

2021 RULE AMENDMENTS, CONSTITUTION AMENDMENTS, AND RESOLUTIONS

The proposed amendments to the New Zealand Rules of Harness Racing and to the Constitution of Harness Racing New Zealand Incorporated, to be considered at the 2021 Annual General Meeting of Harness Racing New Zealand Incorporated on 16 October 2021 at Christchurch are outlined below.

The proposed amendments to the Rules will come into force as set out in the remits.

1. Clause 2.1 10.1, 10.1.1, 10.4, 10.11, 10.1.3, 10.1.4, 10.1.5, 10.24, 10.25A and 10.3 Small club representation (By Kapiti Coast Harness Racing Club)

Remit part one (to come into force on 1 July 2022)

Amend clause 2.1 of the Constitution insert a definition of a small club that states:

small club shall have the same meaning as provided in the Racing Industry Act 2020

Remit part two (to come into force on 1 July 2022)

Amend

- a. Clause 10.1 of the Constitution by deleting the word “eight” and substituting the word “nine”.
- b. Clause 10.1.1 by deleting the words “, other than the Auckland Trotting Club Incorporated and the New Zealand Metropolitan Trotting Club Incorporated,” and substituting the words “(other than the Auckland Trotting Club Incorporated, the New Zealand Metropolitan Trotting Club, and small clubs)”
- c. Clauses 10.4, 10.11 by deleting the words “the Auckland Trotting Club Incorporated and the New Zealand Metropolitan Trotting Club Incorporated” and substituting the words “the Auckland Trotting Club Incorporated, the New Zealand Metropolitan Trotting Club, and small clubs”
- d. Delete the word “; and” in clause 10.1.3 and replace with “.”, renumber clause 10.1.4 as 10.1.5, and insert a new clause 10.1.4 that states:

10.1.4 One person elected by the small clubs.
- e. Within the heading prior to clause 10.24 and before the word “Auckland” insert the words “Small Clubs”.
- f. After clause 10.24 insert a new heading and new clauses 10.25A and 10.25B that states:

Election by Small Clubs

10.25A Clauses 10.3 to 10.23 and 10.29 shall apply with necessary modification to the nomination and election of a person by small clubs on the basis that only the small clubs are entitled to nominate and vote in the election and each small club shall have only one vote.

10.25B Clauses 10.35.1 and 10.36 shall apply with necessary modification to a person elected by the small clubs

Reason

The reasons for this remit are two-fold; firstly, the Racing Act describes responsibilities our code has to small clubs and as yet we do not have a definition of this entity in our Constitution. This needs to be included to ensure consistency of use within our code outside of the requirements of the Racing Act.

Secondly, although when the issue over small club representation was raised last year the Board assured the industry it had plans in place to satisfy this requirement, nothing has yet been presented.

This is not a discussion around the most appropriate board structure for HRNZ to adopt but one of compliance with the Racing Industry Act 2020.

The Act states under 15 (1) (a) (v) that each racing code must 'take measures to ensure adequate representation and involvement of small racing clubs in the code's decision making'.

Section 4.1.5 of HRNZ's Constitution states that one of the objectives of HRNZ is 'to comply with its obligations under the Racing Industry Act 2020'.

We maintain that HRNZ has failed to comply with its obligations under this section of the act and has at best given lip service to this requirement, thus being in breach of both the Act and their own Constitution.

The wording of this section of the act is quite explicit: representation, involvement and decision making are the carefully chosen words and phrases.

Representation as the act of speaking or acting on behalf of someone or some group and Involvement as the condition of participating in something, which suggests a physical act of presence, can be considered as natural and ordinary meanings within the context of this section of the act.

Decision making, as HRNZ is presently structured, comes under the jurisdiction of the board.

The wording in this section of the act, as defined above, can only be met under the present structure of HRNZ by the inclusion at board level of an elected representative of the 22 small clubs (by definition those with 3 or fewer race meetings in the present season) holding between them 36 meetings.

These clubs would then forfeit their right to vote for the four elected board positions, that being left to the remaining 13 clubs holding 122 meetings.

The number of elected representatives of each group would be roughly proportional to their contribution to the industry meeting-wise.

The argument that small clubs, through their ability at present to vote for the four elected members, have this requirement under the act met is not valid as their combined voting strength is not sufficient to ensure the election of any candidate to represent their position in the industry.

The remit, as presented, we feel is the most appropriate way to satisfy this requirement.

2. Rule 102(1)(j), 111(1), and 111(4) (By the Board)

Remit (to come into force on 20 October 2021)

Amend clauses 102(1)(j), 111(1), and 111(4) by substituting the words “Adjudicative Committee” for “Judicial Committee” wherever they appear.

Reason

These amendments were included in the amendments under rule 103A for the Racing Integrity Board to commence on 1 July 2021. Rule 103A historically did not permit amendments to Part 1 of the Rules and accordingly these amendments are again before a clubs for confirmation.

3. Rule 103A (by the Board)

Remit (to come into force on 20 October 2021)

Amend clause 103A to state:

- (1) Notwithstanding rule 103, these rules (except rule 103, 103A, and rules made under section 40 of the Racing Industry Act 2020) and the Schedules to the Rules (except the Third Schedule), may be amended, revoked or added to by the Board by a resolution passed by a majority of at least two-thirds of Board members present at the meeting at which the resolution is being voted upon.

Reason

As discussed, in remit 2 rule 103A as currently drafted did not allow for amendments to Part I of the rules. Historically this was that Part of the rules which contained rules relating to the constitution of HRNZ before its incorporation.

