



CONSTITUTION

OF

HARNESS RACING NEW ZEALAND

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CONSTITUTION
of
Harness Racing New Zealand Incorporated

1. NAME AND COMMENCEMENT

- 1.1 The name of the governing body for harness racing in New Zealand is “Harness Racing New Zealand Incorporated” which is abbreviated in this Constitution as “HRNZ”.
- 1.2 HRNZ is hereby declared to be for all purposes the same body as that constituted previously as an unincorporated body under the name the “Harness Racing New Zealand” pursuant to the New Zealand Rules of Harness Racing.
- 1.3 This Constitution takes effect as from 1 October 2018 (“commencement date”).

2. INTERPRETATION

- 2.1 In this Constitution, unless the context otherwise requires:

betting, betting licence, and betting race shall have the same meaning as provided in the Racing Act 2003.

Board means the body of persons comprising the elected and appointed members of the Board of HRNZ established under this Constitution.

chairperson means the chairperson of the Board elected or appointed pursuant to clause 9(9)(b) hereof.

club means a registered club and includes the clubs listed in the First Schedule.

commencement date means 1 October 2018.

Committee, when used in reference to the committee of a club, means the body of persons, by whatever name called, charged with the general management of the affairs of the club under its rules.

constitution in relation to HRNZ means this Constitution and in relation to a club and kindred body means the rules or other constitutional document of the club or kindred body.

chief executive means chief executive of HRNZ or other person authorised to act on the chief executive’s behalf.

kindred body means the New Zealand Standardbred Breeders Association, the New Zealand Harness Racing Trainers and Drivers Association, and the New Zealand Trotting Owners Association.

meeting means either an annual general meeting or a special general meeting or both (as the case may be) of HRNZ.

official notification and **official notifications** means the publication in the Official Notifications on the HRNZ website, www.hrnz.co.nz.

paid official means a person employed or engaged by:

- a. any club, racing club, body or company consisting of a combination of clubs at its meeting or in its operations or works;
- b. by HRNZ or the Board; or
- c. the Racing Integrity Unit Limited or the Judicial Control Authority–

and who receives in respect of such employment or engagement any emolument, wages, or salary but does not include any medical practitioner, veterinary surgeon, barrister, solicitor, or auditor in respect of their engagement in a professional capacity or as an independent contractor.

Racing Act 2003 means the Racing Act 2003 and any Act passed in substitution of that Act and in which case the provision of this Constitution will apply with necessary modification.

racing year means the period beginning on 1 August in any calendar year and ending on 31 July in the following calendar year.

Register means a register maintained by the chief executive recording the membership registration of clubs.

resolution of HRNZ means a resolution at an annual general meeting or a special general meeting of HRNZ passed in accordance with clause 9.29.1 of this Constitution.

rules means the New Zealand Rules of Harness Racing (including the appendices, schedules, and regulations made under this Constitution or the rules).

rules of racing means the rules of racing made by New Zealand Thoroughbred Racing Incorporated or New Zealand Greyhound Racing Association Incorporated.

special resolution of HRNZ means a special resolution at an annual general meeting or a special general meeting of HRNZ passed in accordance with clause 9.29.2 and 9.29.3 of this Constitution.

totalisator club means a club for the time being holding a betting licence issued under s 45 of the Racing Act 2003 and registered under this Constitution.

working day means any day of the week other than—

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and
- (b) a day in the period commencing with 25 December in any year and ending with 15 January in the following year; and
- (c) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday.

2.2 A club or kindred body voting on any matter under this Constitution shall have the number of votes provided in the Second Schedule.

2.3 Subject to the provisions of the Racing Act 2003 the terms and provisions of this Constitution shall, unless the context otherwise requires, be interpreted consistent with the provisions of the New Zealand Rules of Harness Racing.

3. OFFICE

3.1 The registered office of HRNZ shall be determined by the Board from time to time.

4. OBJECTS

4.1 The objects of HRNZ are to:

- 4.1.1 control all harness racing conducted in New Zealand in accordance with this Constitution and the rules;
- 4.1.2 promote and advance harness racing in all its forms in New Zealand;
- 4.1.3 ensure that all requirements of the rules are observed, and complied with, by all persons and bodies to which they apply under to rule 102(1) of the rules;
- 4.1.4 consider and deal with all matters submitted to HRNZ in accordance with this Constitution and the rules; and
- 4.1.5 comply with its obligations under the Racing Act 2003.

5. MEMBERSHIP

Membership of HRNZ

5.1 The clubs listed in the First Schedule of this Constitution are:

5.1.1 the registered members of HRNZ; and

5.1.2 deemed to be recorded in the Register kept under clause 5.7.

5.2 The Board may direct the chief executive to update the clubs listed in the First Schedule.

Application for membership

5.3 A club may apply to be registered as a member of HRNZ in the form prescribed by the Board.

5.4 The Board may impose conditions for an application for registration as a member of HRNZ.

Processing of an application

5.5 An application by a club for registration as a member of HRNZ shall be considered by the Board which may:

5.5.1 grant or refuse the application; or

5.5.2 refer the application to the annual general meeting or a special general meeting for approval by special resolution.

5.6 An application for registration may not be granted where the constitution or rules of the Club permit a division or apportionment of any part of its property or surplus funds to any of its members at any time during its existence or in the event of its dissolution.

Registration

5.7 The Board may from time to time approve a Register in which shall be entered particulars of the registration of every registered club.

- 5.8 The Register is conclusive proof as to whether or not a club is registered and of any particulars entered for the purposes of this Constitution and the rules.
- 5.9 When an application for registration is granted, or approved by special resolution, the chief executive shall advise the club, notify the registration in the official notifications, and record the registration in the Register.
- 5.10 A club may change the name under which it is registered with the consent of the Board and on payment of a fee of as the Board may decide.
- 5.11 A change of name of a club shall be recorded in the Register and notified in the official notifications after the secretary of the club has certified that the necessary steps have been taken in accordance with its constitution to change the name.
- 5.12 Registration confers on a club all rights, powers, functions and duties conferred on clubs by this Constitution and the rules.
- 5.13 Registration operates as an agreement by the club and its members:
- 5.13.1 to faithfully observe, perform and carry out the requirements of this Constitution and the rules;
 - 5.13.2 to obey all orders and directions made or given under this Constitution and the rules; and
 - 5.13.3 that they will not exercise or claim in respect of harness racing, the control of harness racing, or any power or authority, except as is conferred on it by this Constitution or the rules.

