-rule (2)(b) if:*
- (a) *the retired racehorse is away from its previously notified location for no more than 30 days and during that period the horse is:*
 - (i) *located at a veterinary clinic, or under the direct care of a veterinary clinic; or*
 - (ii) *under the direct care of a qualified veterinary surgeon,*
for the purpose of obtaining treatment from a qualified veterinary surgeon; or
 - (b) *the retired racehorse is away from its previously notified location for no more than 7 days for the purpose of being offered for sale at a physical public auction.*
- (4) *A person who fails to comply with this rule is guilty of an offence.*

Status Update for Inactive Horse

- **New heading**
- **Add new Rule 96D**

- 96D.** (1) *Within seven days of a horse not having been the subject of any activity for a period of six consecutive months, the connections must by lodging a Stable Return where applicable or giving notice in such manner or form as determined by the Controlling Body notify the Controlling Body of the following matters;*
- (a) *the current status of the horse;*
 - (b) *the location of the horse; and*
 - (c) *any other matters in respect of which a notification should have been made under any rule in that six-month period.*
- (2) *Prior to the horse reaching the six-month period of inactivity referred to in sub-rule (1), the Controlling Body will notify the connections of the upcoming notification requirement.*
- (3) *For the purposes of this rule, “activity” includes but is not limited to the lodgement or notification of a Stable Return, nomination, scratching, transfer of ownership, change of location, retirement from racing, or death.*

- (4) *A person who fails to comply with this rule is guilty of an offence.*

Breach of Traceability Rules

- **New heading**
- **Add new Rule 96E**

- 96E.** (1) *If a person provides any false or misleading information in respect of any form lodged or notification as required by Rules SBR11, SBR12, 96C and 96D, the person may be penalised.*
- (2) *If a person fails to lodge any document or provide any notification as required by Rules SBR11, SBR12, 96C and 96D, the Controlling Body may:*
- (a) *restrict that person or any relevant horse from participating in the Standardbred racing and breeding industry; and/or*
 - (b) *restrict the payment (including payments under bonus schemes) or awarding of any prize to that person, until the relevant form has been properly lodged or the relevant notification has been properly made; and/or*
 - (c) *may refuse to accept any future Mare Return, Stallion Return or Declaration of Service (as applicable) from the relevant person or in respect of the relevant horse.*

Medical and surgical procedures

- **Amend Rule 99A(2)**

99A. (2) *For the purposes of this rule blistering means the application or injection of an irritating substance onto or into soft tissue of a horse to create an inflammatory reaction which results in the vesiculation of the skin and/or underlying tissues.*

Rationale;

The wording "which results in the vesiculation of the skin and/or underlying tissues" has been added.

- **Amend Rule 111(2)**

- 111.** (2) *All transfers of ownership of a named horse must be lodged with the Controlling Body by both the outgoing owners and the incoming owners:*
- (a) *within 7 days of each transfer taking place; or*
 - (b) *at least 24 hours before the horse is entered for a race, whichever is earlier.*

7. STARTING

False Start

- **Amend Rule 141(3)**

- 141.** (3) *The starter may declare a false start if the starter considers a horse's prospects in the race are adversely affected by any incident that occurs immediately prior to or at the time of start.*

Rationale;

The prospects of a horse in a race may be adversely affected should there not be any differentiation between a standing and mobile start.

Accordingly, this rule is amended by deleting the words "in standing start races".

9. DRIVERS

Offences – Relating to dress – Driver's Attire

- **New heading**
- **Repeal Rule 159(2), (3)**
- **Add new Rule 159(2), (3), (4), (5), (6), (7)**

- 159.** (1) *A driver shall dress for a race in the manner determined by the Controlling Body.*
- (2) *A driver's jacket shall be of approved material and colour and trousers shall be white and made of suitable material.*
- (3) *A driver shall wear boots which may be black or dark tan and which entirely cover feet and ankles and afford reasonable protection.*
- (4) *A driver's attire shall be clean and tidy.*
- (5) *Where the Stewards consider that the climatic conditions at a meeting warrant the wearing of gear other than or in addition to that mentioned in the foregoing sub-rules, such as the wearing of gumboots, they may direct or give permission for this to be done.*
- (6) *The Stewards may confiscate any item of attire which they consider should not be worn by a driver in a race.*
- (7) *A driver who fails to comply with any provision of this rule is guilty of an offence.*

Rationale;

Rules similar to those that appear within the Thoroughbred Rules are to be incorporated into the above and below Harness Rules with certain amendments to cover obvious differences between the two codes.