The proposed amendment would enable the rules to be amended under the 103A procedure except the rule making powers in rule 103 and rule 103A and the prohibited persons rules.

4. Rule 104(1) to (4) (by the Board)

Remit (to come into force on 20 October 2021)

Amend rules 104(1) to (4) to state:

- (1) These rules must be published on the HRNZ website.
- (2) Every publication shall until the contrary is proved be recognised as authentic.
- (3) Each publication may be prepared by way of consolidation of these Rules and for that purpose the Chief Executive may (subject to any direction of the Board):
 - (a) Re-number the rules, sub-rules and paragraphs of any rule so far as may be necessary by following any amendment to the rules.
 - (b) Correct any typographical error or slip that had occurred in amending the rules.
- (4) The Chief Executive may (subject to any direction of the Board) correct any error which occurs in any consolidation or re-numbering of these rules.

Reason

The Rules are no longer published in a book or pamphlet form.

The proposed amendment modernises the provision and brings it in line with practice, including that the rules must be published on the HRNZ website and enables the Chief Executive to renumber the rules following any amendment and to correct any typographical error or slip that occurs in amending the rules.

5. Rule 105 and clause 2.1 of the Constitution (by the Board)

Remit (to come into force 20 October 2021)

Amend the definition of totalisator club in rule 105 and clause 2.1 of the Constitution (with appropriate formatting) to state:

TOTALISATOR CLUB means a Club for the time being holding a betting licence issued under section 68 of the Racing Industry Act 2020 and registered under these Rules but does not include a club that only conducts an equalisator race meeting.

Reason

The definition of totalisator club is amended by excluding clubs that only conduct equalisator betting.

Equalisator clubs have under the Racing Industry Act hold a betting licence but not was previously referred to as a totalisator licence. Equalisator clubs have historically been non-totalisator clubs under the Constitution and the Rules.

6. Rule 105 (by the Board)

Remit (to come into force on 20 October 2021)

- a. Delete the definition of driver.

Reason

Rule 105 is amended by deleting the definition of driver. Following the word horseman being amended for driver the rules now state that driver means a driver.

7. Rule 105 definition of trial and rules 857(3)(a)(ii) and 1505(1) (by the Board)

Remit (to come into force on 20 October 2021)

- a. Amend the definition of Trial in rule 105, rule 857(3)(a)(ii) and 1505(1) by substituting the words “the Board” for the word “HRNZ” wherever it appears whereby the rules state:

TRIAL means a trotting or pacing race, the programming of which is approved by the Board as a trial and **TRIALS** and **TRIALS MEETING** shall have a corresponding meaning.

- b. Amend rule 1505(1) to state:

(1) Notwithstanding anything contained in these Rules monies forming the Provident Fund are the property of HRNZ to be dealt with only as the Board may from time to time determine in accordance with these Rules.

Reason

Under the Constitution and the Rules decisions may be made by HRNZ at an AGM or SGM, and by the Board in between meetings of the Clubs. The rules also provide for some decisions to be made by the Board.

Approval of programmes and dealing with the Provident Fund are decisions made by the Board.

Likewise, decisions made in relation to the Provident Fund are made by the Board.

The proposed amendments are intended to clarify that the above decisions are decisions of the Board.

8. Rule 107 and the First Schedule (by the Board)

Remit (to come into force on 20 October 2021)

Amend rule 107 and the First Schedule to state:

- 107 (1) The clubs listed in Part 1 and Part 2 of the First Schedule are declared to be registered under these rules.
- (2) The entities listed in Part 3 of the First Schedule are entities recognised as being affiliated to HRNZ or harness racing.
- (3) The Chief Executive, subject to any direction by the Board, may update the clubs and entities listed in the First Schedule.

FIRST SCHEDULE

PART 1 REGISTERED CLUBS HAVING BETTING LICENCES

Akaroa Trotting Club Incorporated
Amberley Trotting Club Incorporated
Ashburton Trotting Club Incorporated
Auckland Trotting Club Incorporated
Banks Peninsula Trotting Club Incorporated
Central Otago Trotting Club Incorporated
Cheviot Harness Racing Club Incorporated
Forbury Park Trotting Club Incorporated
Geraldine Trotting Club Incorporated
Gore Harness Racing Club Incorporated
Hawera Harness Racing Club Incorporated
Hororata Trotting Club Incorporated
Invercargill Harness Racing Club Incorporated
Kaikoura Trotting Club Incorporated
Kapiti Coast Harness Racing Club
Kurow Harness Racing Club Incorporated
Manawatu Harness Racing Club Incorporated
Marlborough Harness Racing Club Incorporated

Methven Trotting Club Incorporated
Nelson Harness Racing Club Incorporated
NZ Metropolitan Trotting Club Incorporated
Northern Southland Trotting Club Incorporated
Oamaru Harness Racing Club Incorporated
Rangiora Harness Racing Club Incorporated
Reefton Trotting Club Incorporated
Riverton Trotting Club Incorporated
Roxburgh Trotting Club Incorporated
Stratford Trotting Club Incorporated
Taranaki Racing Incorporated
Timaru Harness Racing Club Incorporated
Tuapeka Harness Racing Club Incorporated
Waikato Bay of Plenty Harness Incorporated
Waikouaiti Trotting Club Incorporated
Waimate Trotting Club Incorporated
Wairarapa Harness Racing Club Incorporated
Wairio Trotting Club Incorporated
Wanganui Trotting Club Incorporated
Westport Trotting Club Incorporated
Winton Harness Racing Club Incorporated
Wyndham Harness Racing Club Incorporated