Cancellation and suspension of registration

- 5.14 The Board must cancel the registration of a club if it is satisfied that registration was secured by any false or fraudulent representation, any material omission, or by the production of any false certificate or other document.
- 5.15 The Board may suspend on terms or conditions or cancel the registration of a club which has:
- 5.15.1 failed to observe, perform or carry out the requirements of this Constitution or the rules;

5.15.2 not held a race meeting for three consecutive years;

5.15.3 a constitution which permits the division or apportionment among any of its members of any part of its property or surplus funds during its existence or in the event of its dissolution.

5.16 The chief executive is to:

5.16.1 notify a suspension or cancellation of a club's registration in the official notifications;

5.16.2 record the suspension of a club's registration in the Register; and

5.16.3 remove from the Register a club whose registration is cancelled.

Club returns

5.17 Each club shall forward to the chief executive within ten working days after its annual general meeting:

5.17.1 audited financial statements in an approved standardised format (including a statement of financial performance and a statement of financial position) showing the full the financial position of the club at the close of the previous financial year; and

5.17.2 a record of its total number of valid members.

5.18 A club shall if required by the Board:

5.18.1 forward to the chief executive an update on its financial position within a timeframe fixed by the Board;

5.18.2 provide financial statements in an approved standardised format (including a statement of financial performance and a statement of financial position) within a timeframe fixed by the Board;

5.18.3 provide a business plan including financial budgets within a timeframe fixed by the Board; and

5.18.4 forward to the chief executive the total number of valid members within a timeframe fixed by the Board.

6. KINDRED BODIES

- 6.1 The Board may prescribe the minimum number of members for a kindred body and any association affiliated to it for the purpose of this Constitution.
- 6.2 Where a kindred body consists of fewer members than any minimum specified in clause 6.1 any right, benefit, or privilege imposed or granted to the kindred body under this Constitution or the rules may be revoked by special resolution of HRNZ.
- 6.3 A kindred body and association affiliated under its constitution shall send to the chief executive within ten working days after its annual meeting:
 - 6.3.1 audited financial statements in an approved standardised format (including a statement of financial performance and a statement of financial position) showing the full the financial position of the kindred body at the close of the previous financial year; and
 - 6.3.2 a record of its total number of valid members.
- 6.4 A kindred body shall observe, perform and carry out all requirements of and obligations under this Constitution or the rules and shall obey all orders and directions made or given under this Constitution or the rules.
- 6.5 A kindred body shall if required by the Board:
 - 6.5.1 forward to the chief executive an update on its financial position within a timeframe fixed by the Board;
 - 6.5.2 provide financial statements in an approved standardised format (including a statement of financial performance and a statement of financial position) within a timeframe fixed by the Board;
 - 6.5.3 provide a business plan including financial budgets within a timeframe fixed by the Board; and
 - 6.5.4 forward to the chief executive the total number of valid members within a timeframe fixed by the Board.

6.6 A kindred body which does not comply with any provision of this Constitution or the rules, or which has fewer number of members as specified in clause 6.1 may have their voting and speaking rights at any meeting of HRNZ suspended:

6.6.1 by the Board on terms and conditions as the Board considers appropriate; or

6.6.2 by resolution of HRNZ.

7. REPRESENTATIVES AT MEETINGS OF HRNZ

7.1 A totalisator club is to elect or appoint one representative to attend any meeting of HRNZ on behalf of the club.

7.2 A totalisator club is entitled to representation at a meeting of HRNZ if it is:

7.2.1 issued a betting licence during the racing year in which the meeting is held;
and

7.2.2 registered pursuant to this Constitution and such registration is not suspended or cancelled.

7.3 A totalisator club entitled to representation at a meeting shall elect or appoint one representative to attend any meeting of HRNZ on behalf of the club.

7.4 A kindred body is entitled to representation at a meeting and shall elect or appoint one representative to attend any meeting of HRNZ on behalf of the kindred body.

7.5 A person is not eligible to be elected, appointed, or to continue as a representative of a club or kindred body who:

7.5.1 is not a member of the club or kindred body; or

7.5.2 has at any time been or is disqualified for a serious racing offence or corrupt practice under the rules or the rules of racing, the former New Zealand Rules of Harness Racing or rules of racing, or any equivalent rules of any recognised harness racing club, racing club, Authority or body in New Zealand or any country.

- 7.6 Each totalisator club and kindred body entitled to representation at a meeting shall notify the chief executive the name of its representative at least ten working days prior to the meeting.
- 7.7 If a representative is unable to be present at a meeting the club or kindred body which they represent may by letter, email, or such other method as is approved by chief executive appoint a person to be the substitute for the representative.
- 7.8 The substitute for a club appointed under clause 7.7 must be a member of a totalisator club.
- 7.9 The substitute for a kindred body appointed under clause 7.7 must be a member of the kindred body.
- 7.10 The substitute appointed under clause 7.7 may exercise all the voting powers and other functions of the absentee representative.
- 7.11 Every totalisator club shall be represented at each meeting of HRNZ unless the Board permits otherwise.

8. MEETINGS OF HRNZ

Annual general meeting

- 8.1 The annual general meeting of HRNZ shall be held within six months of the end of the financial year and no later than eighteen months after the previous annual general meeting at such time and place as the Board from time to time decides.

Notice of annual general meeting

- 8.2 The time and place of the annual general meeting shall be notified by the chief executive in the official notifications and by notice to each totalisator club and kindred body.

Business of annual general meeting

- 8.3 The order of business of the annual general meeting shall be decided by the Board unless directed otherwise by resolution made, at any time, during the meeting.
- 8.4 The order of business may include:

- 8.4.1 roll call of representatives;
- 8.4.2 adoption of the minutes of the previous annual general meeting, and any special meeting;
- 8.4.3 the adoption of the annual report;
- 8.4.4 the returning officer's and scrutineers' reports on elections of members of the Board and declaration of persons elected or appointed;
- 8.4.5 correspondence items;
- 8.4.6 the consideration of resolutions of which notice has been given and amendments to the rules and Constitution; and
- 8.4.7 such other business as may be brought before the annual general meeting.

