



**IT IS A CONDITION OF YOUR LICENCE THAT YOU READ THIS DOCUMENT & COMPLETE THE DECLARATION AT THE RELEVANT QUESTION OF YOUR LICENCE APPLICATION**

## **WORK HEALTH & SAFETY MEMORANDUM FOR RACEHORSE TRAINERS IN NSW**

### **1. OBLIGATIONS OF TRAINERS UNDER THE AUSTRALIAN RULES OF RACING**

The Australian Rules of Racing impose various safety requirements on trainers, jockeys and stablehands. For example, AR 86B provides that *“Every rider when riding a horse shall wear footwear approved by the Stewards”*.

**A table detailing some of the safety requirements stipulated in the Australian Rules of Racing and the Local Rules of Racing is attached, which you must read.**

The safety requirements in the Rules of Racing are enforced by Racing NSW Stewards. Stewards carry out stable inspections to confirm that the Rules are being complied with. The Stewards have the power to impose punishments on trainers, jockeys, apprentices or stablehands for a breach of any of the Rules.

### **2. OBLIGATIONS OF TRAINERS UNDER THE (NEW) WORK HEALTH AND SAFETY ACT 2011**

Under the *Work Health and Safety Act 2011* (“**WHS Act**” or “**Act**”) which commenced on 1 January 2012, the term “Employers” is replaced by **Persons Conducting a Business or Undertaking** (“**PCBU**”), and the term “Employees” is replaced by **workers**.

From a racing industry perspective, managers of registered race clubs, self-employed trainers or corporate entities employing licensed trainers would all be classified as a PCBU.

A worker is anyone who carries out work for a PCBU and includes an employee, labour hire staff, volunteer, work experience student, contractor, sub-contractor, apprentice, trainee and outworker. A contractor or sub-contractor is now defined as a worker when carrying out work for a PCBU.

**The WHS Act imposes a general duty on a PCBU (Trainer) to provide a safe workplace.**

While the Rules of Racing require specific safety requirements to be met, the WHS Act imposes a much broader duty on a PCBU (Trainer) to consider the safety of the entire working environment.

#### **2.1 Definitions and Trainers’ Duties under the WHS Act**

**“Primary Duty of Care”** (s.19 *WHS Act*) means that:

1. A PCBU must ensure, so far as is reasonably practicable, the health & safety of:
  - (a) Workers engaged, or caused to be engaged by the person; and,
  - (b) Workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.
2. A PCBU must ensure, so far as is reasonably practicable, that the health & safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking;

3. Without limiting 1 and 2, a PCBU must ensure, so far as is reasonably practicable:
  - (a) The provision & maintenance of a work environment without risks to health & safety; and,
  - (b) The provision & maintenance of safe plant & structures; and,
  - (c) The provision & maintenance of safe systems of work; and,
  - (d) The safe use, handling & storage of plant, structures & substances; and,
  - (e) The provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and,
  - (f) The provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health & safety arising from work carried out as part of the conduct of the business or undertaking; and,
  - (g) That the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.
4. If:
  - (a) A worker occupies accommodation that is owned by or under the management or control of the PCBU, and
  - (b) The occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available,then the PCBU must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health & safety.
5. A self-employed person must ensure, so far as is reasonably practicable, his or her own safety while at work (Note: A self-employed person is also a PCBU).

**“Reasonably Practicable”** (s.18 *WHS Act*), in relation to a duty to ensure health & safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health & safety, taking into account and weighing-up all relevant matters including:

- (a) The likelihood of the hazard or the risk concerned occurring; and,
- (b) The degree of harm that might result from the hazard or risk; and;
- (c) What the person concerned knows, or ought to reasonably know, about
  - The hazard or the risk; and,
  - Ways of eliminating or mitigating the risk; and,
- (d) The availability and suitability of ways to eliminate or minimise the risk; and,
- (e) After assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

An **Officer** (of a PCBU) is a person who makes decisions, or participates in making decisions, that affect the whole, or a substantial part, of a business or undertaking. If a PCBU has a duty or obligation under the Act, an officer of a PCBU must exercise due diligence to ensure that the PCBU complies with that duty or obligation.

**The duties of a PCBU under the Act include:**

- Reporting notifiable incidents;
- Consulting with workers;
- Ensuring compliance with notices issues under the Act;
- Ensuring provision of training & instruction to workers about health & safety;
- Ensuring that health & safety representatives receive their entitlements to training.

## 2.2 WORKER REPRESENTATIVES

WHS Laws allow for the election of one or more Health and Safety Representative(s) (“HSR”) to represent workers of the PCBU (s.50 *WHS Act*)

A Work Health and Safety Committee shall be established by the PCBU:

- i. within 2 months of being requested to do so by:
  - an HSR for a group of workers carrying out work at that workplace; or
  - five or more workers at the workplace; or
- ii. at the direction of WorkCover (SafeWork NSW).

## 2.3 ENFORCEMENT

It is a function of WorkCover (SafeWork NSW) to monitor and enforce compliance with the *WHS Act* (s. 152(b)). Under the *WHS Act*, there are three categories of offences for breach of health and safety policy:

- **Category 1 offence – Reckless conduct** (s.31 *WHS Act*)

*A person commits a Category 1 offence if:*

- (a) *The person has a health and safety duty, and*
- (b) *The person, without reasonable excuse, engages in conduct that exposes an individual to whom the duty is owed to a risk of death or serious injury or illness, and*
- (c) *The person is reckless as to the risk to an individual of death or serious injury or illness*

Maximum penalty for offence by a PCBU: \$600,000 or 5 years imprisonment or both.

- **Category 2 offence – Failure to comply with health & safety duty** (s.32 *WHS Act*)

*A person commits a Category 2 offence if:*

- (a) *The person has a health and safety duty, and*
- (b) *The person fails to comply with that duty, and*
- (c) *The failure exposes an individual to a risk of death or serious injury or illness.*

Maximum penalty for offence by a PCBU: \$300,000.