PART 2 REGISTERED CLUBS NOT HAVING BETTING LICENCES

Chertsey Trotting Club
Christchurch Trotting Club Incorporated
Hawea Picnic Racing Club
The Kumeu District Trotting Club Incorporated
Mount Hutt Trotting Club
Thames Harness Racing Club Incorporated
Waitaki Trotting Club

PART 3 AFFILIATED ENTITIES

Canterbury Country Harness Racing Incorporated
Southern Harness Racing Incorporated
New Zealand Sires Stakes Board Incorporated

Reason

This remit updates the Schedule by removing the names of clubs that no longer exist and enables the Chief Executive to update the clubs and entities in the First Schedule as occurs under the Constitution.

The clubs that have been removed from the schedule are the Taranaki Trotting Club (replaced by Taranaki Racing Incorporated), Alexandra Trotting Club, Blenheim Trotting Club, Central Districts Harness Racing Club, Cromwell Harness Racing, and Murchison Trotting Club.

9. Rule 213(1) (By the Board)

Remit (to come into force on 20 October 2021)

Amend rule 213(1) by inserting a new paragraph (k) that states:

- (k) If there are other reasonable circumstances which, in the opinion of a Stipendiary Steward, warrant that horse being scratched.

Reason

There have, on infrequent occasions, been events occur during a race that RIB Stewards believe should have resulted in a horse being declared a non-runner and punters being refunded their money, however due to current rule restrictions these have not been able to be actioned. This was no more evident than a recent race at Oamaru where after a crash on the first bend Samantha Ottley, who was at the back of the field, caught a loose horse. The result of this act was that (1) the race was able to safely continue to completion without having to be abandoned, but also (2) that anyone who had invested on Miss Ottley's horse would lose their money through no fault of their own or their horses. Stewards felt this situation to be unfair in the extreme and requested a ruling that her runner be declared a late scratching. Fortunately, this ruling was accepted however it would be a far more robust process should this amendment be adopted for use in such situations.

10. Rule 229 and 232(1) (By the Board)

Remit (to come into force on 20 October 2021)

- a. Amend clause 229(1) and (2) by substituting the words "Chief Executive" for the word "Board" wherever they appear.
- b. Amend rule 232(1) by substituting the words "Chief Executive" for the word "Chairman".

Reason

The effect of this remit under rule 229 is to recognise that it is the Chief Executive's role to appoint the handicapper and the handicapper acts under the direction and supervision of the Chief Executive not the Board.

The amendment to rule 232(1) enables the Chief Executive to appoint a substitute handicapper.

11. Rule 324 (By the Board)

Remit (to come into force on 20 October 2021)

Amend clause 324 by inserting after sub-rule (1) a new sub-rule (1A) that states:

- (1A) Where the Board has or is to give notice under sub-rule (1) the Chief Executive, or his or her nominee, may (subject to any direction given by the Board) suspend a person's licence pending the Board's decision.

Reason

Rule 324 gives the Board the ability to cancel, withdraw suspend and consider conditions on a licence (often referred to as the show cause hearing). The Board is required to give seven days' notice of an intention to do so.

The proposed amendment enables the Chief Executive to suspend a person's licence pending the Board's decision. This amendment would enable an interim suspension pending a show cause hearing in circumstances where it is necessary.

12. Rule 401 and 402(1) (By the Board)

Remit (to come into force on 20 October 2021)

- a. Amend rule 401 by inserting a new sub-rule (3) whereby rule 401 states:

- 401 (1) The age of every horse foaled on or after 1 January and before 1 August in a calendar year shall become a one-year-old on 1 January in the next calendar year in which it is foaled.
- (2) The age of every horse foaled on or after 1 August in a calendar year and before 1 January in the next shall become a one-year-old on 1 January in the next but one calendar year in which it is foaled.
- (3) After a horse has become a one-year-old it shall age one year on the 1st January in each year thereafter.

- b. Amend rule 402(1) to state:

- (1) No horse under the age of two years shall compete in any race (except that nothing in this rule precludes a horse being entered and starting in a workout or trial after 1 October in the year before it becomes a two-year old under rule 401).

Reason

Following the change in the rules to the horse's birth dates to align with Australia and despite the intent of the rule being set out in the earlier remit circulated some persons have raised whether the horse would be aged zero or a one-year-old on the applicable 1st January date.

The proposed amendment is intended to clarify the rule previously adopted.

The amendment to rule 402(1) prevents a horse being started in a race before it is a two-year-old but permits a horse to start in workouts or trials three months after 1 October in the year before it becomes a two-year old.

13. Rule 402(2)(a) (By the Board)

Remit (to come into force on 20 October 2021)

Delete (a) of sub-rule (2) where it appears for the first time that states:

- (a) the distance of which exceeds 2400 metres, before the first day of January;

Reason

Clause 402(2)(a) is not applicable now as a horse's birthdate has been moved to 1 January.

14. Rule 418(2)(b) (By the Board)

Remit (to come into force on 20 October 2021)

Amend rule 418(2)(b) to state:

- (b) every notice of change of ownership or interest shall be signed by the registered owner(s) except in the case of the death, incapacity, absence from New Zealand, or where the registered owner has appointed a person as their agent in writing in which case the Board on being satisfied the person signing the transfer is authorised to do so the transfer may be signed by a trustee or duly authorised agent subject to such conditions as the Board may require.

