

# 2017 PROPOSED RULE AMENDMENTS

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 2017 Annual General Meeting of Harness Racing New Zealand Incorporated on 4 August 2017 at Christchurch are:

## 1. Rule 403(2) and 1001(1) – Prohibited Actions on Horses (*proposed by HRNZ Board*)

### Remit

Amend rule 403(2) by adding a new paragraph (n) which states:

- (n) *any horse on which:*
  - (i) *a procedure or action that is banned in the Prohibited Actions on Horses Regulations has been performed; or*
  - (ii) *a procedure or action in the Prohibited Actions on Horses Regulations has been performed within the period prior to racing referred to in those regulations.*

Amend rule 1001(1) by adding a new paragraph (ra) which states:

- (ra) *performs, causes or permits to be performed, attempts to perform, or attempts to cause or permit to be performed, on any horse:*
  - (i) *a procedure or action that is banned in the Prohibited Actions on Horses Regulations; or*
  - (ii) *a procedure or action in the Prohibited Actions on Horses Regulations within the period prior to racing referred to in those regulations.*

### Reason

This remit is based on a recommendation from the RIU that the Rules should prohibit any activity or procedure being performed on a racehorse that is banned by the New Zealand Equine Veterinarians Association (NZEVA). Possible items included within this could be pin-firing, blistering and counter-irritant or other actions considered inhumane by the NZEVA. It is considered that horses that have had such procedures performed on them are unsafe for racing purposes and should be ineligible to race. Linked to this, it would be a serious racing offence to undertake such an activity and attempt to race a horse that has had such procedures undertaken. Animal welfare considerations are also important in prohibiting such actions.

HRNZ has determined that the best approach to introducing such restrictions is for the Rules to provide for the introduction of a Regulation (Prohibited Actions on Horses Regulation), which would outline what practices are banned. This would be developed in consultation with the NZEVA and Trainers & Drivers' Association and would come into force on a date notified by the Board. The remit outlined above would give the Board the ability to do this.

## 2. Rule 406 Naming of Horses (*proposed by HRNZ Board*)

### Remit

Amend rule 406 to state:

- 406 (1) *Before a horse is registered its proposed name must be approved by the Chief Executive.*
- (2) *The Chief Executive may disallow any name.*
- (3) *The Chief Executive in approving or disallowing any name shall have regard to Board's Horse Naming Policy.*

- (4) *The person who applies for a proposed name to be approved and who is dissatisfied with the decision of the Chief Executive may apply in writing for the Board to a review of the decision of the Chief Executive.*
- (5) *On review the Board may confirm the decision or vary the decision in any way it considers appropriate.*

### **Reason**

The proposed amendments to Rule 406 are to provide for less prescriptive requirements and greater flexibility within the naming rules. A naming policy will be determined by the Board that will outline the approach to the approval of horse names, rather than having such detail specified in the rules as currently is the case.

## **3. Rule 424(3)(b) and 431(2) Joint Ownership and Syndicates *(proposed by HRNZ Board)***

### **Remit**

Amend rules 424(3)(b) and 431(2) to read:

424 (3) (b) *the parties to any joint ownership of a horse (unless members of a Syndicate or Special Partnership registered under these Rules) shall be limited to ~~eight~~ ten in number, provided that where a horse is leased the lessor or lessors shall not be deemed to be included as one of the parties. The first named party shall be deemed to be the nominated representative of the Joint Interest.*

431 (2) *For the purposes of these Rules, any combination of two to ~~eight~~ ten persons may form a syndicate, and any combination more than ten and not more than fifty persons owning or leasing a horse shall be deemed to be a Syndicate but no disqualified person shall be a member of a Syndicate. The Board may at its discretion grant an exemption to the maximum number of Syndicate Members allowable.*

### **Reason**

This remit is to extend the allowable number of individual owners from eight to ten. Currently more than eight individual owners require the formation of a syndicate. Allowing up to ten individual owners to be named will provide for greater recognition of owners and give more options to ownership entities. This will allow more individual owners to be printed in racebooks subject to space limitations.

## **4. Rule 814 – Acceptance Fee on Group Races *(proposed by NZ Harness Racing Trainers & Drivers’ Association)***

### **Remit**

Amend rule 814 whereby rule 814 states:

814 *No programme for a race meeting or harness racing event in respect of which racing betting takes place, shall provide for combined entrance and acceptance fees in respect of each horse in any race which exceed two (2) per centum of the amount of the Stakes allotted to such race exclusive of the value of any trophy attached to the Stake unless the race is one which has been approved by Harness Racing New Zealand as being one for which sustaining payments are required. Entrance and acceptance fees shall only be eligible to be charged on Group One ~~Group and Listed~~ races.*

### **Reason**

In 2006, the Rules were amended to provide that acceptance fees could only be charged on Group and Listed races. In the opinion of the Trainers & Drivers' Association, acceptance fees are just artificially inflating the stakes at the expense of the owner and are inefficient from a GST perspective in wasting GST for non-registered owners.