Special general meetings

- 8.5 The Board may direct the chief executive to convene a special general meeting for consideration of such matters as it thinks fit.
- 8.6 The chief executive must convene a special general meeting on a date and place decided by the Board on request in writing signed by a majority of totalisator clubs. Any request must include full details of the business to be dealt with at the special general meeting.
- 8.7 For the purpose of clause 8.6 a majority is to be decided by reference to the number of votes each club has as set out in the Second Schedule.
- 8.8 A special general meeting may be convened by the representatives or their substitutes:
 - 8.8.1 being assembled together at the place, date and time appointed for the meeting;
 - 8.8.2 participating in the meeting by means of audio, audio visual, electronic communication or the use of other technologies as decided by the Board;or

- 8.8.3 by a combination of both of the methods in 8.8.1 and 8.8.2 as decided by the Board.
- 8.9 Notice of a special general meeting shall be sent to each club and kindred body and published in the official notifications at least 20 working days, before the date fixed for the meeting.
- 8.10 The notice of a special general meeting shall include:
- 8.10.1 the date, time, and place of the special meeting;
 - 8.10.2 the business to be considered at the special meeting;
 - 8.10.3 any technologies which the Board has decided may be utilised to enable the representatives to be present but not attend personally; and
 - 8.10.4 any other matter which the Board considers appropriate to facilitate the special general meeting taking place.
- 8.11 No business other than that stated in the notice of special general meeting may be decided at the meeting except with the permission of the meeting granted by special resolution.
- 8.12 No proposal to amend the Constitution or the rules shall be considered at any special general meeting unless the meeting is convened for that purpose.

9. MEETING PROCEDURE

Chairperson

- 9.1 The chairperson shall chair every meeting of HRNZ at which they are present.
- 9.2 In the absence of the chairperson the vice-chairperson is to chair the meeting.
- 9.3 In the absence of the chairperson and the vice-chairperson the Board will elect one of its remaining members to chair the meeting.
- 9.4 The chairperson may decide all questions of order or procedure for which no provision has been made in this Constitution or the rules.

Quorum

- 9.5 At any meeting of HRNZ fifteen club representatives or their appointed substitutes shall constitute a quorum.

Attendees

- 9.6 A meeting of HRNZ shall be a meeting of:
- 9.6.1 the chairperson, the vice-chairperson, the finance chairperson, and the members of the Board who are not representatives;
 - 9.6.2 the appointed representatives of the totalisator clubs or their substitute; and
 - 9.6.3 the appointed representatives of the kindred bodies or their substitute.
- 9.7 A club or kindred body may, in addition to their representative appoint, an official observer who must be a member of the committee, the secretary, a committee person, or a steward of the club or kindred body they represent.
- 9.8 Notice of an official observer must be given to the chief executive at least ten working days prior to the meeting.
- 9.9 Members of the New Zealand Racing Board are eligible to attend a meeting of HRNZ.
- 9.10 A person invited to attend a meeting by the Board shall be eligible to attend that meeting.

Unofficial observers and media

- 9.11 Any club which is registered under this Constitution but which is not entitled to a representative at a meeting of HRNZ may appoint one of its members or its secretary to attend a meeting of HRNZ as an unofficial observer.
- 9.12 The Board may limit the number of unofficial observers that may be present at a meeting.
- 9.13 Notice of an unofficial observer shall be given to the chief executive at least ten working days prior to the meeting.

- 9.14 Unofficial observers and representatives of the media may be admitted to a meeting if approved by resolution of the meeting.
- 9.15 When the representatives or their substitutes decide that a matter is to be discussed in committee, the meeting shall first decide what persons, if any, shall be excluded from the meeting during the committee discussion.

Speaking rights and moving and seconding resolutions

- 9.16 The chairperson, vice-chairperson, finance chairperson of the Board, the meeting chair, and duly appointed representatives or their substitutes shall have speaking rights and be entitled to move and second resolutions at a meeting.
- 9.17 Members of the Board to which clause 9.16 does not apply have speaking rights but are only entitled to move and second resolutions when authorised to do so by the Board.
- 9.18 Members of the New Zealand Racing Board attending a meeting shall have speaking rights.
- 9.19 Any person invited to attend a meeting by the Board shall not be entitled to address the meeting without the consent of the Board or the meeting.
- 9.20 An official observer of a club or kindred body can be asked by the representative to speak to the meeting on their behalf.

Voting

- 9.21 A representative of a club or kindred body, or their duly appointed substitute attending a meeting:
- 9.21.1 may vote on any matter put to a vote; and
 - 9.21.2 has the number of votes set out in the Second Schedule to this Constitution, for the club or kindred body they represent.
- 9.22 In the case of an equality of votes the chair of the meeting may exercise a deciding vote.

- 9.23 No person other than the representative of a club, kindred body, their duly appointed substitute or the chair of the meeting may vote on any matter put to a vote.
- 9.24 At a meeting the vote shall be decided in such manner as the chair of the meeting directs, unless a poll is requested before or immediately after the declaration of the result.
- 9.25 Except where a poll is requested a declaration by the chair of the meeting that the resolution has been carried, carried unanimously, carried by a particular majority, or lost shall be conclusive proof of the fact. Proof of the number or proportion of the votes recorded in favour of, or against, that resolution is not required.
- 9.26 If a poll is duly requested it shall be taken immediately and by the method as the chair of the meeting directs.
- 9.27 When any resolution or special resolution is put to the vote the chair of the meeting may record the names of the club or kindred body whose representative or substitute has voted in favour of or against the resolution.
- 9.28 No act, resolution, or special resolution of HRNZ shall be invalidated because at the time of the act, resolution, or special resolution:
- 9.28.1 it has not been notified in the official notifications;
 - 9.28.2 there was some defect in the appointment of the chair of the meeting or of any representative or substitute of any club or kindred body; or
 - 9.28.3 that a club or kindred body entitled to representation was not represented.

Resolutions

- 9.29 Unless otherwise provided in this Constitution:
- 9.29.1 every resolution requires a majority of the votes to vote in favour of the resolution; and
 - 9.29.2 a special resolution requires a majority of at least two-thirds of the votes to vote in favour of the resolution

9.29.3 a special resolution requires notice, to the satisfaction of the chair of the meeting, to have been given to each club and published in the official notifications at least 20 working days before it is voted on.

