

8 July 2014

CIRCULAR NO 1336

To: The Secretary all Totalisator Clubs and Kindred Bodies
From: Edward Rennell, Chief Executive
Subject: **2014 REMITS AND CORRESPONDENCE ITEMS FOR ANNUAL GENERAL MEETING**

Please find **attached** the 2014 Rule Remits and two Correspondence Items for this year's Annual Meeting being held at the Copthorne Commodore Airport Hotel, Christchurch, on Saturday 9 August 2014 commencing at 1.00 pm.

The Remits and Correspondence Items will be printed in the Harness Racing Weekly this week (9 July 2014).

Should you have any queries regarding these items or require clarification, please do not hesitate to contact me.



Edward Rennell
CHIEF EXECUTIVE

OFFICIAL NOTICE

HARNESS RACING NEW ZEALAND INC.

RULE REMITS FOR THE 2014 ANNUAL CONFERENCE

The proposed amendments to the New Zealand Rules of Harness Racing to be considered at the 2014 Annual Meeting of Harness Racing New Zealand Incorporated on 9 August 2014 at Christchurch are:

1. Rule 308(3) and (3A) - Medical Certificate for Judges and Starters

Remit

Delete Rules 308(3) and 308(3A).

Reasons

The current Rules give HRNZ the discretion to require Judges and Starters to require a medical certificate prior to being licenced. It is HRNZ's view that this is unnecessary and this Rule should be deleted as this is seen as an employment issue between the employer (club) and employee and not a matter for HRNZ to become involved in.

2. Rule 424(3)(b) - Joint Interest – Number of Owners

Remit

Amend Rule 424(3)(b) by deleting "six" and replacing it with "eight".

Reasons

The proposal here is to increase the individual number of owners permissible from six to eight prior to the need to form a syndicate. This will allow up to eight individual owners to be listed in the racebooks subject to printing restrictions. HRNZ considers that this will allow for increased individual recognition of owners, while also not precluding syndicates being formed for eight or less owners if they so desire.

3. Rule 513 – Alcohol Testing of Horsemen

Remit

Amend Rule 513 to read:

- (1) *A Stipendiary Steward or Racecourse Inspector may require a horseman at any time to supply a sample of his or her breath to determine the breath alcohol level by a device approved under the Land Transport Act 1998, associated legislative instruments, or the Board.*
- (2) *A horseman must comply with directions given by the Stipendiary Steward or Racecourse Inspector until the alcohol breath test is completed or there is a failed result.*
- (3) *Where a horseman is required to supply a sample of breath within 1 hour prior to the start of a race in which he or she is engaged to drive and either:*

- (a) *the breath testing device records a level greater than 100 micrograms of alcohol per litre of breath (0.02%);*
 - (b) *the horseman fails or refuses to complete the test as directed by the Stipendiary Steward or Racecourse Inspector; or*
 - (c) *the result is a failed result for any reason-*
the horseman must be stood down from all remaining driving engagements at the meeting.
- (4) *A horseman commits a breach of these rules who presents himself or herself within 1 hour prior to the start of the race in which he or she is engaged to drive or who drives in a race commits a breach of these rules if he or she:*
- (a) *fails to comply with directions given by a Stipendiary Steward or Racecourse Inspector under this rule;*
 - (b) *fails or refuses to complete the alcohol breath test; or*
 - (c) *has a breath alcohol level greater than 100 micrograms of alcohol per litre of breath (0.02%).*

Reasons

The current Rules provide for a confirmatory blood test to be done where there is suspicion that a horseman has alcohol in his system. From a practical point of view, this has been unworkable and after consultation between the Harness Racing Trainers & Drivers Association and Racing Integrity Unit, it was agreed that HRNZ should look to adopt similar Rules to those of NZTR in this area. It is considered that this is more practical and will ensure that driver safety is maintained and help to ensure drivers with any alcohol in their system do not drive.

4. Rule 862 - Horses Starting in Advance of Mark

Remit

Amend Rule 862 to read:

- 862 (1) *No horseman shall permit a horse to start and no horse shall start on a mark in advance of its proper mark.*
- (2) *No horseman 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 or mobile start), unless directed by the Starter in accordance with Rule 860(8).*
- (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.*

Reasons

Rule 862 covers the situation of a horse starting in advance of its correct mark (1) or from the incorrect barrier (2). Under Sub-Rule (3), it is mandatory for the horse concerned to be disqualified for breaching Sub-Rule (1) and discretionary for Sub-Rule (2). The Board believes, based on a recommendation from the RIU, that a Rule change should be made to provide for discretion for the JCA in the case of a breach of Sub-Rule (1) to declare the horse concerned a non-runner. This will allow the refund of bets to punters and ensure their interests are protected. Under the Rule proposed, the discretion for making this decision will lie in the hands of the JCA.

