

## OFFICIAL NOTICE

HARNESS RACING NEW ZEALAND Inc.

### RULE REMITS OF ANNUAL CONFERENCE 2010

The proposed amendments to the New Zealand Rules of Harness Racing and the Constitution of Harness Racing New Zealand Incorporated to be considered at the 2010 Annual Meeting of Harness Racing New Zealand Incorporated are as follows:-

1. Rule 823(3) ENTRIES, ACCEPTANCES AND INCIDENTAL MATTERS – HORSE MOVEMENT  
- by the Executive

#### Remit

Amend Rule 823(3) by replacing the words "six weeks" with the words "14 consecutive days", and inserting the words "leave his horse with another licensed trainer for a period of more than 14 consecutive days but no more than 12 consecutive weeks provided prior notice is given to Harness Racing New Zealand of the name of the trainer in whose hands the horse has been left in the form prescribed by the Horse Movement Notification Regulations made by the Executive" whereby Rule 823(3) provides:

"(3) A trainer may:-

- (a) without notice leave his horse with another licensed trainer for a period of up to 14 consecutive days;
- (b) leave his horse with another licensed trainer for a period of more than 14 consecutive days but no more than 12 consecutive weeks provided prior notice is given to Harness Racing New Zealand of the name of the trainer in whose hands the horse has been left in the form prescribed by the Horse Movement Notification Regulations made by the Executive."

### Reason

Notification of horse movement is required to ensure that HRNZ is informed of the location of horses and in whose charge the horses are in at all times. This is required for integrity purposes, punter information and to know where a horse is should there be an outbreak of an equine disease for example; equine influenza.

Under the proposed rule amendment an extension of time, from the existing seven days to 14 consecutive days, is allowed for before a licensed trainer is required to notify HRNZ that a horse is in the hands of another licensed trainer. This is to allow for a more reasonable time for horses to be away from their home base at a "circuit" of race meetings before notifying HRNZ.

The time for which a licensed trainer is permitted to leave a horse in the hands of another trainer has also been extended from six weeks, under the current rule, to 12 weeks.

The changes proposed clarify specific requirements thereby reducing some confusion in interpretation of the current rule and provides a practical framework for trainers and officials.

The Horse Movement Notification Regulations and administrative requirements will be determined by the Executive and notified to the industry. A commencement date for this system will be specified at that time.

## 2. Rule 860A - BARRIER DRAWS – SCRATCHING SUBSTITUTE SYSTEM - by the Invercargill Harness Racing Club

### Remit

Amend Rule 860A from 01 November 2010 by deleting sub-clause (2) and inserting new sub-clauses (2), (3), (4), (5) and re-numbered sub-clause (6) to allow for the introduction of a Scratching Substitute system that applies to all races, whereby Rule 860A provides:

860A(1) Notwithstanding any provisions in these Rules, clubs may include in the race programme conditions that the order of re-entry for those horses selected as emergencies with a right of re-entry will be determined by the Club in order of preference.

- (2) Horses selected as emergencies shall be excluded from the barrier draw conducted pursuant to Rule 860(2) or (3).

- (3) A horse selected as an emergency with a right of re-entry, excluding any such horse declared unruly, shall take the barrier position of the horse whose scratching allows the emergency horse re-entry to the field.
- (4) Where there are no horses with right of re-entry no horse shall be promoted from the second line to the front line in the event of any scratchings.
- (5) When following the completion of a barrier draw pursuant to Rule 860(2) or (3) hereof, any horse is scratched or withdrawn from the race the following shall apply:
  - (a) where there is no horse with a right of re-entry, the horses on the outside of the line from which the horse was scratched shall move in to take up the vacant position but no horse shall be promoted from the second line to the front line;
  - (b) where the horse re-entering the field starts on the same mark as the horse being scratched the horse re-entering the field shall start from the same position as the horse scratched or withdrawn;
  - (c) where the horse re-entering the field starts on a different mark as the horse being scratched the horse re-entering the field shall start from the outside of the horse handicapped on the same mark;
  - (d) where the horse is declared to be unruly it shall start in the position determined in accordance with Rule 860(5) hereof and to the outside of any other horse declared to be unruly;
  - (e) in any other case not provided for in the preceding paragraphs of this sub-rule, the horse re-entering the field shall take the barrier position of the horse whose scratching or withdrawal allows such horse to re-enter the field.
- (6) The foregoing provisions of this Rule shall apply to all races unless the Executive on application by any Club approves otherwise.

### Reason

To provide a standard barrier draw system throughout New Zealand that treats horses and connections fairly, and leaves a field that more closely resembles that originally drawn for races.

Emergencies are excluded from the barrier draw. When a horse is scratched or withdrawn the horse with the right of re-entry takes the place of the horse scratched, where it has a different handicap on the outside of horses starting on the same mark. This proposed remit will ensure full front lines and enhance the safety aspect of the start. In addition the punter can more easily understand this system, which is currently used in Greyhound racing and is also used by many overseas racing jurisdictions.