Reason

Under the current rules horses sold at NZ Bloodstock sales still require the owner to sign the transfer paper. The terms and conditions enable the bloodstock company to sign the transfer on the owner's behalf.

The proposed amendment enables an owner to appoint a person as their agent to sign transfer of ownership.

15. Rule 505B (By the Board)

Remit (To come into force on 20 October 2021)

Amend rule 505B to state:

A driver who is dressed in his or her driving gear may not place a bet at a racecourse or approach a betting window.

Reason

Currently a driver is prohibited from placing a bet at a window whilst in their driving apparel. There have been instances of drivers withdrawing money from a TAB window when in their driving attire which perceptually is not something to be encouraged. This rule does not prohibit a driver from doing such an act but only requires them to change their clothing.

16. Rule 706, 711, and 874(3) (By the Board)

Remit (To come into force on 20 October 2021)

Delete rules 706, 711, and 874(3).

Reason

This remit updates the rules for current practices and the above rules are no longer required.

17. Rule 807 to 820 (by the Board)

Remit (To come into force on 20 October 2021)

Delete rules 807 to 820 and insert new rules 807 to 820B that state:

807 Every programme for a race meeting in which there are eight or more harness races at which betting takes place shall include at least two races for trotting horses on each day of the meeting unless the Board authorises otherwise in writing.

808 A club that holds betting races on four or more days in a racing year must

include at least one race day programme a betting race in which only junior drivers can drive unless the Board authorises otherwise in writing.

809 The programme of any race meeting of a racing club or other body not registered under these rules shall not include more than four harness racing races on any day unless the Board otherwise authorises in writing.

810 All race distances, distance marking on the racecourse and the handicapping of horses shall be calculated by the metric system provided that the Board may approve races over a distance of one mile.

811 The principal race on the programme of any race meeting may be called a Cup only if a Cup or other trophy is to be given to the winner.

812 A programme of any race meeting must not include a start time of any race later than thirty minutes before sunset unless suitable track lights are installed to conduct night racing.

813 (1) Every programme shall state:-

- (a) The day or each day of the race meeting.
- (b) The time at which each race is to start.
- (c) The amount of stakes and the acceptance fees for each race.
- (d) The value of non-monetary prizes.
- (e) The place and the times at which nominations, withdrawals and driver declarations close.
- (f) The names of the Secretary and President or Chairman.
- (g) Any special conditions made by the Club or other body conducting the meeting.
- (h) That the programme is subject to the Programming Conditions - General Regulations.
- (i) The payment of stakes shall be made under rule 801 to 806 of the Rules.

(2) Any accidental omission or error from any programme of any matters required by this rule shall not invalidate the programme and such omission or error may be remedied after such programme has been approved or published.

814 Every race-book in respect of a meeting shall state:-

- (a) The official start time of each race.
- (b) The names of the Stewards, Treasurer, Judge, Starter, Timekeepers, Handicappers and Secretary.

815 (1) Entrance and acceptance fees shall only be eligible to be charged on Group and Listed races

(2) A programme may not provide for combined entrance and acceptance fees in respect of each horse in any race that exceeds two (2) per cent of the amount of the stakes for the race (excluding of the value of any trophy attached to the stake) unless the race has been approved by the Board as being one for which sustaining payments are required.

(3) The Board shall annually by regulation classify those races which qualify according to their importance as Group or Listed races.

APPROVAL AND ADVERTISING OF PROGRAMMES

816(1) Before a programme is advertised or published, and before any entries are received for a race meeting or harness racing events thereat, the programme must be approved by the Board.

(2) No club or other body shall conduct a match, an exhibition of harness racing or a trial against time by a harness racing horse unless permission to do so in writing shall first have been obtained from HRNZ.

(3) Sub-rules (1) and (2) do not apply to exhibitions of harness racing referred to in sub-rule (2) of rule 702.

817 A club or other body concerned must forward a copy of each programme and such fee as the Board from time to time prescribes for each day's racing on such programme to the Board for approval.

818(1) The Board may approve the programme if satisfied:-

- (a) that all the provisions of these Rules relating to programmes and races have been complied with;
- (b) the races programmed include any specific races to be raced at the race meeting;
- (c) the programmed races do not undermine the racing calendar prepared by the Board; and
- (d) the club that in the immediately preceding year has complied with the requirements of the funding agreement between HRNZ and the Club.

819 (1) Before approving any programme the Board may require such further information as it thinks fit, the amendment of the programme, or the appointment of some other official in the place of any official disapproved of by it.

(2) In approving a programme, the Board may impose such conditions as it

thinks fit.

- (3) It shall be a condition of the approval of any programme that the club or other body holding a race meeting shall place conspicuously at every entrance to the racecourse on a notice, namely

Every person applying for or obtaining admission to this racecourse during this meeting shall be deemed to accept the conditions and restrictions imposed on him by these New Zealand Rules of Harness Racing and to agree that he will not seek any remedy available to him at law in respect of anything done under those Rules until he has exhausted all remedies provided by or under these Rules in respect of anything so done.

- (4) For an Inter-Dominion or International Championship Meeting, or other extraordinary meeting the Board may approve such programme notwithstanding that the conditions thereof may be in contravention of these rules.

- (5) The Board may refuse to approve any programme submitted to it for approval under this rule.

