

# 2020 RULE AMENDMENTS, CONSTITUTION AMENDMENTS, AND RESOLUTIONS

The proposed amendments to the New Zealand Rules of Harness Racing, amendments to the Constitution of Harness Racing New Zealand Incorporated, and resolutions for approval by HRNZ, to be considered at the 2020 Annual General Meeting (AGM) of Harness Racing New Zealand Incorporated on 18 November 2020 at Christchurch are outlined below.

The voting mechanism for remits 1 to 4 is as per the current voting system. Thereafter for remits 5 to 13 voting on remits will be based on the voting method adopted at the AGM which may be either the status quo per the current Constitution, Westport (remit 1) or HRNZ (remit 4).

The proposed amendments to the Rules will come into force as set out in the remits.

The proposed amendments to the Constitution will come into force following the passing of Special Resolutions and to apply at the AGM.

## 1. SECOND SCHEDULE OF THE CONSTITUTION AND THIRD SCHEDULE OF THE RULES VOTING (PROPOSED BY WESTPORT TROTting CLUB)

### Remit (to come into force on the passing of the special resolution)

Amend clause 7.2.1 by after the word held adding the words “or has voting rights”.

Amend the Second Schedule of the Constitution and Third Schedule of the Rules to state:

### VOTING

1. In this schedule:

**betting licence** means a betting licence issued to a club under section 45 of the Racing Act 2003 or section 68 of the Racing Industry Act 2020 and includes a betting licence for a dual code meeting.

**dual code meeting** means a race meeting at which harness racing races are conducted together with galloping races or greyhound races.

**racing year** means the period of one year from 1<sup>st</sup> August to 31<sup>st</sup> July.

**club** means a club listed in the First Schedule of the Constitution of Harness Racing New Zealand Incorporated as a registered club having a betting licence or that that does not hold a betting licence but was issued a betting licence in the 2019/2020 season.

2. A club shall have during the racing year in which the vote on any matter is to take place:
  - 2.1 each club shall have three votes; and
  - 2.2 each club having a betting licence shall have one vote for each of the next three betting licences after the first three as provided in the table set out below.
3. A club that had been not been issued a betting licence in the preceding racing year in which the vote on any matter is to take place shall have three votes.

4. A kindred body shall have three votes.
5. Where two or more clubs combine, the combined club votes shall be calculated on their combined betting licences in accordance with clause 2.

**Table**

Number of betting licences	Number of votes	Number of betting licences	Number of votes
1	3	37	15
2	3	38	15
3	3	39	15
4	4	40	16
5	4	41	16
6	4	42	16
7	5	43	17
8	5	44	17
9	5	45	17
10	6	46	18
11	6	47	18
12	6	48	18
13	7	49	19
14	7	50	19
15	7	51	19
16	8	52	20
17	8	53	20
18	8	54	20
19	9	55	21
20	9	56	21
21	9	57	21
22	10	58	22
23	10	59	22
24	10	60	22
25	11	61	23
26	11	62	23
27	11	63	23
28	12	64	24
29	12	65	24
30	12	66	24
31	13	67	25
32	13	68	25
33	13	69	25
34	14	70	26
35	14	71	26
36	14	72	26

**Reason**

Westport Trotting Club will address its proposal for changes in the voting system and for small club representation at the Annual General Meeting.

## 2. BOARD ELECTION FOR SMALL CLUBS (BY WESTPORT TROTTING CLUB)

### Remit (to come into force after the passing of the special resolution)

a. In clause 2.1 of the Constitution insert a definition of small club that states:

**small club** means a racing club that holds 3 or fewer betting licences in a racing year.

b. In clause 2.1 of the Constitution amend the definition of totalisator club to state:

**totalisator club** means a club for the time being holding a betting licence issued under section 68 of the Racing Industry Act 2020 and registered under this Constitution and includes a club that was issued a betting licence under section 45 of the Racing Act 2003 in the 2019/2020 season registered under this Constitution.

c. In rule 105(1) of the Rules amend the definition of totalisator club to state:

**totalisator club** means a club for the time being holding a betting licence issued under section 68 of the Racing Industry Act 2020 and registered under the Constitution and includes a club that was issued a betting licence in the 2019/2020 under section 45 of the Racing Act 2003 registered under this Constitution.

d. Amend clause 10.1 of the Constitution by deleting the word “eight” and substituting the word “nine”.

e. Amend clause 10.1.1, 10.4, 10.11 by adding before the words “the Auckland Trotting Club” the words “small clubs,”

f. Renumber clause 10.1.4 as 10.1.5 and insert a new clause 10.1.4 that states:

One person elected by the small clubs

g. After clause 10.25 insert the following heading and a new clause 10.25A and 10.25B that states:

#### **Nominations and election of person by small clubs**

10.25A Clauses 10.3 to 10.23 and 10.29 shall apply with necessary modification to the nomination and election of a person by small clubs except that each small club shall have only one vote.