- **Category 3 offence – failure to comply with health and safety duty** (s.33 *WHS Act*)

*A person commits a Category 3 offence if:*

- (a) *The person has a health and safety duty, and*
- (b) *The person fails to comply with that duty.*

Maximum penalty for offence by a PCBU: \$100,000.

## 2.4 FURTHER INFORMATION

Further information about obligations of PCBU’s, workers and all other parties under the *WHS Act* and advice about making your workplace safer and developing ways to prevent injuries, illness and incidents can be found:

- in the “Health and Safety” section of the SafeWork NSW website: <http://www.safework.nsw.gov.au/>; or
- by contacting the SafeWork NSW Assistance Service on 13 10 50;

AND

- in the ***Work Health Safety and Injury Management Systems Manual*** on the Racing NSW website: <http://www.racingnsw.com.au>

Racing NSW has developed the Manual to assist NSW racing industry employers and participants to understand and meet their WHS obligations and to encourage a consistent approach by the industry.

## WHS CHECKLIST

Refer to the “**Work Health, Safety and Injury Management Systems Manual**” on the Racing NSW website <http://www.racingnsw.com.au/default.aspx?s=systems-approach> for further information.

**Safe Work Method Statements** relevant to thoroughbred training/stable operations may also be downloaded at <http://www.racingnsw.com.au/default.aspx?s=safe-work-methods>

### PCBU (EMPLOYER) RESPONSIBILITIES

The PCBU (Employer) must, so far as is reasonably practicable:

- Comply with the WHS Act 2011;
- Ensure the health and safety of all workers;
- Make sure that the work environment is a safe and healthy place in which to work;
- Provide safe plant, structures and systems of work;
- Ensure the safe use, handling and storage of plant, structures and substances;
- Provide training, instruction, supervision and information that help people to work safely;
- Keep health and safety records of all incidents and near misses;
- Make sure that all people working in the stables obey safety rules and standards;
- Make sure that all people working in the stable follow safe ways of working at all times;
- Monitor the health and safety of workers at regular times.

### WORKER (EMPLOYEE) RESPONSIBILITIES

Workers (Employees) must, so far as is reasonably practicable:

- Know their job content and their roles;
- Report any unsafe practices or equipment;
- Take reasonable care for their own health and safety;
- Take reasonable care so that their own acts or omissions do not adversely affect the health and safety of other people or horses;
- Understand how to use safety equipment and clothing provided;
- Not damage the safety equipment on purpose or use it in the wrong way;
- Comply with any reasonable instruction given by the PCBU to allow compliance with the WHS Act
- Co-operate with any reasonable policy or procedure of the PCBU relating to health and safety at the workplace.

### The “Due Diligence” approach to work health and safety prescribed by the WHS Act

The new WHS Laws prescribe a new “due diligence” approach to Work Health and Safety which is **precaution-based** (whereas the old OHS Laws prescribed a different **hazard-based** strategy).

“**Due diligence**” includes taking reasonable steps:

- (a) To acquire & keep up-to-date knowledge of work health & safety matters; and
- (b) To gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally the hazards & risks associated with those operations; and
- (c) To ensure that the PCBU has available for use, and uses, appropriate resources & process to eliminate or minimise risks to health & safety from work carried out as part of the conduct of the business or undertaking; and
- (d) To ensure that the PCBU has appropriate processes for receiving & considering information regarding incidents, hazards & risks and responding in a timely way to that information; and
- (e) To ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under the Act; and
- (f) To verify the provision & use of the resources & processes referred to in paragraphs (c) - (e).

With respect to point (d) above and to assist you in identifying hazards and risks for which you can then implement appropriate precautionary control measures under the “due diligence” approach, the following information on risk identification, assessment and control is provided.

## HAZARDS

A hazard is something with the potential to harm you, others or the racehorses in the stable.

### (i) Identifying Hazards

The first step to having a safe stable is to identify hazards.

The next step is to make sure that something is done to prevent a potential hazard from causing an accident in which people or horses are injured. Hazards for horses can cause WHS issues for the people working around the horses.

Common risks / hazards for people	Common hazards for horses
<ul style="list-style-type: none"> <li>- Handling horses incorrectly</li> <li>- Handling horses without appropriate skills</li> <li>- Being tired and not paying attention to what you are doing on the job</li> <li>- Riding without wearing safety gear</li> <li>- Using gear that is unsafe, broken or worn</li> <li>- Lifting heavy loads incorrectly</li> <li>- Inhaling mould &amp; fungal spores from hay &amp; straw</li> <li>- Inhaling dust from dirty straw</li> <li>- Kicks and bites from horses</li> <li>- Spilling medicines / chemicals</li> </ul>	<ul style="list-style-type: none"> <li>- Pieces of wire or exposed chains</li> <li>- Rough or sharp post tops &amp; protruding bolts or nails</li> <li>- Unused hoses, equipment, buckets lying on stable floors and pathways</li> <li>- Loose pieces of hayband</li> <li>- Dirty bedding</li> <li>- Wet or muddy ground</li> <li>- Gaps under doors and in lining of walls and floors</li> <li>- Slippery stable floors</li> <li>- Doors, gates not securely shut</li> <li>- Musty feeds</li> </ul>

### (ii) Assess the Risk

The risk is the potential for the hazard to actually cause harm.

To determine the level (or severity) of risk, you need to consider the following:

- **OUTCOME:** For each hazard, ask what is the worst likely outcome from exposure to the hazard? (eg: fatality, major injury, minor injury or no injury?)
- **LIKELIHOOD:** What is the likelihood of harm occurring if the person is exposed to the hazard? This could range from inevitable to unlikely.
- **EXPOSURE:** How many people are exposed to the hazard and for how long? This needs to be considered when setting priorities for implementing controls.

### (iii) Control the Risk

There are a number of ways of controlling risks in the workplace:

- **ELIMINATE** the hazard;
- **SUBSTITUTE** something with a lesser risk (eg. manual lifting);
- **ISOLATE** the hazard (eg. move unruly horse to quieter location);
- Use **ADMINISTRATIVE CONTROLS:** ie. training, supervision.