9.30 A resolution and special resolution shall take effect from the date specified, or where no such date is specified, from 1 August after the making of the resolution except where otherwise provided for in this Constitution, the rules, or Racing Act 2003.

9.31 Every special resolution which is adopted shall be notified in the official notifications.

10. THE BOARD

Composition of the Board

10.1 The Board of HRNZ shall comprise of 11 persons made up as follows:

10.1.1 three persons who are residents of the North Island elected by totalisator clubs;

10.1.2 three persons who are residents of the South Island elected by totalisator clubs;

10.1.3 one person appointed by the Auckland Trotting Club Incorporated;

10.1.4 one person appointed by the New Zealand Metropolitan Trotting Club Incorporated;

10.1.5 one person appointed by the New Zealand Standardbred Breeders Association Incorporated;

10.1.6 one person appointed by the New Zealand Harness Racing Trainers and Drivers Association Incorporated; and

10.1.7 one person appointed by the Owners Appointment Committee.

Eligibility for election or appointment

10.2 A person is not be eligible to be elected or appointed as a member of the Board who:

10.2.1 is a paid official of HRNZ;

- 10.2.2 has at any time been or is disqualified for a serious racing offence or corrupt practice under the rules or the rules of racing, the former New Zealand Rules of Harness Racing or rules of racing, or any equivalent rules of any recognised harness racing club, racing club, Authority or body in New Zealand or any country;
- 10.2.3 has at any time been convicted of an offence or crime referred to in Schedule 1 of the rules made under s 34 of the Racing Act 2003;
- 10.2.4 has at any time been struck off the roll of a professional body or had their name removed from the register of a professional body; or
- 10.2.5 is not a member of a totalisator club, or in the case of a member of the Board appointed by the Auckland Trotting Club Incorporated, the New Zealand Metropolitan Trotting Club Incorporated, the New Zealand Harness Racing Trainers and Drivers Association Incorporated, and New Zealand Standardbred Breeders Association Incorporated who is not a member of the appointing club or association or in the case of the member appointed by the Owners Appointment Committee who is not an owner.

Nominations for North Island and South Island Board members by totalisator clubs

- 10.3 In the year 2019 and subsequent second year there shall be an election for:
 - 10.3.1 one member of the Board who resides in the North Island; and
 - 10.3.2 two members of the Board who reside in the South Island.
- 10.4 In the year 2020 and subsequent second year there shall be an election for:
 - 10.4.1 two members of the Board who reside in the North Island; and
 - 10.4.2 one member of the Board who resides in the South Island
- 10.5 In the month of July or such other date as the Board may decide the committee of each totalisator club (except Auckland Trotting Club Incorporated and the New Zealand Metropolitan Trotting Club Incorporated) shall be entitled to nominate a qualified person for election as member of the Board.

- 10.6 A nomination must be in writing signed by the club board, club committee, or club chairperson and the secretary of the nominating club and by the person nominated and forwarded so as to reach the chief executive not later than the on 20 July in the applicable year or such other date as the Board may decide.
- 10.7 In the event no nominations are received on or before the 20 July, or other date as decided by the Board, the Board in office shall appoint a qualified and eligible person as a member of the Board.

Election of North Island and South Island Board members by totalisator clubs

- 10.8 If no more than the required number of nominees are received on or before 20 July then the candidates nominated shall be declared elected.
- 10.9 If more candidates are nominated for than are required then promptly after 20 July, or such other date as the Board may decide, the chief executive shall have voting papers prepared which shall include:
- 10.9.1 whether the nominee is a North Island or South Island nominee;
 - 10.9.2 the names of the nominees;
 - 10.9.3 the number of nominees available for election for each island for who votes shall be cast;
 - 10.9.4 the method(s) by which the voting may be submitted; and
 - 10.9.5 the date and time at which voting closes and, if no date is set, voting closes on 20 August at 5:00pm or such other date and time as the Board may decide.
- 10.10 For the purpose of clause 10.9 the Board shall approve one or more method by which voting may be completed and submitted.
- 10.11 The chief executive shall forward one voting paper to each totalisator club except the Auckland Trotting Club and the New Zealand Metropolitan Trotting Club who shall not be entitled to vote in elections relating to North Island and South Island nominees.

- 10.12 Each totalisator club (except the Auckland Trotting Club Incorporated and the New Zealand Metropolitan Trotting Club Incorporated) shall by its committee complete and submit its vote by one of the methods approved by the Board.
- 10.13 The voting paper shall be signed by two representatives of the club at which its votes and returned to the chief executive, so as to reach him or her on or before the 20th day of August in that year or at such other date as the Board may appoint.
- 10.14 Any vote which is not completed or submitted by the method approved by the Board or the constitution shall be an informal vote.
- 10.15 A club may not omit to vote or return an informal vote.
- 10.16 The chief executive shall be the returning officer and on or before 20 August the Board shall appoint two scrutineers for the purpose of the election and fix a day for counting of the votes.
- 10.17 On the day fixed for the counting of votes the returning officer, in the presence of the scrutineers, shall open the votes and after setting aside all informal votes count the number of valid votes in accordance with the second schedule.
- 10.18 The nominees not exceeding in each case the number to be elected for each Island who receive the highest number of votes are the elected members of the Board.
- 10.19 Where there is an equality of votes between nominees and the addition of a vote would entitle any of those nominees to be declared elected, the returning officer shall determine by lot which nominee shall be declared elected.
- 10.20 If at any time before the election is concluded, the number of nominees is reduced by withdrawal or otherwise to the number required to fill the vacancies the remaining nominee shall be declared elected.
- 10.21 The returning officer and the scrutineers shall report to the Board the result of the election, and the votes properly sealed shall be handed by the scrutineers to the returning officer who must retain them for three months and then destroy them.
- 10.22 The chief executive shall publish the result of the election including the number of votes for each nominee.

