

18 November 2019

OFFICIAL NOTICE

Amendment to New Zealand Rules of Harness Racing

The following amendments to the Rules of Harness Racing New Zealand were approved at the 2019 Annual General Meeting of Harness Racing New Zealand Incorporated on 28 September 2019 at Christchurch.

The amendments will come into force on notification in the Gazette on 25 November 2019.

The amendment relating to the Use of the Whip referred to in paragraph 8 has not been Gazetted and will come into force on notification in the Gazette at a future date, together with the Whip and Rein Regulations when finalised.

1. Amend the term Horseman to Driver and Stableman to Stablehand

The rules are amended by deleting the words “Horsemen”, “Horsemen’s”, “horsemen”, “horsemen’s”, “Horseman”, “Horseman’s”, “horseman”, and “horseman’s” and replacing them with the words “Driver”, “Driver’s”, “driver” or “driver’s” as appropriate, including any consequential grammatical corrections.

The rules are amended by deleting the words “stablemen” and “stableman” and replacing them with the word “stablehand”.

2. Rule 102(4), rule 105(1), and 706 HARNESSED

Rule 102(4) is amended by deleting the words “or against the printers or publishers of, or persons selling, distributing or delivering the publication HARNESSED,”

The definition of **ADVERTISE** in rule 105(1) is amended to state:

ADVERTISE means to publish, either in full or effect in the Official Notifications, and advertised and advertisement shall have a corresponding meaning.

Rule 105(1) is amended by deleting the definition of “**HARNESSED**”.

The definition of **OFFICIAL NOTIFICATION** in rule 105(1) is amended by removing the words “which if authorised by the Board may also be published in the Harness Racing New Zealand monthly publication “HARNESSED”.

Rule 706 is amended by removing the words “and also to the Editor of the publication HARNESSED.”

3. Rule 305 - Notifiable Surgeries and Procedures

Rule 305 is amended by adding a new paragraph (d) that states:

- (d) report in writing to HRNZ as soon as practicable any surgery or procedure performed on a horse listed in the Notifiable Surgeries and Procedure Regulations made by the Board.

4. Rule 318A - Assistant Trainers

The rules are amended by deleting rule 318A

5. Rule 403(2) - Ineligible Horses

Rule 403(2) is amended by adding new paragraphs (n), (o), and (p) that state:

- (n) any horse under the age of four years that has had administered to it bisphosphonate.
- (o) any horse that has administered to it bisphosphonate in the period 30 clear days prior to racing.
- (p) any horse that has any substance directly or indirectly injected to a joint in the period eight clear days prior to racing.

6. Rule 505 - Betting on Horseman's Betting Account

Rule 505(1) is amended to state:

- 505 (1) A driver may not bet, or have another person bet on their behalf, on any horse or combination of horses, in a race in which he or she is driving.

7. Rule 857(3)(i), 857(4)(d), 857(6) and 857(6A) - Reasons for Recall

Rule 857(3)(i) is amended to state:

- (i) RECALL - REASONS FOR. The Starter may sound a recall for the following reasons:
 - (i) a horse starts ahead of the barrier arm;
 - (ii) there is interference;
 - (iii) a horse has broken equipment;
 - (iv) a horse falls before the word RIGHT is given;
 - (v) an emergency occurs; and
 - (vi) a horse is in the wrong position,

Rule 857(4)(d) is amended to state:

- (d) The Starter may sound a recall for the following reasons:
 - (i) there is interference;
 - (ii) a horse has broken equipment;
 - (iii) a horse falls before the word RIGHT is given;
 - (iv) an emergency occurs;
 - (v) a horse is in the wrong position; and
 - (vi) where any horse is clearly ahead of the general line.

Rule 857(6) is amended to state:

(6) STANDING START

RECALL - REASONS FOR

The Starter may sound a recall for the following reasons:

- (a) interference prior to the barrier strand(s) being released;
- (b) a barrier strand fails to release, or its release interferes with a horse;
- (c) a Starter's Assistant impedes the progress of a horse

Rule 857 is amended by inserting after sub-rule (6) and new sub-rule (6A) that states:

- (6A) When a recall is sounded each horse involved in the reason for the recall shall remain in its allotted position for the second start unless the:
- (a) horse is unable to remain in its allotted barrier position; or
 - (b) starter under Rule 860(8) places the horse in another position.

In the event a subsequent recall is sounded any horse involved in the reason for a previous recall shall be declared a late scratching.

8. Rule 866 and 869(2) - Amendments relating to Use of the Whip

The Rules are amended by deleting rule 869(2) and amending rule 866 to state:

866 A driver in a race must not use:

- (a) a whip not approved under the Whip and Rein Regulations made by the Board (the Whip and Rein Regulations);
- (b) a whip in contravention of the Whip and Rein Regulations;
- (c) the reins in contravention of the Whip and Rein Regulations.