## PREVENTING ACCIDENTS

- ✓ Use equipment appropriately and according to manufacturer's specifications;
- ✓ Wear protecting clothing that conforms to regulations, ie. vest, helmets;
- ✓ Use gear that is safe and in working order;
- ✓ Follow instructions at all times;
- ✓ Do not take shortcuts;
- ✓ Do not fool around playing practical jokes that are potentially dangerous;
- ✓ Report hazards and broken equipment or facilities immediately.

### **IF SOMEONE IS INJURED IN AN ACCIDENT AT WORK**

- Give basic first aid assistance if you are qualified to do so;
- Call for help immediately;
- Stay with the injured person until help arrives.

All accidents and incidents must be reported and recorded including 'near miss events'. It is important to investigate why accidents, injuries or near misses happen. In doing so, you can avoid the same thing happening again.

#### **BASIC CHECKLIST FOR PCBU's (EMPLOYERS)**

- What procedures are in place at your stable when an accident occurs?
- Do you have a first aid kit?
- Do you have a designated first aid officer?
- Do you have emergency phone numbers readily accessible?
- Do you have evacuation procedures that are known AND practiced by workers? Are these instructions clearly accessible?
- Do you have a safety officer to check all workers are accounted for in the event of an emergency?
- Do you have fire extinguishers, no smoking signs, smoke alarms, and fire siren?
- Do workers know where to turn off the power?
- Are you familiar with required reporting procedures in the event of an accident?

### **3. CODE OF PRACTICE – Managing Risks for new or inexperienced riders or handlers**

In February 2017, SafeWork NSW released a new Code of Practice for “Managing risks when new or inexperienced riders or handlers interact with horses in the workplace”. Codes of Practice are practical guides to assist PCBU's and workers achieving the standards of health, safety and welfare required under the *WHS Act 2011* and the *WHS Regulation 2011*. The Code of Practice has been developed following extensive consultations with various industry stakeholders and provides practical guidance to PCBU's and workers on how to manage the risks likely to be faced by new or inexperienced persons with no or limited knowledge or skill gained from interacting with horses. As a PCBU, Trainers should use this Code of Practice (as appropriate) to assist them in implementing measures to ensure the health and safety of their workers and others. The Code of Practice should be read in conjunction with the processes of hazard identification, risk assessment and control detailed in section 2 above. [To view the Code Of Practice please click here](#) (or see the Racing NSW Website, WHS section).

To view the Safework NSW online resources to assist employers, including videos, [click here](#). (or see the SafeWork NSW Website, *Health and Safety A-Z*, 'more', *Horse Related Injuries*)

### **4. SITE-SPECIFIC INDUCTIONS FOR TRAINERS/TRACKWORK RIDERS & OTHER WORKERS**

#### **(a) Background**

Racing NSW has introduced an Online WHS Management System across all NSW Metropolitan, Provincial & Country TAB Clubs to assist them in delivering, maintaining and updating their WHS documentation/systems. Country community (non-TAB) clubs possess a scaled-down kit form.



In accordance with this initiative, training inductions must be undertaken by all Trainers (PCBU's), track & stable users (workers). The objectives of these inductions are:

- To familiarise all workers with the Club and the racecourse site;
- Ensure all workers understand policies and procedures governing training activity/trackwork at the Club;
- Promote awareness of the respective roles and responsibilities of the various parties;
- Clarify the incident and accident reporting process in existence at the Club.

**(b) General Conditions**

- As an essential pre-requisite, all persons participating in training activity ie. the PCBU (Trainer) must hold an appropriate licence/accreditation issued by Racing NSW. No unlicensed persons will be permitted to undertake or participate in training/trackwork at the Club under any circumstances;
- The PCBU (Trainer) must ensure that all workers (Trackwork Riders/Employees) hold current necessary certification and/or appropriate qualifications/competencies to perform their tasks;
- In conducting training activity/trackwork at the Club, the PCBU (Trainer) agrees to comply with all relevant policies and procedures of the Club;
- The Club shall inform the PCBU (Trainer) of all relevant policies and procedures and may offer advice as to any hazards or high risk areas of the site. However, responsibility for performing training activity/trackwork in a safe manner rests with the PCBU (Trainer);
- Additionally, it is a requirement that the PCBU (Trainer) must acquaint all workers (Trackwork Riders/Employees) with the necessary safety requirements, and supervise all activities of the workers (Trackwork Riders/Employees) to ensure adoption of safe work practices and compliance with policies & procedures of the Club;
- The PCBU (Trainer) must not use the Club's equipment without the express permission of the Club. Once authorised, the PCBU (Trainer) must use the equipment in accordance with the standard operating procedure and agrees to hold the Club harmless for any accidents arising from use/misuse of this equipment;
- All tools, plant & equipment used by the PCBU Trainer & their workers must be accompanied by the appropriate certification;
- Any vehicles driven on site must be registered and be covered by (current) insurance.

**(c) Stables Safety**

- The PCBU (Trainer) must ensure workers are issued with all necessary personal protective equipment ("PPE"), are trained in correct usage/selection of PPE and use PPE where required;
- PPE must comply with relevant Australian Standards where applicable;
- All aspects of the PCBU's (Trainer's) stable operations have been self-audited using the Racing NSW "Stables Inspection Checklist" and are compliant in respect of each category;
- Where non-compliance is recorded, immediate rectification must be implemented by the Trainer;
- In accordance with provisions of the Rules of Racing, Racing NSW Stewards can carry out stables inspections for verification purposes.

**(d) Trackwork Guidelines**

- Standards have been developed by Clubs to facilitate the implementation of acceptable work practices for the training of thoroughbred horses on licensed racetracks. These will be detailed during the Induction process; however for the avoidance of doubt, the general format is presented below.
- The PCBU (Trainer) and their workers must comply with the Club's Trackwork Guidelines at all times.