The remit proposed still provides the major clubs with the flexibility to charge these on Group One races only, given the higher stakes impositions of such races. If supported it is proposed that this remit take effect from 1 August 2018, given that clubs will have already undertaken their stakes budgeting for the 2017/18 season.

## **5. Rule 823(3) and Fourth Schedule– Horse Movement (*proposed by HRNZ Board*)**

### **Remit**

Amend rule 823(3) and the references to rule 823(3) in the Fourth Schedule to state:

- (3) A trainer may:-
- (a) without notice leave a horse with another licensed trainer for a period of up to that ~~seven consecutive days~~ specified in the Horse Movement ~~Notification Regulations~~ made by the Board;
  - (b) leave a horse with another licensed trainer for a period of more than ~~seven consecutive days~~ that specified in the Horse Movement ~~Notification Regulations~~ 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 Board.

Rule 823(3) Horse Movement greater than period specified on Horse Movement Regulations not notified	\$50	
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### **Reason**

The purpose of these changes are two-fold:

- Firstly, to move the detail regarding notification of horse movements out of the Rules and have this specified in the Horse Movement Regulation. Based on a recommendation from the RIU, the Board has resolved to reduce the non-notification period from 14 days to 7 days so as to provide increased information to the punting public.
- Secondly, to provide that uncontested breaches of the Horse Movement Regulation can be dealt with as a Minor Infringement breach rather than through the full judicial process.

## **6. Rule 856 – Persons Present at the Start (*proposed by HRNZ Board*)**

### **Remit**

Amend rule 856 to state:

- 856 (1) The Starter, Starter's Assistant, the horsemen in the race, the race-day veterinarian, and the race-day farrier are permitted to be at the start of any race.
- (2) Any other person may only be present at the start with the express permission of the Stipendiary Steward.

### **Reason**

Rule 856 currently states that no person other than the starter, his assistants and the horsemen in the race shall be present at the start of a race, except with the special permission of the Stipendiary Steward. The proposed change is to record as of right that farriers and veterinarians be allowed to be at the start of a race without the need for special permission from the Stipendiary Steward.

## **7. Rule 857(3)(m) – Mobile Starts, Moving Starts, Standing Starts (proposed by HRNZ Board)**

### **Remit**

Delete rule 857(3)(m)

### **Reason**

Rule 857(3)(m) provides that in situations of adverse track conditions, Stipendiary Stewards may direct a mobile start to be conducted from a stand. The RIU has noted that this Rule is never invoked as in such situations they will authorise a moving start (co-ordinated by the Clerk of the Course) as provided for in Rule 857(4). Hence the recommendation of the RIU is that Rule 857(3)(m) be deleted. It would be completely undesirable for punters to invest on a race that they thought was going to be a mobile that subsequently was determined to be a standing start.

## **8. Rule 869(2) – Use of the Whip (proposed by HRNZ Board)**

### **Remit**

Amend rule 869(2) to read:

869 (2) *No horseman shall during any race use a whip in a manner in contravention of the Use of the Whip Regulations made by the Board.*

### **Reason**

Currently Rule 869(2) states that no horseman shall use the whip in an unnecessary, excessive or improper manner. The Board has previously issued Use of the Whip Guidelines in consultation with the RIU and Trainers & Drivers' Association as to what is deemed to be unnecessary, excessive or improper. The remit proposed is to provide for the introduction of Use of the Whip Regulations which will formalise the detail that is currently outlined in the Guidelines. This shall come into force on a date notified by the Board.

**It is stressed no changes are proposed to HRNZ's current policy in regards to use of the whip.** The Use of the Whip Guidelines will be developed in consultation with the RIU and Trainers & Drivers' Association based on the existing policies with a view to providing increased clarity as to what is considered acceptable.

## **9. Rule 1107(1)(b) – Protest by Connections (proposed by HRNZ Board)**

### **Remit**

Amend rule 1107(1)(b) by renumbering sub-paragraphs (v) as (vi) and (vi) as (vii) and inserting a new sub-paragraph (v) which states:

(v) *rule 869A - which relates to interference;*

### **Reason**

Rule 1107(1)(a) and (b) dictates who has the ability to lay a protest against a horse's placing. For the sake of certainty, the RIU has recommended that sub-rule (b) be amended to clarify that the connections of a horse are entitled to protest pursuant to Rule 869A (the Protest Rule).