These amendments relating to the Use of the Whip will come into force on notification in the Gazette at a future date, together with the Whip and Rein Regulations when finalised.

9. Rule 868(3) – Failure to Drive Out

Rule 868(3) is amended to state:

- (3) Every driver shall drive his or her horse out to the end of the race if he or she has any reasonable chance of running first, second, third, fourth, or fifth.

10. Rule 869(6)(b) Push Out Rule

Rule 869(6)(b) is amended by deleting the words “making a forward movement”

11. Rules 105, 1004, 1004AA, 1004A, 1004AB, 1004B to 1004E, 1001(1)(q), and 1001(1)(qa) Prohibited Substance and Practices

Rule 105(1) is amended by inserting the following definition clauses:

a **clear day prior to racing** means the twenty-four-hour period before 12.01 am on the day the horse is to race and includes the day of racing.

laboratory means a laboratory approved by the Board.

a **day of racing** commences at 12.01 am on the day on which the horse is to race and concludes half an hour after the last race.

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;
- (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.

The definition of Prohibited Substance in rule 105(1) is amended to state:

PROHIBITED SUBSTANCE means:

- (a) any substance set out in the Prohibited Substance and Practices Regulations;
- (b) the metabolites, artefacts and isomers of a prohibited substances; and
- (c) for any substance not set out in the Prohibited Substance and Practices Regulations any substance capable of affecting the speed, stamina, courage or conduct of a horse.

The rules are amended by deleting rules 1004, 1004AA, 1004A, 1004AB, 1004B, 1004C, 1004E, 1001(1)(q), and 1001(1)(qa) and inserting the following new rules 1004 to 1004O

Definitions

1004 (1) For the purpose of rules 1004A to 1004O:

to administer includes:

- (a) to cause to be administered to, or ingested by, a horse;
- (b) to permit to be administered to, or ingested by, a horse;
- (c) to attempt to administer to, or be ingested by, a horse; and
- (d) to attempt to cause or permit to be administered to, or ingested by, a horse.

(2) The Prohibited Substance and Practices Regulations made by the Board may include:

- (a) a list of substances or categories of substances as prohibited substances;
- (b) in the list, levels for substances below which the substance is exempted as a prohibited substance;
- (c) prohibited substances as out of competition substances;
- (d) a list of substances and practices to which rule 1004C shall not apply;
- (e) a list of approved laboratories; and
- (f) a list of prohibited practices.

Prohibited substance rule

- 1004A (1) For the purpose of this rule, a horse is presented for a race during the period commencing at 8.00 am on the day of the race for which the horse is nominated and ending at the time it leaves the racecourse after the running of that race.
- (2) A horse shall be presented for a race free of prohibited substances.
- (3) A horse shall be presented for a race with a total carbon dioxide (TCO₂) level at or below the level of 36.0 millimoles per litre in plasma.
- (4) When a horse is presented to race in contravention of sub-rule (2) or (3) the trainer of the horse commits a breach of these Rules.
- (5) When a person is left in charge of a horse and the horse is presented to race in contravention of sub-rule (2) or (3) the trainer of the horse and the person left in charge both commit a breach of these Rules.
- (6) A breach of sub-rule (2), (3), (4), or (5) is committed regardless of the circumstances in which the TCO₂ level or prohibited substance came to be present in or on the horse.

Prohibited items rule

- 1004B (1) No person shall have in their possession either at a race meeting or in any motor vehicle, trailer, or float being used for the purpose of travelling to a race meeting, unless they have first obtained the permission of a Stipendiary Steward or Racecourse Inspector:
- (a) a prohibited substance;
 - (b) gastric tube or nasal gastric tube;
 - (c) hypodermic needle, or oral syringe;
 - (d) ventilator, nebulizer, atomiser, or face mask.

One clear day rule

- 1004C (1) No person shall administer to a horse entered in a race in the period one clear day before racing (except under the direction or supervision of a club veterinarian, Racecourse Inspector, or Stipendiary Steward) any substance by:
- (a) gastric tube or nasal gastric tube;
 - (b) injection, hypodermic needle, or oral syringe;
 - (c) aerosol, ventilator, nebulizer, atomiser, or face mask;
 - (d) topical treatment to the skin or tissues that contains or claims to contain medication, or has or claims to have a therapeutic effect, including analgesia or anti-inflammatory actions; or
 - (e) by any similar method.
- (2) A breach of sub-rule (1) is committed regardless of the nature of the substance administered.
- (3) A person shall not provide to a horse on the day of racing before it has left the racecourse after racing, or one clear day prior to racing, any feed that had added to it a substance containing bicarbonate or other alkalising agent, cobalt, or a prohibited substance in addition to that included in a commercial feed or produce by a feed merchant.
- (4) When an administration under sub-rule (2) occurs or a substance is added to a horses feed, both the person who administers or adds the substance and the trainer of the horse commit a breach of the rules

Sanctions

- 1004D (1) A person who commits a breach of a rule in rules 1004A, 1004B, or 1004C shall be liable to:
- (a) a fine not exceeding \$20,000.00; and
 - (b) be disqualified or suspended from holding or obtaining a licence for any specific period not exceeding five years.
- (2) Any horse connected with a breach of the rule must be disqualified from the race and may in addition be disqualified for a period not exceeding five years.