820 No approved programme or any of the conditions thereof, may be altered by the Club or other body, or any official thereof, without the approval of the Board except where rule 813(2) applies

820A The following approved programs must be advertised published at least once in full in the Official Notifications unless the Board approves otherwise:

- (a) The approved programme of every race meeting at which betting takes place.
- (b) The approved programme of a non-Totalisator Club or Owners' and Breeders' Association that includes a penalty-bearing race under the Handicapping System or carries a stake of \$1,000.00 or more.

820B (1) Notwithstanding any other rule to the contrary the Board may prepare a racing calendar (after consultation with totalisator clubs) for specific races to be raced at a particular race meeting, area, or time in the racing year.

- (2) To promote the racing calendar the Board may prevent a club holding a particular race if it considers it may undermine the objectives of the racing calendar.

- (3) All clubs must comply with the racing calendar

Reason

This remit provides the Board with the ability to prepare a programme of races which they consider to be in the best interest of harness racing.

18. Rule 834(7) (By the Board)

Remit (To come into force on 20 October 2021)

Amend rule 834(7) to state:

Notwithstanding anything to the contrary in the preceding provisions to this rule or elsewhere in these rules, where, in relation to a horse which has been accepted for a race and which in fact has not been scratched from that race, the Secretary or other official or servant of the Club concerned has notified TAB NZ that the horse has been scratched from that race and TAB NZ has acted on that notification, such horse shall be deemed to be scratched from that race and may not be reinstated without the prior permission of the Chair of the Stewards or his or her appointed deputy.

Reason

On rare occasions mistakes are made in the scratching of horses. The current rule requires approval from the Chairman of the Board to approve a reinstatement. This process can be problematic due to the lateness of night meetings or them being run over weekends or holiday periods. In all cases Harness Racing are consulted throughout this process and so this rule amendment would leave that power with the Chairman of Stewards on the day. This would mean the matter could be resolved in a far more expedient and efficient manner.

19. Rules 854A to 862 and rule 1107(1)(b)(i) (By the Board)

Remit (to come into force on 29 November 2021)

- a. Amend rule 1107(1)(b)(i) deleting the words “rule 862” and inserting the words “rule 859”.
- b. Delete the heading “General” before rules 854A and delete rules 854A to 862 and insert the following rules:

854 No horse may be entered for its first start for a standing or mobile start at any meeting at which racing betting takes place until that horse has behaved prior to the start, started satisfactorily, and gone away for the first 200 metres, from the nominated start type in the presence of a Stipendiary Steward, or person approved by the Racing Integrity Board in their absence.

855 (1) Only a starter licensed under rule 308, or a substitute starter under rule 211(1)(b) or rule 309, may start a race at a meeting.

(2) The Committee or a Stipendiary Steward, or the Starter with the consent of the Committee or a Stipendiary Steward, may appoint one or more Assistants to act under the personal direction of the Starter.

(3) Every Starter and Assistant shall perform such duties and functions as are provided by these rules and the Starting Regulations made by the Board.

856 (1) Only the following persons are permitted to be at the start of the race:

- (a) Stipendiary Stewards.
- (b) The Starter and the Starter's Assistants.
- (c) The race-day veterinarian.
- (d) The Clerk of the Course.
- (e) The farrier
- (f) Any other person with the express permission of the Stipendiary Stewards.

857 (1) The start for all races may be either:

- (a) a standing start;
- (b) a mobile start;
- (c) a moving start; or
- (d) a flying start in matches and exhibitions of speed against time upon such terms and conditions as the Board may decide.

(2) All races shall be started by means of a starting device approved by the Board.

858 (1) A driver must not:-

- (a) Delay the start.
- (b) Fail to obey the Starter's or Assistant Starter's instructions.
- (c) Rush ahead of the inside or outside of the gate.
- (d) Come to the start out of position.
- (e) Cross over before reaching the starting point.
- (g) Interfere with another horse.
- (h) Interfere with another driver.
- (i) Fail to come up into position.
- (j) Fail to maintain his or her position.
- (k) Rush ahead of the inside horse in the case of a moving start.
- (l) Come to the start out of position in a moving start.
- (m) Trust to chance that a false start will be declared.
- (n) Fail to come up to the mobile barrier by the time the candy pole or other nominated marker is reached.

- 859 (1) No driver shall permit a horse to start and no horse shall start on a mark in advance of its proper mark.
- (2) No driver shall permit a horse to start and no horse shall start other than from its correct barrier position or in advance of its correct barrier position (either at a standing, mobile, or moving start), unless directed by the Starter.
- (3) When a horse starts in advance of its mark or correct barrier position, in addition to any other penalty that may be imposed, the horse shall be disqualified and deemed to be scratched from the race.
- 860 The Board may make the Starting Regulations which may include how the starting position of horses are determined, the procedure for starting the race, and such other matters relating to the start of a race the Board considers appropriate.
- 861 Every Starter, Assistant Starter, driver, trainer, and person in charge of the horse must comply with the Starting Regulations so far as they are applicable to him or her.

Reason

These rule alterations/additions and new Starting Regulations aim to assist in improving the standard of starts. They also serve to greatly tidy the current rules around starts to make them a more user-friendly section of the rule book

20. Rule 872A (by the Board)

Remit (to come into force on 20 October 2021)

Insert after rule 872 a new rule 872A that states:

- 872A Where a horse is involved in an accident or pulls up or is pulled up due to injury or potential injury while on the racetrack (either before the start, during the race, or after the finish) the horse must only be moved by the horse ambulance unless permission is given for the horse to be walked off the track by the race day veterinarian or in his or her absence a Stipendiary Steward.