3. Rule 865 – NOTIFIABLE APPROVED GEAR – by the Executive

Remit

Amend Rule 865 by deleting sub-rules (1), (2), (4) and (5) and inserting new sub-rules (1) and (2). Whereby Rule 865 provides:

“(1) The trainer or person in control of a horse shall give notice, in the manner prescribed in the Approved Gear Regulations, of the notifiable gear to be worn by a horse in a totalisator race no later than the official deadline for the notification of drivers at the race meeting in which a horse is entered.

(2) Every horse entered in a totalisator race shall be presented in the assembly area prior to the race in the same or identical notifiable gear as that notified under sub-rule(1).

(3) The provisions of sub-rule (1) and (2) hereof shall not apply where in such circumstances a Stipendiary Steward directs otherwise.”

Amend Rule 865 by moving Clause (6) to the definitions detailed in Rule 105 so as to provide:

“Notifiable Gear” means any gear, appliance or device designated as Notifiable Approved Gear in the Approved Gear Regulations made by the Executive.”

Reason

The amendment to this rule is proposed in order to simplify the wording and make it easier to understand. It is also more logical and consistent to have the definition of “Notifiable Gear” defined under Rule 105 rather than Rule 865.

4. Rule 866 WHIP – by the Executive

Remit

Amend Rule 866 by inserting the words “the ends of the reins as a whip” whereby Rule 866 provides:

“No horseman shall use in a race:

- (a) a metal lined whip;
- (b) the ends of the reins as a whip;
- (c) a whip not approved by the Stipendiary Stewards.”

Reason

It is considered that the ends of the reins should not be used as a whip in order to; protect an animal’s welfare, retain proper control of the horse and to maintain the image of harness racing.

5. Rule 1001(1)(v)(ii) SERIOUS RACING OFFENCES - ABUSE OF OFFICIALS – by the Executive

Remit

Amend Rule 1001(1)(v)(ii) by inserting the words “an official of” before the word “HRNZ” and by deleting the words “the Stewards or Committee of a Club or any member or official of any such Body or any Stipendiary Steward or Racecourse Inspector” and inserting the words “a paid official, or any person engaged by a Club or by HRNZ in a professional capacity or as an independent contractor” whereby Rule 1001(1)(v)(ii) provides:

“(ii) at any time writes or causes to be written, publishes or causes to be published, or utters or causes to be uttered, any insulting or abusive words with reference to a Judicial Committee, Appeals Tribunal, an official of HRNZ, the Chairman, the Vice-Chairman, the Executive, a paid official, or any person engaged by a Club or by HRNZ in a professional capacity or as an independent contractor; or”

Reason

This Rule amendment clarifies the intent of the Rule that an official whether paid or contracted by a Club or HRNZ is covered under this Rule. This follows a JCA Appeal Committee decision where a Club Vet was deemed not to be an “official” under the existing Rule.

6. Rule 1105A – MINOR INFRINGEMENT SYSTEM - by the Executive

Remit

Amend the New Zealand Rules of Harness Racing by inserting a new Rule 1105A and Fourth Schedule – Minor Infringement System, whereby Rule 1105A and the Fourth Schedule provides:

- (a) Every information which alleges a breach of the Rules listed in the fourth schedule to these Rules may, if admitted and upon the written election of the defendant, be dealt with by way of fine imposed forthwith in the amount prescribed in the fourth schedule to these Rules provided that such breach is only the first or second breach of that Rule in the period of 365 days immediately preceding and including the date the breach is committed.
- (b) Every information which alleges a breach of any of the Rules listed in sub-rule (a) above shall notify the defendant of both his right of election to admit the information and be fined forthwith; and the penalty to be imposed as prescribed in the aforementioned schedule.
- (c) Where a defendant admits a breach and elects to be dealt with under this sub-rule, he shall give notice of his admission and his election by countersigning the information whereupon a Stipendiary Steward shall have the jurisdiction to impose the fine forthwith under the aforementioned schedule without a hearing.
- (d) Any fine imposed by a Stipendiary Steward under this sub-rule shall have the same effect and be binding on the defendant as if it were a decision of the Judicial Committee under Rule 1114.
- (e) For the avoidance of doubt, if a defendant does not admit the information he shall be entitled to a hearing before the Judicial Committee in accordance with the Rules.
- (f) Further, this sub-rule shall not apply where an information alleges more than one breach of any of the Rules listed in sub-rule (a) above.

This sub-rule shall come into force on a date to be nominated by the Judicial Control Authority.