- **General**
  - Access & egress to & from training facilities must be via defined, approved location(s) only. Uncontrolled/unauthorised access & egress points must not be used under any circumstances;
  - The day to day use of racecourse facilities is under the control of the Track Supervisor and/or Racecourse Manager;
  - The use of training facilities is strictly prohibited unless the Track Supervisor (or their nominee) or the Gap Attendant is in attendance;
  - Only Club-authorized personnel are permitted on the track when trackwork is in progress unless the Gap Attendant or Track Supervisor has given permission for a handler to lead a horse;
  - Any person handling horses on Club grounds (including all training facilities) are subject to and governed by the Racing NSW Rules of Racing, plus any Club rules introduced under the powers of the Club committee, and must be licensed to do so;
  - Prior to entry onto Club grounds, all persons riding horses must wear an approved skull cap, vest and riding boots. Skull caps and vests must be properly fastened at all times. It is preferable that persons handling horses also wear skull caps and vests;
  - All horses must be saddled when ridden;
  - All horses being led on Club grounds must have a bridle with appropriate bit attached;
  - All horses must be led on a one handler, one horse basis.
  
- **Pre-requisites**
  - A Gap Attendant must be present during designated times for all fast work and at all times on racetracks that cater for more than 1,000 trained starters;
  - The Gap Attendant (and the Track Supervisor where appropriate) must have:
    - a current First Aid Certificate;
    - ready access to a fully maintained first aid kit, and;
    - an effective communication system in place;
  - Under no circumstances will the use of any heavy plant/equipment be permitted whilst trackwork is in progress;
  - Subject to risk assessment, the use of routine maintenance plant and equipment shall be permitted at an acceptable distance away from the training activities.
  
- **Prior to Trackwork**
  - The track(s) to be used should be physically inspected by the Track Supervisor for any foreign materials;
  - The condition of the running rail, end-caps, entry and exit areas and any other fixtures associated with training activities should be inspected;
  - Markers (witches hats) should be in position and only moved by either the Gap Attendant or the Track Supervisor;
  - Completion of the pre-trackwork inspection should be recorded on the Track Checklist;
  - In determining permissible trackwork arising from the pre-trackwork inspection (given the conditions), a suitably-located sign should indicate the track(s) open for trackwork plus the official opening and closing times.
  
- **Facility Use**
  - The number of horses permitted to work together on the same track at the same time will be governed by a risk assessment, but will generally be limited to two (2);
  - Grass tracks are to be used only for fast work;
  - Artificial tracks are to be used for both fast and slow work;
  - Only designated entry and exit points are to be used and these points are to be under the direct supervision of the Gap Attendant or Track Supervisor;
  - Horses being worked slowly on any training track must be ridden on the outside of the track;



- Horses being worked half pace or faster must be ridden on the inside of the track near the running rail;
- Horses pulling up must keep to the outside of the track, moving in a single line to the exit;
- When dual track activities are conducted, it is particularly important that adequate staffing is available to supervise the entry and exit procedures plus the interchange between grass and artificial tracks;
- Under no circumstances will clockwise and anticlockwise trackwork be undertaken on the same track at the same time;
- Anticlockwise trackwork will only be allowed in accordance with the Club schedule;
- No trackwork will be permitted outside the schedule of times provided by the Club except for occasions where a special gallop (grass track) has been formally approved by the Club;
- The track shall not be opened for training until such time as satisfactory visible light exists and shall be closed at the official closing time;
- For the purpose of this document, “satisfactory visible light” shall be interpreted as a level of ambient illumination which is adequate to enable clear observation for a distance of not less than 200 metres;
- Horses must only be hosed down in the designated hosing docks;
- Prior to hosing down, the horse must be appropriately secured;
- Handlers must only hose down one horse at a time;
- Only one horse at a time is permitted in the sand roll;
- Gates to the sand roll must be securely closed at all times of use;
- All trackwork is subject to weather conditions and visibility. The Gap Attendant or Track Supervisor is responsible for opening and closing the track for training.

- **Barrier Trials and Jump Outs (refer Racing NSW Rules of Racing)**

“**Official Barrier trials**” are defined as a trial under the control or supervision of Stewards over not less than 800 metres, conducted on a racecourse, with no less than four (4) horses ridden by licensed jockeys, apprentices or approved riders.

“**Jump outs**” involve a maximum of four (4) horses ridden over distances of less than 800 metres, conducted on a racecourse, by licensed jockeys, apprentices or approved riders.

- Mobile barrier stalls will be used for jump outs and will be conducted on a track able to accommodate up to four horses;
- Jump outs utilising the mobile barriers and grass track facilities must be conducted under the supervision of the Track Supervisor and undertaken in accordance with these guidelines where applicable;
- Alternatively, where only one horse is being trained, jump outs can be conducted from a fixed barrier provided there is a clear run of at least 200 metres and are conducted in accordance with these guidelines where applicable;
- Barrier attendants must conduct jump outs when the mobile barrier is used and at least one handler per horse should be present when fixed barriers are used;
- Barrier trials are to be conducted in accordance with the Racing NSW Rules of Racing;
- Conditions contained in these Guidelines relevant to the Rules of Racing, licensed persons, supervision, first aid, communication, protective equipment and apparel particularly apply for jump outs and barrier trial.

**(e) Breaches of Rules**

Any PCBU (Trainer) or their workers committing a breach or failing to comply with any of the above regulations may have his/her rights to use the track withdrawn.

Action(s) will be as follows:

- i. For the first offence, verbal advice including potential consequences of further breaches;



- ii. For the second offence, written advice and loss of track privileges for a pre-determined interval;
- iii. For a third offence, written advice and loss of track privileges for an extended period;
- iv. Further offences will be referred to the Club committee for action. In this regard, continued flagrant breaches and/or any serious offence may result in an immediate suspension pending an inquiry by the committee/stewards as appropriate.