## **10. Fourth Schedule Minor Infringements (*proposed by HRNZ Board*)**

### **Remit**

Amend Fourth Schedule by adding the following:

<i>Rule 507(8) - Driver Leaving the Course Early</i>	<i>\$100</i>	
<i>Rule 857(7)(g) - Out of Position at the Start</i>	<i>\$100</i>	
<i>Rule 857(7)(k) - Candy Pole breaches</i>	<i>\$100</i>	
<i>Rule 867 – Footrest breaches</i>	<i>\$100</i>	

### **Reason**

This remit amends the Minor Infringement Schedule (Fourth Schedule) to provide for some additional standard Rule breaches to be addressed via the minor infringement process. This relates to instances of uncontested breaches of these Rules. This remit is proposed with the full support of the RIU, JCA and the Trainers & Drivers' Association.

## **11. Clause 9(5) of the Constitution of Harness Racing New Zealand Incorporated - Voting at Election of Board Members (*proposed by HRNZ Board*)**

### **Remit**

Amend clause 9(5) of the Constitution of Harness Racing New Zealand Incorporated to state:

#### **(5) Election of Board Members**

- (a) *If more candidates are nominated for membership of the Board than are required then immediately after the 20<sup>th</sup> day of May, or such other date as the Board may in special circumstances appoint, the Chief Executive shall have voting papers prepared which shall include:*
- (i) the names of the nominees;*
  - (ii) whether the nominee is a North Island or South Island nominee;*
  - (iii) the number of nominees available for election for each Island for whom votes shall be cast;*
  - (iv) the method(s) by which the voting may be submitted; and*
  - (v) the date and time at which voting closes and if no date is set, voting closes on 20 June at 5:00pm or such other date and time as the Board may in special circumstances appoint.*
- (b) *For the purpose of clause 9(5)(a)(i) the Board shall approve one or more method by which voting may be completed and submitted.*
- (c) *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 South Island and North Island nominees).*

- (d) *Each Club, by its Committee, shall on receipt of the voting paper complete and submit its vote by one of the methods approved by the Board.*
- (e) *The voting paper shall then be signed by two representatives of the club at which its votes were determined and returned to the Chief Executive, so as to reach him on or before the 20<sup>th</sup> day of June in each year or at such other date as the Board may in special circumstances appoint.*
- (f) *Any vote in respect of which the provisions of the approved method by which voting may be completed and submitted as specified by the Board, has not been complied with shall be informal.*
- (g) *No Club shall omit to vote or return an informal vote.*
- (h) *The Chief Executive shall be the Returning Officer and the Board shall, where necessary, on or before the 20<sup>th</sup> day of June appoint two Scrutineers for the purpose of the election and fix a day for counting of the votes.*
- (i) *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.*
- (j) *Those nominees not exceeding in each case the numbers to be elected for each Island who have received the highest number of votes shall be deemed to be duly elected as members of the Board.*
- (k) *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 elected.*
- (l) *If at any time before the ballot is commenced, the number of nominees is reduced by withdrawal or otherwise to the number required to fill the vacancies, the remaining nominees shall be declared "elected without ballot".*
- (m) *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.*
- (n) *The Chief Executive shall publish the result of the election including the number of votes for each nominee.*

### **Reason**

Currently the Constitution requires that election of HRNZ Board members be conducted by way of a postal vote. In recent elections, problems have been experienced with the late return of voting papers due to inconsistencies with the NZ postal service. The amendments proposed will give the Board flexibility to determine and approve more modern alternate voting procedures.

For example, one option may be for clubs to scan and email their vote to HRNZ's auditor, who will collate and forward these to the Returning Officer for counting. The remit provides the flexibility for the Board to consider alternative options as technology further develops in this area.

**12. Clause 5(5)(d) of the Constitution of Harness Racing New Zealand Incorporated - Official Notifications**  
*(proposed by HRNZ Board)*

**Remit**

Amend clause 5(5)(d) of the Constitution of Harness Racing New Zealand Incorporated by deleting the word “*Official Calendar*” and substituting the words “*Official Notifications*”.

**Reason**

This amendment is required due to Official Notifications now being published electronically and HRNZ discontinuing publication of an official magazine. This change is consistent with the changes approved at the 2015 Annual Conference with respect to official notifications.

**13. Clause 11(3)(a) of the Constitution of Harness Racing New Zealand Incorporated - Official Notifications**  
*(proposed by HRNZ Board)*

**Remit**

Amend 11(3)(a) of the Constitution of Harness Racing New Zealand Incorporated to state:

- (3) *The Board shall have the following specific powers and duties:*
  - (a) *to enter arrangements for the publication and dissemination of official notifications and publication of periodical publications as it considers appropriate;*

**Reason**

In line with Remit 12 above, this amendment is to reflect changes in HRNZ’s general practices with the publication of official notifications and discontinuance of a monthly/weekly magazine.