Appointment Board Members by Auckland Trotting Club, New Zealand Standardbred Breeders Association, the New Zealand Metropolitan Trotting Club and New Zealand Harness Racing Trainers and Drivers Association

- 10.23 On or before 20 August 2019 and no later than on 20 August in every second year thereafter the secretary of the Auckland Trotting Club Incorporated shall notify the chief executive of the name of the person who has been appointed by the club in accordance with its constitution as a member of the Board.
- 10.24 On or before 20 August 2019 and no later than on 20 August in every second year thereafter the secretary of the New Zealand Standardbred Breeders Association Incorporated shall notify the chief executive of the name of the person who has been appointed by the Association in accordance with its constitution as a member of the Board
- 10.25 On or before 20 August 2020 and no later than on 20 August in every second year thereafter the secretary of the New Zealand Metropolitan Trotting Club Incorporated shall notify the chief executive of the name of the person who has been appointed by the club in accordance with its constitution as a member of the Board.
- 10.26 On or before 20 August 2020 and no later than on 20 August in every second year thereafter the secretary of the New Zealand Harness Racing Trainers and Drivers Association Incorporated shall notify the chief executive of the name of the person who has been appointed by the Association in accordance with its constitution as a member of the Board.

Appointment by Owners Appointment Committee

- 10.27 When required, the Board shall establish an Owners Appointment Committee which shall comprise of:
- 10.27.1 one person appointed by the Board;
- 10.27.2 one person appointed by the New Zealand Trotting Owners Association Incorporated; and
- 10.27.3 one person appointed by agreement by the Board and the New Zealand Trotting Owners Association Incorporated or failing agreement by the New Zealand Racing Board.

- 10.28 The function of the Owners Appointment Committee shall be to call for nominations from owners of horses registered under the rules and from the nominees to appoint a person to the Board.
- 10.29 The Board may make rules governing the procedure for the Owners Appointment Committee in consultation with the Owners Appointment Committee and the New Zealand Trotting Owners Association Incorporated.
- 10.30 No later than on 20 August 2020 and likewise not later than on 20 August in every second year thereafter the Owners Appointment Committee shall notify the chief executive of the name of the person appointed by it as a member of the Board.
- 10.31 In the event the chief executive does not receive notification of the name of the person appointed under clause 10.23, 10.24, 10.25, 10.26 or 10.30 the Board shall appoint an eligible person as a member of the Board and every person so appointed is a duly appointed member of the Board.

Term of Appointment

- 10.32 A person elected or appointed to be a member of the Board shall come into office from the conclusion of the annual meeting of HRNZ at which they are declared to be elected or appointed.
- 10.33 Each member of the Board shall retire from office at the conclusion of the Annual General Meeting of HRNZ in which their two-year term of office expires.
- 10.34 Every member retiring under clause 10.33 shall, if not otherwise disqualified, is eligible for re-election or re-appointment.

Vacancies

- 10.35 The office of any member of the Board shall become vacant if they:
- 10.35.1 resign in writing addressed to the chief executive;
 - 10.35.2 are absent without leave of the Board for more than two successive board meetings;
 - 10.35.3 die or become disqualified for a serious racing offence or corrupt practice under the rules or the rules of racing, the former New Zealand Rules of

Harness Racing or rules of racing, or any equivalent rules of any recognised harness racing club, racing club, Authority or body in New Zealand or any country;

- 10.35.4 are convicted of an offence or crime referred to in Schedule 1 of the rules made pursuant to s 34 of the Racing Act 2003;
- 10.35.5 are struck off the roll of a professional body or had their name removed from the register of a professional body;
- 10.35.6 are removed from office by resolution of HRNZ; or
- 10.35.7 become bankrupt.
- 10.36 The Board may appoint a substitute for any member to whom it grants a leave of absence during such absence. This is except for when the member was appointed by the Auckland Trotting Club, the New Zealand Metropolitan Trotting Club, the New Zealand Harness Racing Trainers and Drivers Association, New Zealand Standardbred Breeders Association or the Owners Appointment Committee. In these circumstances the Board may invite such club, association, or committee (as the case may be) to appoint a substitute member.
- 10.37 When the office of any member of the Board becomes vacant the vacancy shall be filled:
- 10.37.1 where the vacancy is of a Board member appointed by Auckland Trotting Club, the New Zealand Metropolitan Trotting Club, the New Zealand Harness Racing Trainers and Drivers Association, New Zealand Standardbred Breeders Association, the Owners Appointment Committee, or by the Board under clause 10.31: by the chief executive inviting the relevant club, association or committee to appoint a new member to fill the vacancy by a date decided by the Board and clauses 10.23 to 10.31 shall apply with necessary modification.
- 10.37.2 where the vacancy is of a resident North Island or South Island elected board member: by the chief executive calling for nominations from the totalisator clubs and clauses 10.5 to 10.22 shall apply with necessary modification.

- 10.38 A Board member elected or appointed under clause 10.37 shall remain in office for the remainder of the term of the vacating member and, if not otherwise disqualified, shall be eligible for re-election or re-appointment.
- 10.39 An act, proceedings, determination or matter of the Board or of any person acting as a member of the Board shall not be invalidated because of:
- 10.39.1 a vacancy in the membership of the Board at the time of the act, proceedings, determination or matter; or
- 10.39.2 the subsequent discovery that there was some defect in the election or appointment of any person so acting, or that they were incapable of acting or being a member.

11. OFFICERS OF HRNZ

- 11.1 There shall be a chairperson, vice-chairperson, finance chairperson and chief executive of HRNZ.
- 11.2 The Board shall appoint one of its members to the office of chairperson, vice-chairperson, and finance chairperson immediately following the conclusion of each annual general meeting and at such other time or times as may be required.
- 11.3 If more than one person is nominated for the position of chairperson, an election shall be held.
- 11.4 Where there is an equality of votes between candidates, a second ballot shall be held.
- 11.5 In the event of an equality of votes after the second ballot, the chairperson shall be determined by lot.
- 11.6 The Board may seek assistance from the chief executive in conducting a ballot and in any determination by lot.
- 11.7 A person is ineligible to be appointed to the office of the chairperson or to continue to hold the same who has been elected or appointed to that office or the former office of chairperson for a total of five years either consecutively or otherwise unless

such appointment or proposed appointment is approved by special resolution of HRNZ.