**(f) Reporting of Injury / Incidents**

- The Club investigates all incidents/accidents which occur on its site and expects the full co-operation of all PCBU's (Trainers) & their workers to ascertain the true cause to assist in the prevention of a similar incident/accident;
- In the event of an incident/accident, the following procedures should be followed:
  - (a) PCBU's (Trainers) must fill in an **"Employer's Report of Injury"** form.  
This form can be downloaded from the Racing NSW website at:  
[http://www.racingnsw.com.au/site/\\_content/document/00000211-source.pdf](http://www.racingnsw.com.au/site/_content/document/00000211-source.pdf)  
  
The completed Employers Report of Injury Form must be returned to Racing NSW Workers Compensation Department **within forty eight (48) hours** of the incident/accident occurring.
  - (b) The PCBU's (Trainer's) worker must complete an **"Employee's Report of Injury Form"**, which can be downloaded from the Racing NSW website at:  
[http://www.racingnsw.com.au/site/\\_content/document/00000209-source.pdf](http://www.racingnsw.com.au/site/_content/document/00000209-source.pdf)  
  
The completed Employee's Report of Injury Form must be returned to Racing NSW Workers Compensation Department **within forty eight (48) hours** of the incident/accident occurring.
- Additionally, all incidents/accidents must be recorded and reported to the Club within twenty four (24) hours of the incident occurring, and a copy of the above "Report of Injury" Form(s) provided to the Club within 48 hours.

**IF THE INCIDENT / ACCIDENT RESULTS IN DEATH OR A SERIOUS INJURY OR ILLNESS\*  
OR THE INCIDENT IS A DANGEROUS INCIDENT\*\* YOU MUST:**

1. **IMMEDIATELY NOTIFY SAFEWORK NSW ON 13 10 50;                      AND**
2. **ALSO NOTIFY RACING NSW ON 9551 7500**

\* A **"serious injury or illness"** means an injury or illness requiring the person to have:

- (a) immediate treatment as an in-patient in a hospital; or
- (b) immediate treatment for:
  - (i) the amputation of any part of his or her body, or
  - (ii) a serious head injury, or
  - (iii) a serious eye injury, or
  - (iv) a serious burn, or
  - (v) the separation of his or her skin from an underlying tissue, or
  - (vi) a spinal injury, or
  - (vii) the loss of a bodily function, or
  - (viii) serious lacerations, or
- (c) medical treatment within 48 hours of exposure to a substance.

\*\* A **"dangerous incident"** means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to an event such as a substance spill, fire, explosion, escape of gas or steam, electric shock, collapse of a structure, collapse of an excavation (see s.37 *WHS Act* for the full list of notifiable dangerous incidents).

## SAFETY REQUIREMENTS IN THE RULES OF RACING

Following are extracts of specific (provisions of the) Rules. This is an overview and is not an exhaustive list or complete copy. Trainers should familiarise themselves with the full version of the Rules of Racing which can be accessed on the RNSW website.

### AUSTRALIAN RULES OF RACING

RULE	SAFETY REQUIREMENT
<b>AR 80D</b>	A trainer must ensure that every horse that is being led or ridden outside his stable premises in a public roadway or thoroughfare prior to sunrise wears a rug or other gear with reflective strips and that its rider or attendant wears a reflective vest of a design approved by the Stewards. Any person breaching this rule or found responsible for a breach of this rule may be penalised.
<b>AR 81A</b>	<p>(1) Any rider commits an offence and may be penalised if -</p> <p>(a) a sample taken from him is found upon analysis to contain a substance banned by AR 81B; or</p> <p>(b) he refuses or fails to deliver a sample as directed by the Stewards, or tampers with or in any way hinders the collection of such sample.</p> <p>(2) Any rider may be prevented by the Stewards from mounting or riding a horse in a race, official trial, jump-out, trackwork, or anywhere on a racecourse property, training facility or any other place if in their opinion, based on any information, their own observations or on medical or other competent advice, his faculties may be impaired by any substance banned by AR 81B or by any other cause.</p> <p>(3) In the event of an analysis of a sample taken from a rider pursuant to AR 8(jj) indicating the presence of a substance banned by AR 81B, or if a rider refuses or fails to deliver a sample when directed to do so, or tampers with or in any way hinders the collection of such sample, the Stewards may forthwith, pending the determination of any inquiry or other proceeding or the result of any other analysis, stand down such person from riding.</p> <p>(4) In the event of a rider incurring a penalty or being prevented from riding under this rule he shall not resume riding until he delivers a sample, as directed by the Stewards, that is free of any substance banned by AR 81B.</p> <p>(5) For the purposes of AR 81(4) a urine sample provided by a rider shall only be declared free of any substance banned by AR81B if the sample contains a creatinine concentration of 200mg/L or greater. In the event that a rider provides a urine sample which does not contain this concentration, the rider shall be required to deliver a further urine sample or samples at the direction of the Stewards.</p>
<b>AR 81B</b>	<p>The following substances and/or their metabolites, artifacts and isomers are declared as banned substances in riders when present in a urine sample (unless otherwise stated) at a concentration above the applicable cut-off level:</p> <p>Lysergic acid diethylamide (LSD) (0µg/L);</p> <p>All barbiturates (0µg/L);</p> <p>All Cannabinoids – substances in this group include, but are not restricted to, 11-Nor-delta-9-tetrahydrocannabinol-9-carboxylic acid (15µg/L), Synthetic cannabinoid analogues and/or their metabolites, such as JW-018, JW073 and HU-210;</p> <p>All diuretics (0µg/L);</p> <p>Probenecid: (0µg/L);</p> <p>Alcohol (at a concentration in excess of 0.02% on a breath analyser);</p> <p>All stimulants – substances in this group include, but are not restricted to, Amphetamine (150µg/L): Methylamphetamine (150µg/L): Methylenedioxyamphetamine (MDA) (150µg/L): Methylenedioxyethylamphetamine (MDEA) (150µg/L): Methylenedioxyethylamphetamine (MDMA) (150µg/L): Methylphenidate (0µg/L): Modafinil (0µg/L): Cocaine (100µg/L): Ephedrine (10,000µg/L). Substances in this group excluded are: Levo-amphetamine: Levo-methylamphetamine: Phenylpropanolamine: Pseudoephedrine.</p> <p>All anorectics – substances in this group include, but are not restricted to, Phentermine (500µg/L): Diethylpropion (0µg/L): Sibutramine (0µg/L).</p> <p>All opiates and opioids – substances in this group include, but are not restricted to, Morphine (0µg/L, save as specified by AR.81C): Codeine (0µg/L, save as specified in AR.81C): Oxycodone (0µg/L): Fentanyl (0µg/L): Alfentanil (0µg/L): Pethidine (0µg/L): Methadone (0µg/L): Heroin (0µg/L): Monoacetylmorphine (0µg/L): Hydromorphone (0µg/L):Buprenorphine (0µg/L).Substances in this group excluded are: Dihydrocodeine: Dextromethorphan: Pholcodine: Propoxyphene: Tramadol</p> <p>All dissociative anaesthetics and related substances – substances in this group include, but are not restricted to: Ketamine (0µg/L): Phencyclidine (0µg/L): Tiletamine (0µg/L).</p> <p>Gamma-hydroxybutyrate (GHB) and pro-drugs of GHB (1,4-butanediol: gammabutyrolactone) (10,000µg/L).</p> <p>Benzylpiperazine (500 µg/L) and phenylpiperazine (0µg/L) and their derivatives (0µg/L).</p> <p>Tryptamine derivatives (0µg/L) (e.g. dimethyltryptamine: alphamethyltryptamine: hydroxydimethyltryptamine and related substances)</p> <p>All benzodiazepines – substances in this group include: but are not restricted to: Diazepam (200µg/L): Nordiazepam (200µg/L): Oxazepam (200µg/L): Temazepam (200µg/L): Alprazolam (100µg/L, as alpha-hydroxyalprazolam): Clonazepam (100µg/L, as 7-aminoclonazepam): Flunitrazepam (100 µg/L, as 7-aminoflunitrazepam): Nitrazepam (100µg/L, as 7-aminonitrazepam): Bromazepam (0µg/L): Clobazam (0µg/L): Flumazenil (0µg/L): Lorazepam (0µg/L): Midazolam ((0µg/L): Triazolam (0µg/L): and substances with similar structure or pharmacological activity – benzodiazepine receptor agonists (zalplon: zolpidem: zopiclone).</p>
<b>AR 81C</b>	<p>Notwithstanding the provisions of AR 81B, when codeine and/or morphine are detected in a sample taken from a rider then the sample shall be deemed not to contain codeine and morphine if:</p> <p>(a) the total codeine and morphine concentration is less than 2000 µg/L; or</p> <p>(b) the total codeine and morphine concentration achieved in confirmatory testing is in the range 2,000 to 15,000µg/L inclusive and at least one of the following applies:</p> <ol style="list-style-type: none"> <li>i. the codeine to morphine ratio contained in the sample is greater than 1.0; or</li> <li>ii. the rider satisfies the Stewards that there is no illegal use of opiates or opioids by the rider.</li> </ol>