Offences – Relating to dress – Helmets

- **New heading**
- **Delete and replace Rule 159A**

- 159A.** (1) *When driving or riding a horse the driver must wear a properly affixed helmet the make and model of which has been approved by HRA and entered in the Register of Helmets and which:*
- (a) *Is in a satisfactory condition.*
- (b) *Has not been modified in any way save and except for any art or decorative work.*
- (c) *Has attached to it a manufacturer's label that states:-*

- (i) *The date of manufacture; and*
- (ii) *That it complies with a standard approved by HRA.*
- (2) *Every driver is responsible for the care and condition of their own helmet.*
- (3) *A helmet will be deemed not in a satisfactory condition and must be immediately replaced by a driver if:-*
- (a) *Five years have expired since its date of purchase or acquisition as a brand new helmet or eight years have expired since its date of manufacture, whichever is earlier; or*
- (b) *It sustains a severe impact; or*
- (c) *The wearer suffers from concussion following a fall.*
- (4) *Further to sub-rule (3)(a) a driver is required to:-*
- (a) *Retain and maintain documentary evidence (such as a receipt) of the date on which the driver purchased or acquired a helmet in his or her possession; and*
- (b) *Produce such evidence to a Controlling Body or the Stewards at any time required by either of them.*
- (5) *The Stewards may at any time seize a helmet for inspection and may in their absolute discretion confiscate any helmet that does not comply with the requirements of this rule, including (without limitation) where the Stewards are of the opinion that a helmet is not in a satisfactory condition including as a result of general wear and tear or the manner in which it has been stored or maintained.*
- (6) *When driving or mounted on a horse during darkness every driver must affix to his or helmet a safety warning light of a type approved by a Controlling Body or the Stewards (except that this rule does not apply to any location where the Stewards have ruled that sufficient artificial lighting exists).*
- (7) *A driver who fails to comply with any provision of this rule is guilty of an offence.*

Offences – Relating to dress – Protective Vests

- **New heading**
- **New Rule 159B**

- 159B.** (1) *When driving or riding a horse the driver must wear a properly fastened protective vest the make and model of which has been approved by HRA and which:-*
- (a) *Is in a satisfactory condition.*
- (b) *Has not been modified in any way.*
- (c) *Has attached to it a manufacturers label that states it complies with a standard prescribed by HRA.*

- (2) *A driver required by these Rules to wear a protective vest must not have in his or her possession a protective vest that does not comply with the requirements in sub-rule (1).*
- (3) *The Stewards may confiscate or order the satisfactory repair of any protective vest that does not comply with the requirements in sub-rule (1).*
- (4) *A driver who fails to comply with any provision of this rule is guilty of an offence.*

Offences – matters at the start and during the race

- **Amend Rule 162(1)(m), (u)**

- 162.** (1) *A driver shall not -*
- (m) *interfere with a driver or horse during the score up or the start;*
- (u) *drive in a way which causes or could cause interference or jostling;*

Rationale;

The current wording of (m) should be broadened to include interference during the score up.

The wording in (u), abruptly reducing or checking the speed, is removed and is now simplified to allow unfettered discretion for the Stewards when formulating a charge.

12. PROHIBITED SUBSTANCES

Determination of prohibited substance

- **Amend Rule 188A(3)**

- 188A.** (3) *The following are not prohibited substances:*
- *antiparasitics approved and registered in Australia by the APVMA
for use in horses*

Rationale;

As there may be antiparasitics registered for use in horses in jurisdictions other than Australia the wording “in Australia by the APVMA” is added.

Testing

- **Delete and replace rule 189A**

- 189A.** (1) *Subject to sub-rule (2) any sample taken from a horse shall only be analysed by a laboratory approved by the Controlling Body.*
- (2) *The Stewards or a Controlling Body:-*

- (a) *May retain a sample, or portion or aliquot of a sample taken from a horse for their own purposes including without limitation to conduct their own testing or analysis (including screening tests).*
- (b) *May in their discretion but subject to sub-rule (3):*
 - (i) *Determine whether they communicate the result of their own internal analysis.*
 - (ii) *Use the result of any analysis for the purpose of investigations, enquiries and intelligence or prosecuting a breach of the rules.*
- (3) *If an internal analysis is used to prosecute a breach of the rules the Stewards or the Controlling Body must communicate the results of that analysis to the person(s) the subject of the prosecution.*

Log Book

- **Add new Rule 190B(2)(xvi)**

190B. (2) *For the purposes of this rule treatment includes:*

(xvi) *the taking of a blood sample.*

Stomach tubing, atomisers and other devices

- **Amend Rule 193(2)**

193. (2) *A person shall not attempt to use or use an atomiser, face mask or other device on a horse nominated for a race or event within one clear day of the commencement of the race or event.*

Rationale;

Slight change in wording.