- 11.8 The chairperson, vice-chairperson, and finance chairperson upon being appointed by the Board shall come into office and shall continue to hold office until their successor is appointed and comes into office.
- 11.9 The chairperson, vice-chairperson, and finance chairperson may at any time resign their office by writing addressed to the chief executive.
- 11.10 The chairperson, vice-chairperson, or finance chair shall resign upon request of a majority of Board members.
- 11.11 At any time the office of chairperson, vice-chairperson, or finance chairperson becomes vacant the Board shall appoint one of its members to the relevant office and the person appointed may hold such office for the remainder of their predecessor's term.
- 11.12 When on account of illness, incapacity, or absence from New Zealand the chairperson is unable to perform the duties of their office the person who may exercise and perform all the powers, duties, and functions of the chairperson so long as inability continues is:
- 11.12.1 the vice- chairperson; or
- 11.12.2 in the case of the vice-chairperson's incapacity or absence from New Zealand a member of the Board appointed by the remaining Board members.

12. CHIEF EXECUTIVE

- 12.1 The Board may appoint a chief executive.
- 12.2 The chief executive shall:
- 12.2.1 be in charge of all staff of HRNZ;
- 12.2.2 be responsible to the Board and be under its general direction and control;

- 12.2.3 exercise all powers and duties of the chief executive under the Constitution and the rules; and
 - 12.2.4 perform all other duties properly relating to their office.
- 12.3 For the purpose of assisting the chief executive to carry out their duties under this Constitution or the rules the chief executive may employ persons (not otherwise provided for in the Constitution or the rules) when authorised by, and on terms and conditions, if any, approved by the Board.
- 12.4 The chief executive may require a club, kindred body, or persons subject to the rules to provide information, returns, and particulars required on behalf of the chairperson, the Board, any committee of HRNZ, or for the purpose of enabling the chief executive to carry out any functions or duties under the Constitution or the rules.

13. MEETINGS OF THE BOARD

Procedure

- 13.1 Meetings of the Board shall be held at such time and place as the Board or the chairperson from time to time determines.
- 13.2 A meeting may be convened by the members of the Board:
- 13.2.1 being assembled together at the place, date and time appointed for the meeting;
 - 13.2.2 participating in the meeting by means of audio, audio visual, electronic communication or the use of other technologies as determined by the Board; or
 - 13.2.3 by a combination of both of the methods described in 13.2.1 and 13.2.2 as determined by the Board or the chairperson.
- 13.3 At all such meetings the attendance of a majority of the members of the Board shall constitute a quorum.

- 13.4 On any question put to the vote at any such meeting each member present shall have one vote, and in case of an equality of votes the chairperson shall have a deciding vote.
- 13.5 The Board shall exercise or perform any power, duty, or function conferred or imposed on it by the Constitution or the rules by means of a resolution on that behalf and every such resolution shall be duly made which is passed by a majority of the votes in favour of the resolution.
- 13.6 Every resolution shall be binding upon all members of the Board.
- 13.7 All members of the Board are entitled to endeavour to have any decision modified or rescinded and to speak in support of such modification or rescission at a meeting of the Board.
- 13.8 The chief executive is entitled to attend all meetings of the Board unless otherwise directed by the Board and to speak at such meetings but shall have no voting rights.
- 13.9 The chief executive shall ensure the proceedings of each Board meeting are properly recorded in the Board minutes.

14. POWERS, DUTIES AND FUNCTIONS OF THE BOARD

Overall powers, duties and functions

- 14.1 The Board is responsible for managing the business and affairs of all aspects of harness racing in New Zealand.
- 14.2 The Board may exercise and perform all powers, duties, and functions conferred or imposed on it, or recognised, by:
- 14.2.1 the Racing Act 2003;
 - 14.2.2 this Constitution;
 - 14.2.3 the rules; and
 - 14.2.4 delegation to it of the power, functions or duties of HRNZ.
- 14.3 The Board may do all things necessary:

- 14.3.1 so that the business, interests and affairs of HRNZ and harness racing are efficiently administered and managed between meetings of HRNZ;
- 14.3.2 for the better control, advancement and promotion of harness racing;
- 14.3.3 for securing the due observance of the duties and obligations under the rules of all owners, breeders, stud-masters, trainers, horsemen, stablehands, officials and persons to whom the Rules apply; and
- 14.3.4 for all other matters contemplated or necessary to give full effect to the Constitution and the rules.

General powers and duties

- 14.4 The Board has the following general powers and duties to:
 - 14.4.1 make regulations authorised by the rules;
 - 14.4.2 make regulations not inconsistent with the rules as it considers necessary or desirable for the better administration, promotion, or control of harness racing;
 - 14.4.3 issue directions not inconsistent with the rules as it may consider necessary or desirable for the better administration, promotion, or control of harness racing;
 - 14.4.4 give orders and directions to, and require particulars or information from, a kindred body, club, combination of clubs, company promoted for the purpose of owning or administering the ground(s) upon which a club or clubs race, and owners or persons licensed or registered under the rules as it considers necessary;
 - 14.4.5 hold, or request to be held by any person or body, an inquiry or investigation into any matter affecting the management or good governance of harness racing;
 - 14.4.6 enter into reciprocal relations with any authorities controlling harness racing or racing in any part of the world;

- 14.4.7 to make regulations or issue directions, not inconsistent with the Constitution or rules for the creation of associated organisations; and
- 14.4.8 to make regulations and issue directions or requirements to persons forming partnerships under the rules and the disclosure of partnership agreements.

Specific powers and duties

14.5 The Board has the following specific powers and duties to:

- 14.5.1 enter arrangements for the publication and dissemination of official notifications and publication of periodical publications as it considers appropriate;
- 14.5.2 approve an annual business plan and annual budget for financial performance and to monitor results against the annual business plan and annual budget;
- 14.5.3 purchase, lease, invest or otherwise acquire any real or personal property and any rights and privileges which it may think necessary or convenient for the purposes of the business of HRNZ;
- 14.5.4 sell, lease or otherwise dispose of the property of HRNZ or any part of it for such consideration and in such manner as it may think fit;
- 14.5.5 borrow or raise money in such manner as it may think fit on behalf of HRNZ, and may secure and guarantee the performance by HRNZ or any person or body of any obligation undertaken by HRNZ;
- 14.5.6 invest in any investment in which a trustee might invest;
- 14.5.7 purchase, redeem or pay off any securities given by or on behalf of HRNZ;
- 14.5.8 enter into joint venture arrangements;
- 14.5.9 have the custody and control of all records, books, papers, documents, and other property of HRNZ;