5. Rule 869(8) - Protest Rule

Remit

Delete Rule 869(8) and insert new Rule 869A, which reads:

- 869A (1) *For the purpose of this rule:*
- (a) *“placed horse” means a horse placed by the Judge 1st, 2nd, 3rd, 4th or 5th;*
 - (b) *“interference” means any conduct referred to in rule 869 which interferes or is likely to interfere with the progress of any horse in a race.*
- (2) *When a placed horse or its driver causes interference and the Judicial Committee is satisfied that the horse interfered with would have finished ahead of the horse that, or whose driver, caused the interference the Judicial Committee must, in addition to any other penalty that may be imposed, place the horse that, or whose driver, caused the interference immediately after the horse interfered with.*
- (3) *If the Judicial Committee is satisfied the interference was as a deliberate or reckless act or omission on the part of the driver who, or whose horse, caused interference the Judicial Committee, in addition to any other penalty that may be imposed, shall place the horse who, or whose driver, caused the interference immediately after the horse interfered with irrespective of where the interfered horse finishes.*

Amend in rules 870(5), 1102(4) and 1103(4)(iii) the reference to rule “869(8)” to rule “869A”

Reasons

The current Rule can cause inconsistent and unfair decisions for both connections and the betting fraternity. To relegate a horse that has caused minimal interference can be harmful for the sport and damage punter confidence.

Betting confidence is a major component to harness racing’s success. Our closest neighbour in both harness racing and betting is Australia. It is important that we are consistent where possible with significant Rules. We exchange participants and horses regularly and it must be difficult for those participants to compete with different Rules.

For the punter it must be concerning to have a bet on a New Zealand harness race and lose a winning bet due to the low level of proof required to have an objection upheld as opposed to being confronted with the same scenario in Australia where it would be dismissed.

RIU opinion is that in all likelihood the punter would feel more secure and confident with betting in Australia and New Zealand if the protest Rules were consistent. In addition, we have co-mingled pools so it makes sense to have the same Rule being applied in both New Zealand and Australia where possible.

When considering changes to the Rules of Racing one must be satisfied that there is a need and more importantly it’s in the best interest of the industry.

The current HRNZ Protest Rule in the opinion of the RIU requires review for a number of key factors:

1. Consistency both domestically and internationally
2. Punter Confidence
3. Higher level of proof for a change of placings
4. Same interpretation with NZ Thoroughbred code for the JCA.

The current scenario of a “horses chances being affected” being the yardstick for a change of placings can be very loose and provide for inconsistent decisions. Furthermore, generally a raceday is subject to numerous protest hearings or at least a delay in the all clear because of the low level proof required to alter placings.

The proposed remit requires a higher level of proof before a change of placings may occur. This in itself gives more protection to the participants and punter when interference occurs during a race. Under the remit, protests may only be lodged against horses in dividend bearing positions from horses who may be promoted to a dividend bearing position.

The industry is driven by investment confidence whether that is by an owner, trainer or punter. Adopting the proposed remit would potentially achieve greater confidence from all sectors.

It is crucial we understand that at all times the proposed Rule permits a horse to be disqualified from any placing and obviously drivers can be charged and penalised in accordance with the Rules. This should and will deter drivers driving in a manner that would be considered dangerous and deliberate.

6. Rule 869A(4) and (5)

Remit

If Rules 869A(1) to (3) are adopted, insert new Rule 869A(4) and (5) which read:

- (4) *If the Judicial Committee is satisfied, as a result of interference, the horse interfered with was denied a higher finishing place it may order that the stake monies, or a portion of the stake monies, payable on respect of the horse that, or whose driver, caused the interference be paid to the owners of the horse interfered with.*
- (5) *An information applying for a ruling under sub-rule (4) must be filed by the owner, or the owners' authorised agent, of the horse interfered with no later than 30 minutes after the last race on the day of racing.*

Reasons

Assuming the protest Rule is adopted in Remit 5, these two sub-clauses will give discretion to the JCA that if it is satisfied that interference has taken place, to order that a portion of the stake monies payable to the horse causing the interference may be paid to the connections of the horse that was interfered with. Under these sub-rules, the connections of the interfered with horse would need to lodge the information within 30 minutes of the last race of the day. The purpose of this Rule is to provide discretion that even though a horse may not have finished in a higher finishing place than the horse causing the interference, if its chances were impaired of receiving greater stake money, the JCA will have the discretion to make an order against the higher placed horse to this effect.

7. Rules 882 to 883 - Monté Races

Remit

Insert after Rule 881 the heading "Monté Racing" followed by new Rule 882 to 901, which read:

Monté Racing

882 The Board may approve in any programme the running of a monté race.

883 These rules shall apply with all necessary modification to monté racing.

884 Monté racing shall be conducted in accordance with the Monte Racing Regulations made by the Board and these rules as modified under rule 883.

These rules shall come into force on a date notified by the Board.

Reasons

Monté racing (effectively saddle racing for trotters) is very successful in Europe and has recently been tried with moderate success in Australia. The proposed Rule change would provide for the Board to introduce Regulations outlining the conduct of Monté racing in New Zealand. Some interest has been expressed by clubs in running such races so this will give the ability for such an initiative to be considered.

8. Rule 1004 – TCO₂ Level and Penalties Regime

Remit

Amend Rule 1004 (1A) to read:

1004 (1A) A horse shall be presented for a race with a total carbon dioxide level at or below the level of ~~35.0~~ 36.0 millimoles per litre in plasma.