Disqualification from race

- 1004E (1) Any horse taken to a racecourse for the purpose of engaging in a race which is found to have administered to it or ingested by it a prohibited substance or an out of competition prohibited substance must be disqualified from that race.
- (2) The mandatory disqualification under sub-rule (1) applies regardless of the circumstances in which the substance came to be present in or on the horse.
- (3) When the owner and trainer of the horse has been advised of the analysis which indicates that a prohibited substance may have been administered to, or ingested by, the horse and the owner, trainer, or their authorised representative does not request, under the Swabbing Instructions, that the reserve sample be analysed at an approved laboratory by 4.00 pm on the third working day after being so advised, a Judicial Committee must disqualify the horse, amend the placings and the stakes shall be paid in accordance with that decision.
- (4) Where the owner, trainer, or their authorised representative does request the reserve sample be analysed at an approved laboratory by 4.00 pm on the third working day after being advised of the analysis and the analysis of the reserve sample indicates that a prohibited substance may have been administered to, or ingested by, the horse, a Judicial Committee must disqualify the horse, amend the placings and the stakes shall be paid in accordance with that decision.
- (5) The owner or trainer of the horse subject to a positive result may notify in writing the General Manager of the Racing Integrity Unit that they intend to challenge the analysis and the basis for that challenge. The notification must be within 10 working days of being advised of the results of the analysis, or the result of the reserve sample (if applicable). The Judicial Committee shall then determine whether the horse is to be disqualified after hearing from the parties.
- (6) Disqualification and changes of placings under this rule, will take effect from the immediate Monday following the judicial decision or such other time as the Judicial Committee determines.
- (7) A disqualification under sub-rules (3) and (4) may not occur until after the 10 working day period in sub-rule (5).

Anabolic androgenic steroids

- 1004F (1) Where an investigation, or the inspection, examination, observation, testing, or sample taken from a horse, indicates that a prohibited substance referred to in clause 6.5 of the Prohibited Substance Regulations (anabolic androgenic steroids) or its metabolites, artefacts, isomers or analogues may have been administered to, or ingested by, the horse, that horse:

- (a) shall be ineligible to be entered for, or start in, a race for a period of 12 months, from the date of inspection, examination, observation, testing, or on which the sample was taken; and
 - (b) must be disqualified from any race in which it starts during the 12 month period referred to in paragraph (a).
- (2) Rule 1005E shall apply with any necessary modification to any disqualification under sub-rule (1)(b).

Injection to joints

- 1004G (1) A horse must not have any substance directly or indirectly injected to a joint in the period eight clear days prior to racing.
- (2) A trainer and the person in charge of the horse at the time of the injection commits a breach of the rules when a horse races and has had a substance directly or indirectly injected to a joint in the period eight clear days prior to racing.
- (3) A person who commits a breach of this rule shall be liable to the sanctions in rule 1004D.
- (4) A horse that races having had any substance directly or indirectly injected to a joint in the period eight clear days prior to racing must be disqualified from the race and rule 1005E shall apply with any necessary modification.

Bisphosphonates

- 1004H (1) A horse must not have been administered:
- (a) any bisphosphonate under the age of four years; or
 - (b) any bisphosphonate in the period 30 clear days prior to racing.
- (2) A trainer and the person in charge of the horse at the time of the administration prohibited by sub-rule 1 commits a breach of the rules.
- (3) A person who commits a breach of this rule shall be liable to the sanctions in rule 1004D
- (4) A horse that races having had administered to it bisphosphonate in contravention of this rule must be disqualified from the race and rule 1005E shall apply with any necessary modification.

Administration Prohibited Substances

- 1004I (1) A person commits a breach of the rules who administers a prohibited substance to a horse which is taken, or is to be taken, to a racecourse for the purpose of engaging in a race.
- (2) A breach of sub-rule (1) is declared to be a serious racing offence.

Out of competition prohibited substances

- 1004J (1) When any sample taken has detected in it, or any test or examination establishes the horse has had administered to it, any prohibited substance specified in Prohibited Substance and Practices Regulations as an "Out of Competition Prohibited Substance", the trainer and any other person in apparent control of the horse commits a breach of the Rules.