- 14.5.10 appoint a chief executive of HRNZ and enter into an employment contract with remuneration and terms and conditions as the Board thinks fit;
 - 14.5.11 authorise the chief executive to employ persons to carry out his or her duties and to pay such salaries or wages as it from time to time determines;
 - 14.5.12 subject to any directions given at a meeting of HRNZ appoint committees of the Board; and
 - 14.5.13 subject to any directions given at a meeting of HRNZ appoint auditors and fix the auditor's remuneration.
- 14.6 The Board may appoint a person, persons, or a company as trustees for the purpose of dealing with its power described in clauses 14.5.5 to 14.5.8.
- 14.7 Any purchase or lease of real property under clause 14.5.3 or raising of finance by way of mortgage security under clause 14.5.5 must be first be approved by resolution at an annual general meeting or at a special general meeting.
- 14.8 For the avoidance of doubt nothing in this clause shall authorise the Board to exercise any power required by the Constitution or the rules to be exercised by HRNZ at a meeting of HRNZ or any club.

Delegation

- 14.9 The Board may delegate any of its powers, duties, or functions under the Constitution or the rules to the chairperson or to a committee consisting wholly or partly of its members with power to fix the quorum of any committee.
- 14.10 In making a delegation, the Board may impose such conditions (if any) as it thinks fit with respect to the exercise or performance of any delegated power, duty, or function. Everything done in due performance of such delegation shall for all purposes be deemed to be done by the Board and shall have force and effect accordingly.
- 14.11 The Board may at any time revoke such delegation made under clause 14.9 and revoke or amend any conditions imposed under clause 14.10 or impose further conditions.

14.12 The Board may not delegate its powers of appointing the chief executive.

15. BOARD FINANCE

Board expenditure

15.1 Subject to any direction that may be given at meeting of HRNZ the Board may incur necessary expenditure to carry out the business and activities of HRNZ and of any of its committees. This includes expenditure as may be necessary to meet reasonable expenses incurred by the chairperson, vice-chairperson, finance chair and members of the Board in carrying out their functions, powers, and duties.

15.2 In addition to all other powers of expending monies conferred by this Constitution or the rules, the Board may:

15.2.1 contribute to any patriotic or charitable object;

15.2.2 expend such of the HRNZ funds as it thinks fit in promoting legislation in the interests of harness racing;

15.2.3 contribute to the funds of any association or body of persons established for furthering the interests of harness racing or any kindred sport;

15.2.4 generally expend funds of HRNZ for the benefit or promotion the sport of harness racing; and

15.2.5 distribute funds to clubs as it sees fit.

15.3 No funds of HRNZ may be used for the placing of bets.

16. INVESTMENT AND CONTROL OF FUNDS

16.1 The funds of HRNZ shall consist of:

16.1.1 all monies and property of HRNZ at the commencement of this Constitution or then owing to it;

16.1.2 all monies payable to HRNZ or the Board after the commencement of and under this Constitution or the rules; and

16.1.3 all proceeds of any investment of any monies.

- 16.2 The Board shall manage and administer the funds of HRNZ to any directions as may from time to time be given at any meeting.
- 16.3 In respect of any arrears or money payable to HRNZ the chief executive may authorise the charging of interest on any monies unpaid after 28 days at a rate of 1.5% per month or such other rate as prescribed by the Board.
- 16.4 In respect of any arrears or money payable to HRNZ together with any interest charged thereon, the person liable for payment of such arrears, money or interest shall also pay any fees, costs or expenses incurred by HRNZ either internally or by their agents in recovering such arrears, money, or interest including any commissions and legal costs on a solicitor client basis.

17. BUDGET

- 17.1 The Board shall 20 working days prior to the annual general meeting circulate to all clubs a budget of income and expenditure including the total amount of Board remuneration proposed and submit the budget to the annual general meeting of HRNZ.
- 17.2 The budget shall include an allocation from the Harness Code distribution account to cover the operating costs of HRNZ.
- 17.3 When an amount is allocated in the budget for remuneration of Board members, the apportionment of such amount allocated between Board members shall be determined by the Board.

18. ACCOUNTS

- 18.1 The financial year of HRNZ shall be the 12 month period ending on 31 July.
- 18.2 Any monies paid under this Constitution to HRNZ, and not forming part of any special fund, shall be paid into such bank as the Board determines to the credit of an account to be called the HARNESS RACING NEW ZEALAND INC GENERAL ACCOUNT.
- 18.3 Monies standing to the credit of the general account shall be available for use for the general purposes of HRNZ and its committees, and may be used for those purposes with the authority of the Board, the chief executive, or a person authorised by the Board or chief executive.

- 18.4 The information shall also include details of budgeted income and expenditure for the period and information for comparison purposes in relation to the same period in the previous year and a projection based on information available as to the results for the full year.
- 18.5 The Board shall cause to be prepared and audited as soon as practicable after 31 July in each year financial statements in an approved standardised format (including a statement of financial performance and a statement of financial position) showing fully the financial position of HRNZ at the close of the period of 12 months ending on 31 July.
- 18.6 A copy of the audited financial statements shall be submitted to the annual general meeting of HRNZ and forwarded to each totalisator club and kindred body.

19. ALTERATIONS TO CONSTITUTION

- 19.1 This Constitution may be rescinded, amended or added to only by way of a special resolution at any annual general meeting, or a special general meeting convened for that purpose.
- 19.2 No amendment may be made to this Constitution which affects clause 20 relating to liquidation unless it has first been approved by the Inland Revenue Department.

20. LIQUIDATION

- 20.1 In the event of the liquidation of HRNZ or its dissolution by the Registrar of Incorporated Societies, the funds and assets of HRNZ remaining after payment and satisfaction of its debts and liabilities and the costs and expenses of liquidation, shall be distributed to the clubs in such proportions as the representatives may resolve at an annual or special general meeting provided however that no part of the income or other funds of the club shall be used for the private pecuniary benefit of any individual person except to the extent of reasonable payments made for services rendered.

21. COMMON SEAL

- 21.1 HRNZ shall maintain a common seal which shall be kept in the custody of the chief executive and shall be affixed to any document only by the authority of the Board

and in the presence of any two members of the Board or one member of the Board and the chairperson, as authorised by resolution of the Board to that effect.