Insert a new Rule 1004 (7A) to read:

1004 (7A) Every person who commits a breach of sub-rule (1A) shall be liable to:

- (a) be disqualified from holding or obtaining a licence for a minimum of 2 years for a first offence;*
- (b) be disqualified from holding or obtaining a licence for a minimum of 5 years for a second offence;*
- (c) be disqualified from holding or obtaining a licence for a minimum of 10 years for a third offence.*

Reasons

HRNZ proposes to increase the threshold level for TCO₂ under the Prohibited Substance Regulations from 35.0 to 36.0 mmol. This would bring the prohibited level for harness racing in New Zealand into line with other racing jurisdictions internationally, in particular Australia and New Zealand Thoroughbred Racing.

Statistical analysis is that the risk of a false positive with the higher level rises from 1 in 15,793 to 1 in 2,021,729. As a result HRNZ believes that the higher level should be accompanied by a stronger penalties regime to act as a significant deterrent. Given the statistics outlined, any positive will be the clear result of administration. In simple terms this is cheating and trainers who do so should be firmly penalised.

Consistent with the policy adopted by Harness Racing New South Wales, HRNZ proposes that for any TCO₂ breaches and administrations in future the following penalty regime will apply:

- 1st offence – 2 years minimum disqualification
- 2nd offence – 5 years minimum disqualification
- 3rd offence – 10 years minimum disqualification

9. Rule 1308A – Disqualification From A Race

Remit

Insert a new Rule 1308A which reads:

1308A (1) Where a horse is disqualified from a race any stake money available to all other starters shall be paid in respect of such horse.

(2) Sub-rule (1) does not apply when the horse is disqualified in connection with a breach of these rules relating to prohibited substances.

Reasons

Currently the rules do not specify explicitly as to what is to happen with respect to the unplaced runners stake money for disqualified horses. HRNZ believes it would be appropriate to clarify in the Rules to ensure that “also ran” money should be paid, with a clear distinction that in situations of a breach of the Prohibited Substance Regulations it would not be.

10. FOURTH SCHEDULE

Remit

Amend the Fourth Schedule by substituting the reference to rule 847(2) with 847(3).

Reasons

This amendment is to correct a typographical error in the rules. This amendment will allow for breaches of the requirement for drivers to have chin straps securely fastened at all times on the track considered via the minor infringement process.

2014 CORRESPONDENCE ITEM FOR CONSIDERATION

DRIVING FEE FOR SCRATCHED HORSES

– by the New Zealand Harness Racing Trainers & Drivers Association

Recommendation

That the Driving Fees Regulation be amended to provide for the payment of a full driving fee to declared drivers once any horse is scratched post the final declaration of drivers.

Reason

Currently driving fees are paid to drivers participating in races. This denies drivers who confirm in good faith to drive a horse that is subsequently scratched the opportunity to earn an income by taking alternative drives. They also may have incurred expenses in travelling to the meeting in cases of late scratchings. Under this proposal, the driving fee will be paid to drivers for any scratching post the final declaration of drivers. As this is a Regulation change and can be approved by the Board, the support of the Conference is sought to provide direction in relation to this.

2014 CORRESPONDENCE ITEM FOR CONSIDERATION

DUAL ACCEPTORS

– by the Board of HRNZ

Recommendation

That the General Programming Conditions Regulation be amended to preclude dual acceptors racing on the same day.

Reason

Currently there are no restrictions under the Rules on horses racing twice on the same day. In the 2012/13 season this happened 12 times, while for the current season so far just eight. In the 2012/13 season, there were 516 occasions where a horse started once at a race meeting and was scratched from another race at the same meeting. This number drops to 370 if you eliminate instances where the horse was scratched due to being a ballot in another race.

HRNZ considers that there are a number of disadvantages in providing for dual acceptors racing twice on a day:

- It is considered this is not punter friendly, particularly with multiple bets (Pick 6 and Quaddies)
- There could be possible animal welfare concerns raised with respect to horses racing twice
- The perception of horses not fully competing in the first race if they gallop
- A number of instances where a horse has raced once and then late scratches from the second race
- The practice is becoming less prevalent in modern times
- It provides for increased administrative duties for clubs and TABs on the day.

The change that would be made to the General Programming Conditions Regulation would have the following intent:

- No horse would be able to be accepted into two races at any meeting or meetings on the same day. The exception would be if the horse was on a ballot at the meeting. It would be required to be scratched from one race at final scratching/re-entry time, therefore only leaving it in the one race.
- Another exception would be where heats and finals are held on the same day.
- Another exception would be where a horse is in a race by itself at acceptance time, thus gaining a walkover. This would need to be granted by Stewards before fields are completed so that it could be accepted into another race on the same day.
- Where the fields are completed and a race subsequently becomes a walkover and the horse has gained a start from the ballot in another race, it could also be allowed to start if the Stewards grant the walkover.

While this is a Regulation change and could be made by the Board, it is felt that the views of the Conference on this should be obtained. Hence this is proposed as a correspondence item where the views of clubs and kindred bodies can be sought prior to confirming the Board's position on this.