- (2) A breach of sub-rule (1) is committed regardless of the circumstances in which the substance came to be present in or on the horse.
- (3) A breach of sub-rule (1) is declared to be a serious racing offence.

Manipulation of Blood and Blood Components

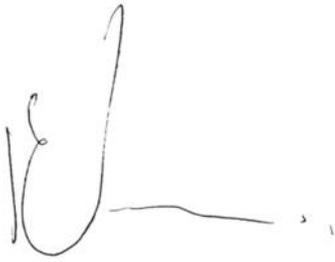
- 1004K (1) A person shall not directly or indirectly:
- (a) withdraw blood from any horse for the purpose of manipulating the blood; or
 - (b) administer to, reinfuse or reintroduce into a horse any homologous, allogenic (heterologous), or autologous blood, blood products, or blood cells of any origin.
- (2) Sub-rule (1) is not contravened when the act is undertaken by a veterinarian:
- (a) for life-saving purposes;
 - (b) for veterinary regenerative therapies for the treatment of musculoskeletal injury or disease; or
 - (c) for veterinary treatment of respiratory bleeding by nebulizer or similar device.
- (3) If sub-rule (1) is contravened, in addition to the person who breaches the rule, both the trainer and person in charge of the horse commits a breach of the rules.
- (4) A breach of sub-rules (1) and (3) are declared to be a serious racing offence.
- (5) Where sub-rule (1) is contravened or a permitted act is undertaken by a veterinarian under sub-rule (2) the horse is:
- (a) ineligible to be entered or start in a race for a period of eight clear days from the date of the act or such longer period as a Judicial Committee may decide; and
 - (b) must be disqualified from any race in which it started during the eight-day period or longer period referred to in paragraph (a).
- (6) Rule 1005E shall apply with any necessary modification to any disqualification under sub-rule (5)(b).

General

- 1004L (1) In a proceeding for a breach of the rules relating to prohibited substances or out of competition prohibited substance it shall be presumed until the contrary is established the contents of any bottle or container contain at least those ingredients specified on the manufacturers label on the container.
- 1004M (1) A Stipendiary Steward or Racecourse Inspector at any time may:
- (a) Direct a person take and maintain possession of any horse at any and under such conditions as he or she specifies;
 - (b) Have a horse examined or tested;
 - (c) Have a sample taken or collected from the horse, including a sample of its blood or urine.
- (2) A Stipendiary Steward or Racecourse Inspector may use the services of a Veterinarian or other appropriately qualified person for the purpose of examining, testing, or taking samples from a horse.
- (3) A sample taken from a horse shall be the property of HRNZ.

- (4) A sample shall be taken, as far as practicable, in accordance with the Swabbing Instructions or other direction, if any, from the Board.
 - (5) A sample taken shall be sent to a laboratory for analysis and the analysis shall include any further or subsequent analysis as agreed or directed by the Chief Executive.
 - (6) The Chief Executive may delegate his power under sub-rule (5) to the General Manager of the Racing Integrity Unit.
 - (7) Failure to comply with these rules, the Swabbing Instructions, or other direction shall not invalidate the analysis of any sample, or any related proceeding.
- 1004N (1) An owner, trainer, and person in apparent control of the horse must comply with any direction given by a Stipendiary Steward or Racecourse Inspector relating to any examination, test, or taking of samples.
- (2) A person must not interfere with, or prevent, or endeavour to interfere with or prevent the carrying out of any test or examination.
 - (3) A breach of sub-rule (1) and (2) is declared to be a serious racing offence.
- 1004O (1) A laboratory may issue a certificate which may include:
- (a) the sample, substance, preparation, mixture, or article to which the certificate relates;
 - (b) the date on which the sample, substance, preparation, mixture, or article was received by the laboratory from a Stipendiary Steward or Racecourse Inspector;
 - (c) upon analysis that sample, substance, preparation, mixture, or article was found to be or contain a prohibited substance or an out of competition substance.
- (2) A certificate shall, until the contrary is proved, be sufficient evidence of the:
- (a) qualifications and authority of the person by whom the analysis was carried out;
 - (b) authority of the person who signed the certificate to sign that certificate; and
 - (c) facts stated in the certificate.
- (3) A certificate shall be admissible in evidence if:
- (a) at least 10 working days before the hearing at which the certificate is tendered, a copy of that certificate is served, upon the defendant in those proceedings; and
 - (b) the defendant does not at least 5 clear days before the hearing give notice in writing to the Racing Integrity Unit requiring the person who made the analysis to be called as a witness at the hearing.

Dated at Christchurch this 18th day of November 2019

A handwritten signature in black ink, appearing to read 'Peter Jensen', with a long horizontal flourish extending to the right.

**Peter Jensen
Chief Executive
Harness Racing New Zealand Inc**