Reason

The sport has invested in the horse ambulances and these must be used where a horse is injured, pulls up or is unwell at a racetrack.

21. Rule 1001A(1) and (2) (by the Board)

Remit (to come into force on a date approved by the Board)

Amend rules 1001A(1) and (2) to state:

- (1) The Board may make Code of Conduct Regulations the purpose of which is to strike a balance between HRNZ needs, the need to protect its interests, manage its professional obligations to other members, stakeholders, staff, and participants rights.
- (2) A person who fails to comply with the Code of Conduct Regulations commits a breach of the rules.

Reason

At last year's annual conference rule 1001(A) was introduced which enabled the Board to make Social Media Policy Regulations. Since the last annual conference there has been various consultation on this, and it is considered that a wider Code of Conduct Regulation is preferable to a Social Media Regulation.

The proposed amendment authorises the Board to make Code of Conduct Regulations but again requires a balance to be struck between HRNZ's needs and the interests of members, stake holders', staff and participants rights.

22. Rule 1101, 1202(1)(c), 1202(4), clause 3.1 of the Fifth Schedule of the Rules, and the definition of paid official in clause 2.1 of the Constitution. (By the Board)

Remit (to come into force on 20 October 2021)

Amend the definition of Adjudicative Committee in rule 1101 to state:

Adjudicative Committee means an Adjudicative Committee appointed under the Racing Industry Act 2020

Amend rule 1202(1)(c) to state:

- (c) any decision made by an Adjudicative Committee to which clause 3(1) of the Schedule 2 to the Racing Industry Act 2020 applies (which relates to any decision made by an Adjudicative Committee on the day of the race in respect of placings in that race or stakes payable for those placings);

Delete rule 1202(4).

Amend the definition of Appeals Tribunal on clause 3.1 of the Fifth Schedule to state>

Appeals Tribunal means an Appeals Tribunal appointed under the Racing Industry Act 2020

In clause 2.1 of the Constitution amend the clause c of the definition of paid official to state:

c the Racing Integrity Board-

Reason

These remits address some additional matters following the RIB commencing on 1 July 2021 and are to ensure the rules align with the Racing Industry Act 2020 and structure under that Act.

23. Clause 25.1(c) of the Fifth Schedule and new Clause 28A (by the Board)

Remit (to come into force on 20 October 2021)

Delete clause 25.1(c) of the Fifth Schedule and after clause 28 insert a new clause 28A that states:

28A Sanctions

- 28A.1 If a respondent admits a breach of the Rules, or an Adjudicative Committee determines a respondent has committed a breach, the Adjudicative Committee must impose a sanction or penalty required by the Rules to be imposed and may impose any other sanction or penalty provided in the Rules.
- 28A.2 An Adjudicative Committee may defer any decision on sanction or penalty, or any part thereof (other than a mandatory sanction or penalty) for any reason including that:
- (a) The person is undergoing, or is to undergo, medical assessment or treatment.
 - (b) The person is undergoing, or is to undergo, training, counselling, treatment or any other rehabilitative measure.
 - (c) Any other reason the Committee considers relevant.
- 28A.2 The Adjudicative Committee when making an order under clause 28A.2 may impose any condition(s) including giving a direction that:
- (a) The person undergoes medical treatment.
 - (b) The person undergoes training, counselling, or any other rehabilitative

measure.

- (c) The person provides any information or consents to the provision of any information the Tribunal considers relevant.
- (d) The person consents to not carry out any licensed activity pending the decision on sanction or penalty.
- (e) The person attends to any other matter or comply with any other condition(s) the Tribunal considers relevant.

28A.4 When imposing a penalty or sanction under these rules, the Adjudicative Committee may, in addition to other factors prescribed by these rules, consider the extent (or otherwise) with compliance with any condition(s) or direction(s), or the outcome of any medical treatment, counselling, training, or other rehabilitative measure.

Reason

This remit has been promoted from the now Racing Integrity Board. If adopted an Adjudicative Committee can defer a decision on penalty to enable a person to undergo medical assessment, treatment or to undergo training, counselling, treatment, or other rehabilitative measures before a penalty is imposed.

This will enable the Adjudicative Committee to focus on a rehabilitation in appropriate cases.

24. Rule 1303(1) (by the Board)

Remit (to come into force on 20 October 2021)

Amend rules 1303(1) to state:

- (1) A person who is disqualified may not during the period of disqualification:
 - (a) Whether as principal or agent enter or run a horse in any race, either in his or her own name or in that of any other person.
 - (b) Train any horse, assist or be involved in any capacity in the training of any horse.
 - (c) Assist or be involved in any capacity in the breaking or gaiting of any horse, without the written consent of the Board.
 - (d) Assist or be involved in any capacity with the preparation or presentation of a horse to race at a race meeting, picnic meeting, trial, workout, or

gymkhana.

- (e) Drive any horse in a race or in any exhibition, workout, trial, race meeting, or harness race event.
- (f) Without the written consent of the Board enter or remain on a racecourse or any other place under the control of a club when being used for trials, workouts or race meetings.
- (g) Without the written consent of the Board transfer the ownership of any horse either to or from himself or herself.
- (h) Be engaged by a trainer to work as a stable hand or to work as a stable hand for any period of time.
- (i) Without the written consent of the Board enter upon the stable area or area used for training of any property of a licensed person.

Reason

This remit seeks to clarify and enhance the restrictions on disqualified person.

