

**Policy:** 643.2

**Effective:** February 2019

**Revised:** February 2019

**Subject:** Drug and Alcohol Policy

**Reference:** Harness Racing Act 2009  
Australian Harness Racing Rules  
HRNSW Board Meeting – 21 February, 2012  
Australian Rules of Racing  
HRNSW Board Meeting – 28 November 2017  
HRNSW Board Meeting – 14 February 2019

### DRUG AND ALCOHOL POLICY

#### 1 - BACKGROUND

- 1.1 Harness Racing New South Wales (HRNSW) is responsible for the management and regulation of the harness racing industry in NSW.
- 1.2 The Rules make it an offence for a person to be affected by either or both alcohol or drugs of abuse when handling a standardbred horse at race meetings, trials or during training.
- 1.3 HRNSW has an obligation to ensure all industry participants are provided with a safe work environment.
- 1.4 HRNSW considers that the use of drugs of abuse and alcohol poses serious risks to the safety of industry participants, horses and members of the general public as well as the integrity of the harness racing product and should not be condoned.
- 1.5 HRNSW considers penalties issued for breaches of the Australian Harness Racing Rules for related matters, will reflect this stance, and may include suspension or disqualification of licence.

#### 2 - POLICY

- 2.1 HRNSW will develop procedures for the taking of either drug and or alcohol tests
- 2.2 This policy applies to, but is not limited to the following categories:
  - a) Drivers;
  - b) Trainers;
  - c) Stablehands; and
  - e) Starters, Mobile Drivers and other Officials whose responsibilities may require physical contact with a horse, for example a barrier attendant.
- 2.3 HRNSW will establish arrangements with approved laboratories.
- 2.4 The purpose of drug testing is to detect the presence of any alcohol, drug of abuse or its metabolites or artefacts.
- 2.5 Australian Harness Racing Rule 15(k) empowers the Stewards to test in such manner as they consider appropriate any person.

- 2.6 HRNSW Stewards will conduct any tests for the detection of alcohol and/or drugs of abuse on a random or targeted basis, including when acting upon a reasonable suspicion that the functions or cognitive skills of any person responsible for the control of a horse is or is likely to be impaired by alcohol or drugs of abuse.
- 2.7 HRNSW Stewards may conduct the testing of persons at race meetings, trials and at private registered properties and training centres.
- 2.8 Failure to comply with the direction of a Steward to provide any sample for a testing will be considered as a “refusal to submit to a test”.

### **3 – AUSTRALIAN HARNESS RACING RULES**

The relevant rules, including sub-rules, of the Rules of HRNSW are included as Appendix I.

### **4 - AUSTRALIAN HARNESS RACING RULES - DEFINITIONS**

- 4.1 **"Driver"** includes a person who though not holding a licence granted under these rules drives a horse in a race or does other things which are only done or usually done by drivers.
- 4.2 **"Drug of Abuse"** means:
- (i) A drug within the scope of that expression as used in the document published by Standards Australia entitled Recommended practice for the collection, detection and quantification of drugs of abuse in urine numbered AS4308-1995 and any subsequent amendment or replacement of that document.
  - (ii) Any substance declared by the Australian Racing Board as a banned substance for the purposes of Rules 81B and 81C of the Australian Rules of Racing.
  - (iii) Any substance as defined by sub-paragraph (ii) hereof is a drug of abuse for the purposes of Rules 251 and 252 of these Rules.
  - (iv) For the purposes of determining whether a substance is a drug of abuse, any declaration by the Australian Racing Board shall prevail over any document published by Standards Australia.
- 4.3 **"Refusal to submit to a test"** includes at any time after being notified of the testing requirements, failing to provide enough breath for alcohol testing or failing to provide enough urine or other specimen required for the drug testing without a valid medical reason or obstructing the testing process in any other way.

### **5 - AUSTRALIAN HARNESS RACING RULES – BANNED SUBSTANCES**

As prescribed in Rule 251, the following substances and/or their metabolites, artifacts, and isomers are declared as banned substances in drivers when present in a urine sample (unless otherwise stated) at a concentration above the applicable cut-off level:-

- (a) Lysergic acid diethylamide (LSD) (0µg/L);
- (b) All barbiturates (0µg/L); 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 JWH-018, JWH-073 and HU-210.
- (c) All diuretics (0µg/L): Probenecid: (0µg/L): Alcohol (at a concentration in excess of 0.02% on a breath analyser):

(d) 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.

(e) All anorectics – substances in this group include, but are not restricted to, Phentermine (500µg/L): Diethylpropion (0µg/L): Sibutramine (0µg/L).

(f) All opiates and opioids – substances in this group include, but are not restricted to, Morphine (0µg/L, save as specified by Rule 252: Codeine (0µg/L, save as specified in Rule 252): 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.

(g) 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).

(h) Gamma-hydroxybutyrate (GHB) and pro-drugs of GHB (1,4-butanediol: gammabutyrolactone) (10,000µg/L).