## FOURTH SCHEDULE – Minor Infringement System

Alleged Breach of Rule:

Fine:

Rule 502(1) Late Trainer Notification	\$50
Regulations Late Driver Notification	\$50
Rule 507A Horseman Arriving Late	\$100
Rule 834(2)(a) Late Scratching not denying a horse a start.	\$200
Rule 847(2) Chin Strap Not Fastened in preliminary	\$100
Rule 847(2) Chin Strap Not Fastened in race	\$200
Rule 848 Improper Attire	\$50
Rule 849(2) Incorrect Saddlecloth	\$200
Rule 858(a) Late into assembly area	\$50
Rule 858(b) Horse Late onto Track For Race under 10minutes	\$100
Rule 858(b) Horse Late onto Track For Race under 5 minutes	\$200
Rule 859(a) Horseman failing to drive horse correct way in preliminary	\$100
Rule 859(c) Horseman leaving track without consent.	\$200
Rule 864(2)(b) Faulty Gear	\$200
Rule 864(2)(d) Gear incorrectly applied	\$250
Rule 864(2)(e) Failure to Activate Gear - non stake bearing place	\$100
Rule 864(2)(e) Failure to Activate Gear - stake bearing place	\$200
Rule 864(3) Failure to Report Gear Malfunction	\$100
Rule 865 - Late notification of gear	\$50
Rule 865 - Horse Presented in Incorrect Gear	\$100
Regulations Non-warranted Sulky	\$100

### Reason

The proposed Minor Infringement System (MIS) will allow a Judicial Committee to impose a penalty, without the requirement for an information to be filed on a licensed person who (a) admits in writing that they have committed a breach of one

or more of the Rules set out in the schedule and (b) accepts in writing the penalty imposed, being a fine in the amount specified in the schedule.

The introduction of the MIS will expedite the judicial process for the Judicial Committee, HRNZ and the licensed person in straight forward cases.

This system has been developed in conjunction with representatives of the New Zealand Trainers and Drivers Association, Stipendiary Stewards and the JCA, and for reasons of consistency is in line with that proposed by New Zealand Thoroughbred Racing.

6. Rule 1106(2)(b) NOTICE OF HEARING – SERVICE OF INFORMATION – by the Executive Remit

Amend Rule 1106(2) by deleting sub-rule (b) in its entirety.

Reason

Parliament's Regulations Review Committee has raised concerns that service by public address may contravene the Bill of Rights Act 1990.

The New Zealand Court of Appeal has not determined the Act's application to a sports disciplinary body before, but it has expressed doubts over whether the prescribed minimum rights and standards extend to other statutory disciplinary (but not criminal) proceedings.

However, as HRNZ does not "serve" charges via the Public Address system, it seems reasonable to delete this sub-rule entirely to address concerns raised by the Review Committee.

7. Rule 1107 (1) and (2) SERVICE OF INFORMATION AND OTHER DOCUMENTS – DEEMED SERVICE OF CHARGES – by the Executive

Remit

Amend Rule 1107(1) by inserting after sub-clause (d) the words “(e) by being sent to him by facsimile at his known facsimile number or the facsimile number at his place of business; (f) by being sent to him by email at his last known email address” and amend Rule 1107(2) to correspond accordingly whereby Rule 1107(1) and (2) provide:

“1107 (1) Any information or other document which is required to be served on any person pursuant to these Rules may be served on him in any of the following ways:-

- (a) by being delivered to him personally or being brought to his notice if he refuses to accept it; or
- (b) being left for him at his place of residence with a person appearing to reside there and appearing to be of or over the age of 14 years; or
- (c) by compliance with Rule 1106; or
- (e) by being sent to him by facsimile at his known facsimile number or the facsimile number at his place of business; or
- (f) by being sent to him by email at his last known email address.”

(2) Where service is effected in accordance with paragraphs (c)(d)(e) or (f) of sub-rule (1) hereof, then, unless the contrary is proved service shall be deemed to have been effected on the person to whom a letter, facsimile or email is addressed:

- (a) when the letter would have been delivered in the ordinary course of post, and in proving service it shall be sufficient to prove that the letter was properly addressed and posted.
- (b) when the facsimile was sent to the addressee’s facsimile number; and
- (c) when the email was acknowledged by the addressee by return email or otherwise in writing.”

### Reason

This rule amendment is proposed so as to bring the New Zealand Rules of Harness Racing into line with those of New Zealand Thoroughbred Racing with regard to the service of charges and ensure consistency between the two equine codes. The amendment extends the existing rule to cover modern communication methods such as facsimile and email.

## 8. CHANGE IN TERMINOLOGY – by the Executive

### Remit

That the Rules (in conjunction with the Constitution and Regulations of HRNZ) be amended throughout by replacing the word “Executive” with “Board”, “General Manager” with “Chief Executive” and “Treasurer” with “Finance Chair”.

### Reason

It is proposed that a number of changes in terminology are made to bring the wording in our rules, regulations and constitution into line with the commercial world, to help in understanding roles and avoid confusion. For example there is confusion occasionally with people considering that the “Executive” are employees as the term is generally implied in business, when in actual fact they are “Board” members.