Unregistered substances

- **Add new Rule 194B**

194B. (1) *A person must not have in his or her possession or on his or her premises any injectable product which contains cobalt salts.*

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

Rationale;

The Rules should be strengthened by preventing the possession and use of any injectable product containing cobalt salts.

The current Thoroughbred rules were used as a template for introducing similar rules.

Administering substances

- **Amend Rule 196C(4)(d)**

196C. (4) *Alkalinising agent:-*

- (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 a drug testing laboratory approved by the Controlling Body of a TCO2 concentration in a horse in excess of the threshold described by Rule 188.*

Rationale;

Change to wording to clarify - must be a laboratory approved by the Controlling Body.

- **Add new Rule 196E**

196E. (1) *A person must not:-*

- (a) *Administer;*
- (b) *Cause to be administered;*
- (c) *Attempt to administer; or*
- (d) *Be a party to the administration or attempted administration of a product containing cobalt salts to a horse by injection.*
- (2) *Where the Stewards are satisfied that a horse has or may have been administered a product containing cobalt salts by injection contrary to sub-rule (1) the horse shall either be withdrawn or disqualified from the race.*
- (3) *A person who fails to comply with sub-rule (1) is guilty of an offence.*

Rationale;

Refer to rationale for 194B.

Orders and related matters

- **Amend Rule 238**
- **Amend Rule 239**

238. *A person shall not fail to comply with any order, direction or requirement of HRA, the Controlling Body or the Stewards relating to harness racing or to the harness racing industry.*

239. *A person shall not do anything which can only be done at the order, direction or requirement of HRA, the Controlling Body or the Stewards in the absence of or contrary to, such order, direction or requirement.*

Rationale;

Reference to HRA is added.

Corruption and related matters

- **Amend Rule 245**
- **Amend Rule 246**

245. *A person shall not direct, persuade, encourage or assist anyone to breach these rules, the Stud Book Regulations or otherwise engage in an improper practice.*

Rationale;

Reference to Stud Book Regulations is added.

246. *A person who has reasonable grounds for believing that someone is behaving or may behave or has behaved in a way causing, likely to cause or which has caused a breach of these rules or the Stud Book Regulations shall promptly bring the matter to the notice of HRA, the Controlling Body or the Stewards.*

Rationale;

Reference to Stud Book Regulations and HRA is added.

Publications and related matters

- **Amend Rule 248**
- **Amend Rule 249**

248. *A person shall not say, publish or write or cause to be said, published or written anything malicious, intimidatory, obscene, offensive, defamatory, racist, threatening, harassing, discriminatory, abusive or otherwise improper about HRA, the Controlling Body, their members and employees or the Stewards or anyone else associated with the Harness Racing Industry.*

249. *A person whether alone or in association with others shall not say, publish or write or cause to be said, published or written anything intended improperly to influence a decision of HRA, the Controlling Body, their members or employees, or the Stewards, on any matter.*

Rationale;

Reference to HRA is added.

Creation of offences

- **Re-number existing Rule 255 to 255(1)**
- **Add new Rule 255(2)**

255. (1) *A person who fails to comply with any provision of a rule contained in Part 14 is guilty of an offence.*
(2) *A person who infringes an offence provision in these rules or the SBR is guilty of an offence.*

17. EQUIPMENT AND COLOURS

Colours

- **Amend Rule 272(7)**

272. (7) *A person shall not start a horse in a race at a meeting unless the driver is dressed in the colours that have been registered with the Controlling Body.*

Rationale;

Although Rule 272 currently requires a driver to be dressed in registered colours there is not an obligation to wear the colours that are described in the race book or media outlets. The wagering public is accustomed to

identifying horses by reference to the colours worn by the driver and it is at the very least confusing if the driver chooses to wear registered colours that are different to those usually worn. The rule is amended to overcome this issue.

Offences

- **Amend Rule 273(1), (2)(c), (2)(d), (3)**
- **Add new Rule 273(7)**

- 273.** (1) *A person shall not use or permit the use of any gear or equipment that is not listed on the HRA Approved Gear List except with the permission of the Chairman of Stewards.*
- (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:-*
- (c) *Of inadequate quality.*
 - (d) *In poor condition.*
- (3) *A person shall not without the permission of the Stewards start a horse in a race unless the horse is fitted with:*
- (a) *A false belly band.*
 - (b) *Retaining straps.*
 - (c) *A throat lash.*
 - (d) *A breast plate.*
 - (e) *A cavesson or noseband.*
- (7) *A person shall not modify or permit the modification of any gear or equipment except with the permission of the Chairman of Stewards.*

Rationale;

The wording of Rule 273(1) is amended and another sub-rule is added to cover the modification of gear and equipment.

The mandatory gear contained in Rule 273(3) is expanded to include a cavesson (nose band) which would assist the Clerk of the Course in the capture of a horse.