(i) Benzylpiperazine (500µg/L) and phenylpiperazine (0µg/L) and their derivatives (0µg/L).

(j) Tryptamine derivatives (0µg/L) (e.g. dimethyltryptamine: alphanethyltryptamine: hydroxydimethyltryptamine and related substances)

(k) 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 (100µg/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).

## **6 – ALCOHOL TESTING**

### **6.1 Initial Test – Level recorded exceeds 0.02%:**

Pursuant to the Rules, in the event a person provides a breath sample which records alcohol at a concentration in excess of 0.02% on a breath analyser, the person shall be detained and advised they will be subjected to a further confirmation test.

During this time the person shall be observed and not permitted to ingest any fluid or substance.

After no longer than 15 minutes have elapsed, the person shall be subjected to a further breath test as a confirmatory test.

In the event this confirmatory test records a reading which records alcohol at a concentration in excess of 0.02% on a breath analyser, the Stewards will deem the person to have created an offence under Rule 250(1)(a).

The person shall be informed they have breached the Rules and advised they are stood down from work. If the person is a Driver, they shall be stood down from driving and informed that they must provide a clear sample prior to driving again.

The person should also be informed the finding will result in a Stewards' inquiry.

**6.2 DRIVERS- In the event the Initial Test OR the Confirmatory Test records 0.02% or below:**

The person shall be informed they have not breached the Rules.

If the person desires to continue to drive, they shall be questioned regarding the ingestion of alcohol during the previous 24 hours and additionally with regard to the amount of sleep during that period.

If the circumstances allow, and at the sole discretion of the Stewards, the person may continue to be tested.

The person may only be permitted to continue to drive on this day if they have provided a sample recording 0.00% (clear sample) and if they satisfy the Stewards that their comprehension and/or motor skills (his faculties) are NOT impaired.

**Note:** A Driver shall NOT be permitted to work;

- (i) if circumstances prevent the Stewards from continuing to test the Driver (in order to obtain a clear sample);
- (ii) the Driver fails to provide a clear sample; or
- (iii) in the opinion of Stewards, his functions or cognitive skills are impaired.

**6.3** Notwithstanding the above, any driver who has not provided a sample recording 0.00% (clear sample) at least thirty (30) minutes prior to the advertised time of the first race in which they have been declared, unless expressly permitted by the Chairman of Stewards, shall not be permitted to fulfil any engagements at the race meeting.

### **7 – GUIDELINES FOR DRUG AND ALCOHOL TESTING**

HRNSW Stewards will conduct drug and alcohol testing of persons at race meetings, trials and at private registered properties, training tracks and training centres.

The guidelines for Stewards in their role of selecting a person or persons for drug and alcohol testing are as follows:

At Race Meetings or Trials, HRNSW Stewards will, where circumstances permit, conduct drug and/or alcohol testing. At race meetings, the testing can be conducted in accordance with directions given by the HRNSW Integrity Manager and/or Chairman of Stewards from the options provided by the HRNSW Drug and Alcohol Testing Standard Operating Procedure.

At private registered properties, training tracks and training centres, HRNSW Stewards will conduct drug and/or alcohol testing on a person or persons driving a horse or carrying on or purporting to carry on an activity regulated by licence at those locations.



## **POLICY STATEMENT**

### **TARGETTED TESTING**

In circumstances where HRNSW Stewards have a reasonable suspicion that the functions or cognitive skills of any person responsible for driving a horse or carrying on or purporting to carry on an activity regulated by licence at any time is likely to be impaired by alcohol or drugs of abuse, Stewards may direct that person to undertake a drug and/or alcohol test.

In addition, where specific information is received in relation to a person, persons or a location, HRNSW Stewards may conduct drug and/or alcohol testing of that person, persons or anyone driving a horse or carrying on or purporting to carry on an activity regulated by licence at that location.

### AUSTRALIAN HARNESS RACING RULES:

**250.** (1) A driver commits an offence if:-

(a) A sample taken from him is found upon analysis to contain a substance banned by Rule 251, or

(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.

(2) A driver may be prevented by the Stewards from driving in a race or anywhere on a racecourse 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 Rule 251 or by any other cause.

(3) In the event of an analysis of a sample taken from a driver indicating the presence of a substance banned by Rule 251, or if a driver 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 driving.

(4) In the event of a driver incurring a penalty or being prevented from driving under this rule he shall not resume driving until he delivers a sample, as directed by the Stewards, that is free of any substance banned by Rule 251.

**251.** The following substances and/or their metabolites, artifacts, and isomers are declared as banned substances in drivers when present in a urine sample (unless otherwise stated) at a concentration above the applicable cut-off level:-

(a) Lysergic acid diethylamide (LSD) (0µg/L);

(b) All barbiturates (0µg/L); 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 JWH-018, JWH-073 and HU-210.