25. Horse Care (By the Board)

Remit (to come into force on a date approved by the Board)

Amend the rules by inserting a new Part XVII that states:

PART XVII HORSE CARE

Definitions

1701 For the purpose of this Part of the rules the following words and phrases shall, unless the context otherwise requires, have the following meanings:

Accountable Person means all of the following:-

(a) The owner of the horse except where:

- (i) there are two or more owners and they have nominated the accountable person at the time of registration or transfer of ownership in which case the accountable person is the nominated accountable person, or
- (ii) if a horse is owned by a syndicate or approved company the accountable person is the Racing Manager of the syndicate or

approved company; and

(iii) where the horse is held on trust the accountable person are the trustees of the trust.

(b) Where the horse is in training or on a trainer's premises the trainer.

(c) Where the horse is in the care of a licensed person the licensed person.

(d) In the case of a foal not registered the owner, or racing manager (as applicable) of the mare of the foal.

Chief Executive means the Chief Executive of Harness Racing New Zealand or his or her delegate.

Chief Executive of the RIB means the Chief Executive of the Racing Integrity Board or his or her delegate.

Horse Care Regulations mean the Horse Care Regulations made by the Board.

participant means:

- (a) a licensed person; and
- (b) includes (without limitation)—
 - (i) A trainer, driver, stablehand, or a person working at a harness training premises.
 - (ii) A breeder of horse(s).
 - (iii) An owner of a horse.
 - (iv) A person who otherwise deals with animals used for harness racing.
 - (v) A member of a Club.
 - (vi) Any other person to whom Rules apply.

Duties of Accountable Person

1702 The Accountable Person must take all reasonable steps to ensure that the physical, health, and behavioural, needs of the horse and its care are met in a manner that is in accordance with:

- (a) good practice;
- (b) scientific knowledge;
- (c) the Horse Care Regulations; and
- (d) the Animal Welfare Act 1999, the Code of Welfare: Horses and Donkeys, and the Animal Welfare (Care and Procedure) Regulations 2018.

- 1703 (1) If a horse moves, or is intended to be moved, for a period of 30 days or more, the Accountable Person in direct control of the horse must notify HRNZ of the new address at which the horse will be domiciled.
- (2) If a trainer ceases to train a horse, he or she shall notify HRNZ within two working days and where the horse is to be domiciled.
- (3) Within two working days of a horse coming into the hands of a licensed trainer or being moved to his or her property the trainer shall notify HRNZ.

Powers of Stipendiary Stewards and Racing Investigators

- 1704 (1) Stipendiary Stewards and Racing Investigators have, in addition to all other powers conferred on them by these rules, the power to enter and inspect any property or premises of a participant at which a horse is located and inspect any horse, facility, plant, equipment, or means of horse transport for the purpose of investigating whether there has been a breach of any rule in this part of the Rules or the Horse Care Regulations.
- (2) A participant must permit a Stipendiary Steward, Racing Investigator, and a veterinarian to have reasonable access to any property, racing premises, horse, facility, plant, equipment, or means of horse transport for the purposes of sub-rule (1).

Horse Care Compliance Notices

- 1705 The Chief Executive may issue a Horse Care Compliance Notice to an accountable person.
- 1706 A Horse Care Compliance Notice may be issued on the joint direction of the Chief Executive of HRNZ and the Chief Executive of the RIB if there are reasonable grounds to believe the accountable person has been acting in contravention of rule 1702 or is likely to do so.
- 1707 A Horse Care Compliance Notice may:
- (a) Require the person to, or to get another person to, cease acting in a manner that HRNZ has reasonable cause to believe contravenes or is likely to contravene rule 1702.
- (b) Require the person to, or to get another person to do some act or other thing that HRNZ reasonably believes is necessary to ensure that the person complies with rule 1702.

- (c) Prohibit the person from acting in a manner or prohibit some other person to act in a manner that HRNZ has good cause to suspect contravenes or is likely to contravene rule 1702.

1708 The Horse Care Regulations may direct:

- (a) The information that must be included in a Horse Care Compliance Notice.
- (b) On whom a Horse Care Compliance Notice must be served.
- (c) The procedure for a person issued with a Horse Care Compliance Notice, or who has a direct interest in the horse, to have the Notice withdrawn, cancelled, or amended.
- (d) Any other matter relating to a Horse Care Compliance Notice the Board considers appropriate.

1709 A failure to comply with a Horse Care Compliance Notice is declared to be a Serious Racing Offence.

HORSE CARE POSSESSION ORDERS

1710 The Chief Executive may issue a Temporary or Permanent Horse Care Possession Order in respect of a horse or horses to an accountable person.

1711 The Chief Executive may issue a Temporary Horse Care Possession Order on the joint direction of the Chief Executive and the Chief Executive of the RIB, which direction must be accompanied by a recommendation from an Investigator and a Veterinarian that such an Order be issued on the grounds that in their opinion:

- (a) the person has failed to comply with any requirement made or prohibition imposed under a Horse Care Compliance Notice; or
- (b) there are reasonable grounds to believe that the person in respect of whom the Order is sought, has been acting in contravention of rule 1702 or is likely to do so, and the Chief Executives believe that the issue of the Temporary Horse Care Possession Order is reasonably necessary or desirable in order to address the situation.

1713 The Chief Executive may, under a Temporary Horse Care Possession Order:

- (a) enter onto any property or premises of a participant and seize the horse(s) to which the Order applies that is in the possession or custody, or under the care, control, or supervision, of the person to whom the

Order was issued;

- (b) move a horse(s) to another property, and maintain possession of the horse(s) or place the horse(s) with another person; and
- (c) take any other steps that the Chief Executive considers reasonably necessary or desirable to prevent or mitigate any suffering of any horse.