RULE	SAFETY REQUIREMENT
AR 81E	<p>Notwithstanding the provisions of AR 81A, a Principal Racing Authority may permit a rider to receive a specified banned substance, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(a) the medication must be essential treatment for a substantial illness, condition or ailment suffered by the rider;</li> <li>(b) the medication must be prescribed by a medical practitioner who is a recognised specialist in the relevant field of medicine;</li> <li>(c) the specialist medical practitioner must certify - <ul style="list-style-type: none"> <li>(i) the nature of the illness, condition or ailment being suffered by the rider;</li> <li>(ii) that no alternative, non-banned substance would serve the same purpose for the illness, condition or ailment concerned;</li> <li>(iii) that the medication would not affect the rider in a race, official trial, jump-out or trackwork to the extent that it could in any way constitute a danger to the rider or other riders;</li> </ul> </li> <li>(d) the rider must if requested submit to medical examination by a specialist medical practitioner appointed by a Principal Racing Authority to advise it on the matters raised in subparagraphs (i), (ii) and (iii) of paragraph (c) of this rule;</li> <li>(e) the rider must – <ul style="list-style-type: none"> <li>(i) before riding any horse make application to the Principal Racing Authority for permission to ride with a specifically prescribed banned substance in his system;</li> <li>(ii) adhere strictly to his prescribed medication, and must report to the Stewards immediately he forms the intention to discontinue or in any way vary his prescribed medication;</li> <li>(iii) report to the Stewards immediately he believes that either his illness, condition or ailment or his medication may have some influence on his ability to ride effectively and/or safely</li> <li>(iv) renew his application for exemption on each occasion on which he applies for the renewal of his licence or registration or permit;</li> </ul> </li> <li>(f) under no circumstances shall a person be granted retrospective exemption under this rule.</li> </ul>
AR 81F	<ul style="list-style-type: none"> <li>(1) (a) No rider shall present himself to ride in any race, official trial, jump-out or trackwork unless he is physically fit to fulfil the requirements of such activity.</li> <li>(b) A rider shall report to the Stewards, as soon as practicable, any injury, sickness, abnormality or condition that may affect or may have affected him in the performance of his riding duties.</li> <li>(2) Any rider may be required by the Stewards to present medical evidence or to undergo a medical or physical examination to prove his fitness to the satisfaction of the Stewards.</li> <li>(3) When a rider fails to fulfil any race riding engagement due to reasons of fitness or health then, unless otherwise permitted by the Stewards, he must gain a satisfactory medical clearance prior to arrival on course for his next race riding engagement and produce proof of such clearance to the Stewards prior to riding. Any rider who fails to do so may be penalised and/or stood down from riding.</li> </ul>
AR 81G	<ul style="list-style-type: none"> <li>(1) A pregnant rider shall not ride in races, official trials, jump-outs or trackwork after the first trimester of her pregnancy.</li> <li>(2) A pregnant rider may ride during the first trimester of her pregnancy provided that, as soon as practicable after becoming aware that she is pregnant, she provides to the Stewards a certificate from a relevantly qualified medical practitioner that it is safe for her and the foetus for her to ride in races, official trials, jump-outs and trackwork, and that her pregnancy creates no impairment to her capacity to control a racehorse.</li> </ul>
AR 86A	<p>No rider shall in any race, official trial, jump-out or in trackwork, wear any apparel or use any equipment which has not been approved by the stewards.</p>
AR 86B	<p>Every rider when riding a horse shall wear footwear approved by the Stewards.</p>
AR 87	<p>Every licensed or registered person or permit holder shall when mounted on a horse wear a properly affixed helmet which conforms to one of the standards that have been approved by the Australian Racing Board.</p> <p>Note: Pursuant to AR 87 the Australian Racing Board has ordered that -</p> <ul style="list-style-type: none"> <li>(a) The following standards are approved by the Australian Racing Board: <ul style="list-style-type: none"> <li>(i) AS/NZS 3838 2003;</li> <li>(ii) United States (US) ASTM F11 63-01;</li> <li>(iii) British Standards (BS) EN 1384/1996 onwards;</li> <li>(iv) United States (US) ASTM F11 63-04a(11).</li> </ul> </li> <li>(b) all <u>helmets</u> must be fitted with a nylon interlocking chinstrap clip attachment.</li> <li>(c) all <u>helmets</u> must be clearly marked with a date of manufacture.</li> <li>(d) the use of <u>helmets</u> is subject to the conditions of Australian Rule of Racing 87AA.</li> </ul>
AR 87A	<ul style="list-style-type: none"> <li>(1) While being ridden every horse shall be properly bridled and saddled and every saddle used in official trials, jump-outs, tests or trackwork shall be equipped with safety irons of a design approved by the Stewards. Provided that in official trials and jump-outs if a rider wears race boots the saddle shall be equipped with race irons.</li> <li>(2) While being led outside the confines of any stable premises every horse shall have a bit in its mouth, which bit shall be attached to a lead.</li> <li>(3) Every person leading or attending a horse shall wear fully enclosed and substantial footwear of a standard approved by the Stewards.</li> </ul>