(c) All diuretics (0µg/L): Probenecid: (0µg/L): Alcohol (at a concentration in excess of 0.02% on a breath analyser):

(d) 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): Methylenedioxymethylamphetamine (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.

(e) All anorectics – substances in this group include, but are not restricted to, Phentermine (500µg/L): Diethylpropion (0µg/L): Sibutramine (0µg/L).

(f) All opiates and opioids – substances in this group include, but are not restricted to, Morphine (0µg/L, save as specified by Rule 252: Codeine (0µg/L, save as specified in Rule 252): 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.

(g) 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).

(h) Gamma-hydroxybutyrate (GHB) and pro-drugs of GHB (1,4-butanediol: gammabutyrolactone) (10,000µg/L).

(i) Benzylpiperazine (500µg/L) and phenylpiperazine (0µg/L) and their derivatives (0µg/L).

(j) Tryptamine derivatives (0µg/L) (e.g. dimethyltryptamine: alphamethyltryptamine: hydroxydimethyltryptamine and related substances)

(k) 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 (100µg/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).

**252.** Notwithstanding the provisions of Rule 251, when Codeine and/or Morphine are detected in a sample taken from a driver then the sample shall be deemed not to contain Codeine and Morphine if:-

(a) The total Codeine and Morphine concentration is less than 2,000µg/L; or

(b) The total Codeine and Morphine concentration achieved in confirmatory testing is in the range 2,000 – 15,000µg/L inclusive and at least one of the following applies:-

(i) The Codeine to Morphine ratio contained in the sample is greater than 1.0; or

(ii) The driver satisfies the Stewards that there is no illegal use of opiates or opioids by the driver.

**252A.** The Stewards may stay in whole or in part, and for such period and under such terms and conditions as they think fit, the operation of any penalty imposed for a breach of Rule 250. Provided that, in the event of any failure to comply with any of the terms and conditions of the stay, the Stewards may order that the penalty take effect.

**252B.** Notwithstanding the provisions of Rule 250, a Controlling Body may permit a driver to receive a specified banned substance, subject to the following conditions:-

(a) The medication must be essential treatment for a substantial illness, condition or ailment suffered by the driver.

(b) The medication must be prescribed by a medical practitioner.

- (c) The medical practitioner must certify:-
- (i) The nature of the illness, condition or ailment being suffered by the driver.
  - (ii) That no alternative, non-banned substance would serve the same purpose for the illness, condition or ailment concerned.
  - (iii) That the medication would not affect the driver in a race or track-work to the extent that it could in any way constitute a danger to the driver or other drivers.
- (d) The driver must if requested submit to medical examination by a medical practitioner appointed by a Controlling Body to advise it on the matters raised in sub-paragraphs (i), (ii) and (iii) of paragraph (c) of this rule.
- (e) The driver must:-
- (i) Before driving any horse make application to the Controlling Body for permission to drive with a specifically prescribed banned substance in his system.
  - (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.
  - (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 drive effectively and/or safely.
  - (iv) Renew his application for exemption on each occasion on which he applies for the renewal of his licence.
  - (f) Under no circumstances shall a person be granted retrospective exemption under this rule.

**252C.** A licensed person, other than a driver at a meeting, when carrying on or purporting to carry on a licensed activity shall not be, in the opinion of the Stewards, under the influence of alcohol or other drugs.

**252D.** A person at a meeting when carrying on or purporting to carry on official duties related to the care and control of horses or the conduct of a race shall not be, in the opinion of the Stewards, under the influence of alcohol or other drugs.

**252E.** (1) Subject to sub-rule (2) a person shall not have any alcohol or drug of abuse in his or her body when carrying on or purporting to carry on a licenced activity or official duties at a meeting.

(2) When Codeine and/or Morphine are detected in a sample taken from a person, the sample shall be deemed not to contain Codeine and Morphine if:

- (a) the total Codeine and Morphine concentration is less than 2,000µg/L; or
- (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:
  - (i) the Codeine to Morphine ratio contained in the sample is greater than 1.0; or
  - (ii) the person satisfies the Stewards that there is no illegal use of opiates or opioids by that person.

(3) Sub-Rule (1) does not apply to an official or employee of a club whose official duties at a meeting are unrelated to the care and control of horses or the conduct of a race.

**252F.** For the purposes of Rules 250, 252C, 252D and 252E:

- (a) the Stewards may administer any test or use any equipment as they consider appropriate;
- (b) A urine sample provided by a person to whom those rules apply shall only be declared free of any banned substance if the sample contains a creatinine concentration of 200mg/L or greater. In the event that the urine sample does not contain this concentration, the person shall be required to deliver a further urine sample or samples as directed by the Stewards.





## POLICY STATEMENT

(c) the following substances and/or their metabolites, artifacts and isomers are declared as banned substances when their presence is detected by a breath analysing instrument at a concentration in excess of the applicable threshold level:

alcohol at a concentration in excess of 0.02%