1714 (1) A person who is served with a Temporary Horse Care Possession Order, or who has a direct interest in the horse, may within 20 working days after the notice was sent, notify the Chief Executive in writing that they apply to have the Order withdrawn, cancelled, or amended.

(2) Where no notification is received under sub-rule (1) the Temporary Horse Care Possession Order shall become a Permanent Horse Care Possession Order.

(3) Where notification is received under sub-rule (1) the Chief Executive shall within one week advise a date to consider the application.

(4) On the hearing of an application the Chief Executive may:

- (a) withdraw, cancel, or amend the Temporary Horse Care Possession Order including on conditions; or
- (b) make a Permanent Horse Care Possession Order if satisfied such an order is required on horse care grounds.

1715 On the withdrawal or cancellation of a Temporary Horse Care Possession Order, the Chief Executive will return the horse to its owner(s) subject to the terms or conditions (if any) of such withdrawal or cancellation.

1716 Upon the issue of a Permanent Horse Care Possession Order the Chief Executive may:

- (a) sell the horse (and for such purpose, where the Chief Executive is aware that the horse is subject to a security interest, the Chief Executive may permit the holder of the security interest to run the sale process);
- (b) find a home for the horse; or
- (c) euthanise or otherwise dispose of the horse in such manner as the Chief Executive sees fit,

and each person with legal or beneficial ownership of the horse is deemed to have consented to such action and (where applicable) to have irrevocably appointed the Chief Executive as its agent for the purposes of carrying out such action.

- 1717 Where an animal is sold under rule 1716 the Chief Executive must pay the proceeds of sale (if any) (after deducting (in order) the reasonable costs of sale, any sums required to be paid to the holder of a security interest or any other person under a condition of the Permanent Horse Care Possession Order, and any expenses described in rule 1718 below) to the owner(s) of the horse or such other person as the Chief Executive directs.
- 1718 Any person who fails to comply with a Temporary or Permanent Horse Possession Order or obstruct the Chief Executive or his or her delegate acting under an order commits a breach of the rules and the breach is declared to be a Serious Racing Offence.
- 1719 Any expenses reasonably incurred by the Chief Executive as a result of the exercise of any of the powers conferred by these rules, including any costs incurred by the Chief Executive in caring for the horse, providing veterinary treatment to the horse, or euthanising the horse are recoverable from the owner(s) of the horse or such other person as the Chief Executive directs. Such costs shall be declared to be arrears under these rules.
- 1720 The Horse Care Regulations may direct:
- (a) The information that must be included in a Temporary or Permanent Horse Possession Order.
 - (b) On whom a Temporary or Permanent Horse Possession Order must be served.
 - (c) The procedure for a person issued with a Temporary Horse Possession Order, or who has a direct interest in the horse, to have the Order withdrawn, cancelled, or amended.
 - (d) Any other matter relating to a Temporary or Permanent Horse Possession Order the Board considers appropriate.

GENERAL PROVISIONS

- 1721 A breach of the Horse Care Regulations is declared to be a Serious Racing Offence except where the expressed otherwise.
- 1722 An application to withdraw, cancel or amend a Horse Care Compliance Notice or a Temporary Horse Care Possession Order shall not operate as a stay of

such Notice or Order.

- 1723 For the avoidance of doubt:
- (a) Horse Care Compliance Notices and Temporary and Permanent Horse Care Possession Orders may be issued at any time notwithstanding any related filing of an information or bringing of proceedings before a Tribunal; and
 - (b) Information's may be filed and proceedings may be brought before a Tribunal at any time in respect of any alleged breach of the Horse Care Regulations irrespective of whether or not a Horse Care Compliance Notice or Temporary or Permanent Horse Possession Order has been issued.
- 1724 Nothing in this Part of the rules requires a person to keep a horse alive when it is suffering unreasonable or unnecessary pain or distress.
- 1725 Nothing in this Part of the rules limits or supersedes any other obligations imposed at law, including (but not limited to) under the Animal Welfare Act 1999 or any successor or related legislation.
- 1726 HRNZ, nor a Club, a Stipendiary Steward, an Racing Investigator, a Tribunal, or any person authorised by any of them to act under these rules, nor any employee nor agent of any of them, shall be liable for damages to the owner or lessee (as the case may be), trainer, racing manager, or accountable person of a horse or to any other person subject to these rules at any time when the alleged cause of action arose by reason of the exercise of the powers conferred (or bona fide believed to have been conferred) by this Part of the rules.
- 1727 For the avoidance of doubt, any person who is subject to any duty, obligation, or prohibition in these rules in relation to a horse is not released from that obligation merely because they are not the Accountable Person for that horse.
- 1728 Any decision made by the Chief Executive and the Chief Executive of the RIB is declared to be final and not the subject of appeal.
- 1728 Any decision made by the Chief Executive, not subject to review by the Board is declared to be final and not subject to appeal.
- 1729 Any decision made by the Board on review of a decision made by the Chief Executive is declared to be final and not subject to appeal

Reason

This remit clarifies the person responsible for a horse throughout all stages of its life in the industry and provides the ability for HRNZ to temporarily or permanently remove a horse from the care of the person responsible for it on the grounds of animal welfare. HRNZ recognises the importance of good animal care and putting in place rules that meet good practice for animal care.