RULE	SAFETY REQUIREMENT
AR 87AA	<p>(1) Every rider shall be responsible for the care and condition of his helmet.</p> <p>(2) A helmet is not regarded as serviceable and must be immediately replaced by the rider when –</p> <ul style="list-style-type: none"> <li>(a) a period of 5 years has expired since its date of manufacture, or</li> <li>(b) it sustains a severe impact, or</li> <li>(c) the wearer suffers from concussion following a fall.</li> </ul> <p>(3) The Stewards may at any time take possession of a helmet for inspection and may at their absolute discretion confiscate any helmet that does not comply with the requirements of this rule and/or the requirements of AR 87.</p>
AR 87AAA	<p>Every licensed or registered person or permit holder shall when mounted on a horse during darkness have affixed to his helmet a safety warning light of a type approved by the Stewards. Provided that this Rule does not apply to any location where Stewards have ruled that sufficient artificial lighting exists.</p>
AR 87B	<p>(1) Every rider shall when mounted on a horse wear a properly fastened safety vest the standard of which has been prescribed by Order of the Board. Provided that every such safety vest shall be in a satisfactory condition and shall have attached to it a manufacturer's label that states that it complies with the relevant standard prescribed by the Board.</p> <p style="padding-left: 40px;">Note: Pursuant to AR 87B the Australian Racing Board has ordered that -</p> <p style="padding-left: 80px;">The following standards are approved by the Australian Racing Board:</p> <ul style="list-style-type: none"> <li>(i) ARB standard</li> <li>(ii) SATRA standard</li> <li>(iii) European standard EN113158 level 1.</li> </ul> <p>(2) The Stewards may confiscate or order the satisfactory repair of any safety vest that does not comply with the requirements of subrule (1).</p>
AR 87C	<p>Any rider who has been found guilty of a breach of AR 87 or AR 87B may be penalised. Provided that the master and/or any other person who was in charge of an apprentice jockey at any relevant time may also be penalised unless he satisfies the Stewards that he took all proper care to ensure that the apprentice complied with the rule/s.</p>
AR 87D	<p>Any rider required by these rules to wear a safety vest may be penalised if he wears or has in his possession any safety vest that does not conform with a standard which has been prescribed by the Board or which has been modified in any way.</p>
AR 88	<p>Riders may use spurs provided they are blunt and of a type approved by the Stewards.</p>
AR 118C	<p>(1) It shall be an offence for any rider -</p> <ul style="list-style-type: none"> <li>(a) to in any way manipulate or attempt to manipulate the wearing of a safety vest to gain an unfair weight advantage in a race; or</li> <li>(b) to weigh-out or attempt to weigh-out for a race or ride in any race when wearing an approved or permitted safety vest that has been modified in any way;</li> <li>(c) to weigh-out or attempt to weigh-out or ride in any race unless he is wearing an approved or permitted safety vest.</li> </ul>
AR 137	<p>Any rider may be penalised if, in the opinion of the Stewards,</p> <ul style="list-style-type: none"> <li>(a) He is guilty of careless, reckless, improper, incompetent or foul riding.</li> <li>(b) He fails to ride his horse out to the end of the race and/or approaching the end of the race.</li> <li>(c) He makes any celebratory gesture prior to his mount passing the winning post.</li> <li>(d) He excessively slows, reduces or checks the speed of his horse thereby causing interference, directly or indirectly, to any other horse in the race.</li> </ul>
AR 140	<p>(d) Any loss or breakage of gear during a race, or any unusual happening in connection therewith shall be reported by the owner and/or trainer and/or rider to the Stewards immediately after the race.</p>
AR 140A	<p>Any person guilty of carelessness or neglect in the saddling or applying and fitting of gear to a horse when it is presented for a race, official trial, jump-out or trackwork commits a breach of these Rules.</p>
AR 140B	<p>(1) Only gear and conditions of use that have been expressly approved by the Chairman of Stewards, and included in the National Gear Register, may be used on any horse in a race, official trial, jump-out or in trackwork. Provided that the Stewards may approve other gear to be used in trackwork.</p>