22. INDEMNITY

22.1 Except in the case of wilful default, or fraudulent acts or omissions, HRNZ may from time to time indemnify against any financial loss howsoever incurred or damages or costs awarded by any court or tribunal or against costs incurred in defending legal proceedings brought against them all of any of the following persons:

22.1.1 any person employed by HRNZ;

22.1.2 members of the Board; and

22.1.3 a contractor or person the Board or chief executive agrees to indemnify-

in respect of anything done or omitted to be done by them in connection with the administration of harness racing or the exercise of any particular power, duty or function under this Constitution or the rules and such power to indemnify may be extended to cases where the authority power, duty or function had been exceeded without bad faith.

22.2 HRNZ shall indemnify every employee, Board member, and agreed contractor or person against any legal proceedings instituted against him or her in respect of any act or thing done by them in the course and within the scope of their duties under this Constitution or the rules and in obeying any order or instruction from the Board.

22.3 The Board may, on behalf of HRNZ, exercise the power of indemnity in respect of any person, other than one of its own members.

22.4 The Board may affect any appropriate insurance cover to any employee, member of the Board, or agreed contractor at the expense of HRNZ.

23. MATTERS NOT PROVIDED FOR

23.1 If any matter shall arise which in the opinion of the Board is not provided for in this Constitution it may be determined by the Board in such manner as it deems fit, and every such determination shall be binding upon all clubs and other bodies and persons affected thereby.

24. TRANSITIONAL PROVISIONS

General

- 24.1 As from the coming into force of all legislation and amendments necessary to enable HRNZ to become incorporated all the objects, functions, rights, privileges, entitlements, obligations, duties and liabilities of the unincorporated body called the “Harness Racing New Zealand” will be assumed by HRNZ.
- 24.2 The incorporation of HRNZ shall not affect any previous operation of the rules or of any decisions made or actions taken in accordance with the rules, or of any rights, privileges, entitlements, obligations, duties, liabilities, penalties or other disqualifications accrued or incurred under the rules before the incorporation of HRNZ.
- 24.3 Until such time as all necessary amendments are made to the rules following the incorporation of HRNZ, the rules shall be read subject to any necessary modification to give full meaning and effect to the provisions of this Constitution and, in particular, unless the context otherwise requires:
- 24.3.1 Any reference to the “Harness Racing New Zealand” or “Conference” in the rules shall be deemed to be a reference to HRNZ and any reference to the “Board” shall be deemed to be a reference to the “Board” established under this Constitution.
- 24.3.2 Any reference to the “chief executive” in the rules shall be deemed to be a reference to the “chief executive of HRNZ”;
- 24.3.3 Any reference in the rules or Constitution of any club to the “Harness Racing New Zealand Conference” and/or “Conference” shall be deemed to be a reference to HRNZ.
- 24.4 Every regulation, rule, order, agreement, deed, instrument, application, notice or other document whatsoever in force pursuant to the provisions of the former Constitution or the rules shall continue in force.

FIRST SCHEDULE**Registered clubs having betting licences:**

Akaroa Trotting Club
Amberley Trotting Club
Ashburton Trotting Club
Auckland Trotting Club
Banks Peninsula Trotting Club
Central Otago Trotting Club
Cheviot Harness Racing Club
Forbury Park Trotting Club
Geraldine Trotting Club
Gore Harness Racing Club
Hawera Harness Racing Club
Hororata Trotting Club
Invercargill Harness Racing Club
Kaikoura Trotting Club
Kapiti Coast Harness Racing Club
Kurow Trotting Club
Manawatu Harness Racing Club
Marlborough Harness Racing Club
Methven Trotting Club
Nelson Harness Racing Club
New Zealand Metropolitan Trotting Club
Northern Southland Trotting Club
Oamaru Harness Racing Club
Rangiora Harness Racing Club
Reefton Trotting Club
Riverton Trotting Club
Roxburgh Trotting Club
Stratford Trotting Club
Taranaki Trotting Club

Timaru Harness Racing Club

Tuapeka Harness Racing Club

Waikato Bay of Plenty Harness Incorporated

Waikouaiti Trotting Club

Waimate Trotting Club

Wairarapa Harness Racing Club

Wairio Trotting Club

Wanganui Trotting Club

Westport Trotting Club

Winton Harness Racing Club

Wyndham Harness Racing Club

Registered clubs not having betting licenses:

Alexandra Trotting Club
Blenheim Trotting Club
Central Districts Harness Racing Club
Chertsey Trotting Club
Christchurch Trotting Club
Cromwell Harness Racing Club
Kumeu Trotting Club
Morrinsville Trotting Club
Mount Hutt Trotting Club
Murchison Trotting Club
Thames Harness Racing Club
Waitaki Trotting Club

Regional club incorporations:

Canterbury Country Harness Racing Incorporated
Southern Harness Racing Incorporated

SECOND SCHEDULE

TABLE OF VOTING

1. Each totalisator club shall have:-
 - 1.1 one vote for each of the first three betting licences allocated to that club in the racing year in which the meeting is held; and
 - 1.2 after the first three such betting licences one vote per three (or any part thereof) betting licences allocated to that club in that racing year, as provided in the table set out below.
2. Each kindred body shall have three votes.
3. If a club has been allocated a totalisator licence for a dual code meeting, in the racing year in which the meeting is to be held, the club shall have one vote only in respect of all such dual code meetings provided that in the previous racing year the club conducted at least eight harness racing races. This clause overrides clause 1 of this Schedule
5. Dual code meeting means a race meeting at which harness racing races are conducted together with galloping races and/or greyhound races.

TABLE

Number of betting licences	Number of votes	Number of betting licences	Number of votes
1	1	26	11
2	2	27	11
3	3	28	12
4	4	29	12
5	4	30	12
6	4	31	13
7	5	32	13
8	5	33	13
9	5	34	14
10	6	35	14
11	6	36	14
12	6	37	15
13	7	38	15
14	7	39	15
15	7	40	16
16	8	41	16
17	8	42	16
18	8	43	17
19	9	44	17
20	9	45	17
21	9	46	18
22	10	47	18
23	10	48	18
24	10	49	19
25	11	50	19