## LOCAL RULES OF RACING

RULE	SAFETY REQUIREMENT
LR 61	<ul style="list-style-type: none"> <li>(1) No rider shall enter or use a sauna located on course unless: (a) the rider's name has been recorded in the register of riders authorised by the Board to enter or use a sauna located on course; and (b) the rider has first obtained the permission of the person authorised by the Steward to supervise the use of the sauna on the day of the race meeting.</li> <li>(2) No rider's name shall be recorded in the register of riders authorised by the Board to enter or use a sauna located on-course unless the rider satisfies, and continues to satisfy, the admission criteria as may be required by the Board from time to time.</li> <li>(3) Every rider admitted to use a sauna located on-course must: (a) comply with the procedures and guidelines on the use of saunas notified by the Board from time to time; and (b) comply with the directions of the Stewards and persons authorised by the Stewards to supervise the use of the saunas on the day of the race meeting.</li> <li>(4) Where a rider breaches any part of this <b>LR 61</b>, the Stewards may: <ul style="list-style-type: none"> <li>(a) suspend the rider's privilege to use on-course saunas for such periods of time as the Stewards think fit; and/or</li> <li>(b) stand down the rider from riding on the day that the breach occurred; and/or</li> <li>(c) remove the rider's name from the register of riders authorised to enter or use saunas located on-course; and/or</li> <li>(d) punish the rider as otherwise provided under the Rules.</li> </ul> </li> </ul>
LR 78	<ul style="list-style-type: none"> <li>(1) A trainer is at all times responsible for the administration and conduct of his or her stables.</li> <li>(2) A trainer is at all times responsible for the care, control and supervision of the horses in his or her stables.</li> <li>(3) If a trainer is to be absent from his or her stables, for a period longer than 48 hours, he or she must, with the Stewards permission and approval, depute a licensed or registered person to be in charge of such stables during his or her absence.</li> <li>(4) Such deputation does not relieve the trainer in any way from his or her responsibilities for the care, control and supervision of his or her horses and the conduct of his or her stables.</li> <li>(5) The person to whom responsibility is delegated does not have the authority to further delegate this responsibility.</li> </ul>
LR 80	<p>A trainer must ensure that every horse in his care that is being led or ridden outside his/her stable premises on a public roadway or thoroughfare prior to sunrise wears a rug or other gear with reflective strips and that its rider or attendant wears a reflective vest of a design approved by the Stewards.</p>
LR 82A	<ul style="list-style-type: none"> <li>(1) To assist in the supervision of training track operations, a Race Club may appoint a Track Supervisor to supervise the conduct of trackwork and related activities on race club grounds.</li> <li>(2) The Track Supervisor shall have authority to control track operations and personnel including trackwork riders, stablehands and trainers. His powers shall include, but not be limited to; <ul style="list-style-type: none"> <li>(a) determine track availability, including cancellation or limitation of trackwork sessions on any track or tracks;</li> <li>(b) supervise the conduct of licensed persons to ensure adherence to track regulations and safety requirements;</li> <li>(c) monitor both horse and rider's gear, including but not limited to protective vests, skull caps, safety irons, safety lights and reflective gear, and ensure that a track rider, whilst mounted on a horse, does not carry, wear or use any object, appliance, or gear during track work that is not approved by the Stewards;</li> <li>(d) supervise all horses using racecourse facilities, with the authority to order away from any facility any horse that presents a safety concern or any horse which is not entitled to use such facility;</li> <li>(e) with the approval of the Stewards, assess the competency of stablehand riders engaged to ride trackwork and to ensure only approved stablehand riders ride on club training grounds.</li> <li>(f) monitor and report to the race club any incidents, accidents or safety concerns relating to horses and personnel, and take the necessary action to ensure accident warning devices are appropriately activated; and</li> <li>(g) refer to the Stewards any misconduct involving licensed persons' usage of race club facilities or non-adherence to the Rules of Racing, club regulations, by-laws or conditions set down by the race club for the conduct of such facility.</li> </ul> </li> </ul>
LR 82B	<ul style="list-style-type: none"> <li>(1) Any person employed by or assisting a trainer in the training, care or superintendence of a racehorse upon any racecourse, training centre or registered stable commits an offence and may be penalised if: <ul style="list-style-type: none"> <li>(a) a sample taken from him/her is found upon analysis to contain the presence of a substance banned by AR81B; or</li> <li>(b) he/she refuses or fails to deliver a sample as directed.</li> </ul> </li> <li>(2) In the event of an analysis or preliminary analysis of a sample indicating the presence of a substance banned by AR81B, or if, pursuant to this rule, a person refuses or fails to deliver a sample when directed to do so, the Stewards may forthwith, pending the determination of any inquiry or other proceedings, stand down such person.</li> <li>(3) In the event of a person incurring a penalty under this rule, he/she shall not resume duties until he/she delivers a sample as directed by the Stewards that is free of any substance banned by AR81B.</li> <li>(4) Further, provided that the provisions of AR81A(5) as they apply to a rider shall apply mutatis mutandis to any person under this rule.</li> </ul>
LR 111(14)	<ul style="list-style-type: none"> <li>(a) Any licensed person suffering an injury upon any racecourse or training ground owned or occupied by any racing club or racing association must within the period of that same day report such injury to a Steward or official appointed for that purpose by the relevant club or association.</li> <li>(b) Should such injured person not be able to fulfil the requirements of this rule due to the degree of incapacitation caused by the injury, then it shall be the responsibility of the trainer or person in charge of the horse concerned to make the injury report on behalf of the injured person to the nominated officials by the appointed time.</li> <li>(c) Any person failing to comply with the provisions of this rule may be punished and may also be subject to penalties under the relevant workers compensation legislation.</li> </ul>

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