10.25B Clause 10.35.1 and 10.36 shall apply with necessary modification to a person elected by the small clubs.

### Reason

Westport Trotting Club will address its proposal for changes in the voting system and for small club representation at the Annual General Meeting.

**3. VOTING FOR ELECTED MEMBERS OF THE BOARD  
(PROPOSED BY CENTRAL OTAGO TROTTING CLUB)**

**Remit (to come into force on the passing of the special resolution)**

Amend clause 2.2 of the Constitution by adding the following words:

except when voting for elected members of the Board when each club and kindred body entitled to vote shall have one (1) vote.

**Reason**

Central Otago Trotting Club believes a double standard has been created around how clubs can or can't vote for Board members, as a result of the amendment to the voting process as part of the Special General Meeting 26 June 2019. At the time, HRNZ proposed a one (1) vote per club model for all clubs except NZMTC and ATC. An amendment was successful and remaining clubs now vote based on schedule 2 of the Constitution. The more race days, the more votes.

Given that size excluded NZMTC and ATC, we are unclear why we still have Board elections where size can still be a significant factor in determining election results for all remaining clubs. This season, there are 27 small clubs (0 - 3 licences) and 3 kindred bodies, who collectively have 45 votes this season out of a total 112 votes. The balance is shared by just 12 clubs. This imbalance risks candidates focusing campaigns on the clubs who hold the most votes. Surely to get the "best representatives", they should appeal to the most clubs not just the clubs with the most votes.

We disagree with the notion that the larger clubs should get more votes simply because they have more race days, as many of our biggest meetings are staged by some of our smallest clubs. We consider that a club's size should not be the only measure of its worth to our industry. We believe "one vote " per eligible club or kindred body is both the fairest and easiest system to administer.

**4. SECOND SCHEDULE OF THE CONSTITUTION AND THIRD SCHEDULE OF THE RULES VOTING  
(PROPOSED BY HRNZ BOARD)**

**Remit (to come into force on the passing of the special resolution)**

Amend clause 7.2.1 by after the word held adding the words "or has voting rights".

Amend the Second Schedule of the Constitution and Third Schedule of the Rules (for a period of two years) to state:

**VOTING**

1. In this schedule:

**betting licence** means a betting licence issued to a club under section 45 of the Racing Act 2003 or section 68 of the Racing Industry Act 2020 and includes a betting licence for a dual code meeting.

**dual code meeting** means a race meeting at which harness racing races are conducted together with galloping races or greyhound races.

**racing year** means the period of one year from 1<sup>st</sup> August to 31<sup>st</sup> July.

**club** means a club listed in the First Schedule of the Constitution of Harness Racing New Zealand Incorporated as a registered club having a betting licence.

2. A club shall have during the racing year in which the vote on any matter is to take place:
  - 2.1 one vote for each of the first three betting licences issued to that club in the preceding racing year; and
  - 2.2 after the first three such betting licences issued in the preceding racing year, and one vote for each of the next three betting licences issued up to a maximum of 16 votes as provided in the table set out below.
3. A club that had been not been issued a betting licence in the preceding racing year in which the vote on any matter is to take place shall have one vote.
4. A kindred body shall have three votes.
5. Where two or more clubs combine, the combined club votes shall be calculated by merging the votes the individual clubs had to the combined club.

**Table**

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

**Reason**

The change in the suggested voting means that the voting power of the smaller clubs is not diluted as a result of the metropolitan clubs running a large number of meetings. The voting is capped at a maximum of 16 votes.

The amendment is for a period of two years during which time a review of the Constitution is to be completed.

**5. AMENDMENTS CONSEQUENTIAL ON THE PASSING OF THE RACING INDUSTRY ACT 2020  
(PROPOSED BY HRNZ BOARD)**

**Remit (to come into force on the passing of the special resolution)**

- a. Delete the words “pursuant to s 34 of the Racing Act 2003” and replace with “under s 40 of the Racing Industry Act 2020” in:
  - i. rule 103A, 226(1)(b), 302(1)(b), 413(2)(c)(vi), 443(2)(a), 709(1); and
  - ii. clause 10.2.3 of the Constitution,
- b. Delete the words “Racing Act 2003” and replace with “Racing Industry Act 2020” in:
  - i. The definition of BETTING, BETTING LICENCE, BETTING RACE, RACING BETTING, TOTALISATOR RACING BETTING in rule 105(1).
  - ii. The definition of betting, betting licence, and betting race in clause 2.1 of the Constitution.
  - iii. In clause 2.3, 4.1.5, 9.30, and 14.2.1 of the Constitution.
- c. In the definition of RACE in rule 105(1) delete the words “Racing Act 1971” and replace with “Racing Industry Act 2020”.
- d. Delete the words “Section 45 of the Racing Act 2003” and replace with “section 68 of the Racing Industry Act 2020” in:
  - i. The definition of TOTALISATOR CLUB in rule 105(1).
  - ii. The definition of TOTALISATOR CLUB in clause 2.1 of the Constitution.
- e. In rule 708(1)(b) delete the words “under the provisions of Section 45 of the Racing Act 2003”.
- f. Amend rule 1104(1)(n) to state:

to exercise any other powers, duties and functions conferred or imposed on Judicial Committees by these Rules, the Racing Act 2003, or the Racing Industry Act 2020.
- g. Delete the definition of Racing Act 2003 in the Constitution and insert in the Constitution and the Rules the following definition:

**Racing Industry Act 2020** means the Racing Industry Act 2020 and any Act passed in substitution of that Act and in which case the provision of this Constitution or Rules will apply with necessary modification.
- h. Delete the definition “New Zealand Racing Board” in the Constitution and the Rules and insert a definition for TAB NZ which states:

**TAB NZ** means TAB NZ established under the Racing Industry Act 2020 and any body that replaces TAB NZ under that Act or any Act that replaces the Racing Industry Act 2020.
- i. Delete the words “New Zealand Racing Board” and replace with “TAB NZ” wherever they appear in the Constitution or the Rules.

- j. Delete the words “Racecourse Inspector” and replace with “Racing Investigator”, and the words “Racecourse Inspectors” with “Racing Investigators”, wherever they appear in the Rules,
- k. Amend the definition of BOOKMAKER to state:

**BOOKMAKER** means a person involved in bookmaking as defined in the Gambling Act 2003

**Reason**

The proposed amendments ensure consistency in terminology between the Rules, Regulations and Constitution with the Racing Industry Act 2020.

**6. CLAUSE 7.5.1 AND 7.8 OF THE CONSTITUTION (*PROPOSED BY HRNZ BOARD*)**

**Remit (to come into force on 1 December 2020)**

Amend clause 7.5.1 and 7.8 by inserting after the word “member” the words “, or paid official of the club or kindred body”.

**Reason**

The proposed amendment will permit an officer of the club or kindred body to represent a club or kindred body at meetings of HRNZ.

**7. CLAUSE 7.4A, 7.8, AND 7.9 OF THE CONSTITUTION (*PROPOSED BY HRNZ BOARD*)**

**Remit (to come into force on 1 December 2020)**

Insert after clause 7.4 a new clause 7.4A that states:

A person may only be appointed as a representative of one club or kindred body but may also be appointed as a substitute of a club or kindred body if it is not practicable for another person to be appointed as a substitute.

Amend clause 7.8 and 7.9 by deleting the word “The” and replace it with “Except as provided in clause 7.4A the”.

**Reason**

To ensure each club and kindred body is separately represented but where is not practicable for the representative or substitute to attend the meeting a person who is not a member or official of the club may be appointed as the substitute.

**8. CLAUSE 8.1A OF THE CONSTITUTION (*PROPOSED BY HRNZ BOARD*)**

**Remit (to come into force on 1 December 2020)**

Amend clause 8 of the Constitution by inserting after clause 8.1 a new clause 8.1A that states:

8.1A If circumstances exist at the time of notification the annual general meeting, or arise before the date of the meeting, that result in the attendance of persons at the meeting not being practicable the Board may permit those persons for whom it is not practicable to attend to participate in the meeting by means of audio, audio visual, electronic communication or the use of other technologies as decided by the Board.

### **Reason**

The suggested change will allow HRNZ to conduct the annual general meeting electronically, in the event of circumstances arising that mean that it is not practical to conduct an in-person meeting.

## **9. RULE 854A STARTING (*PROPOSED BY HRNZ BOARD*)**

### **Remit (to come into force on 1 December 2020)**

Insert before rule 854 a new rule 854A that states:

854A No horse may be entered for its first start for a standing or mobile start at any meeting at which racing betting takes place until that horse has behaved prior to the start, started satisfactorily and gone away for the first 200m, from the nominated start type in the presence of a Stipendiary Steward, or person approved by the RIU in their absence.

### **Reason**

The suggested change will ensure that a horse has performed satisfactorily at the start type from which it is racing, which will improve the quality of the harness product.

## **10. PART IX OF THE RULES AND RULES 1107(1), 1109(4), 1109A AND 1113(2) (*PROPOSED BY HRNZ BOARD*)**

### **Remit (to come into force on 1 December 2020)**

Amend rules 1107(1), 1109(4), 1109A, and 1113(2) by replacing the reference to rule "920" with rule "904" and by deleting the current Part IX of the rules replacing it with the following:

### **PART IX – BETTING**

#### **GENERAL**

901 (1) Where a club conducts betting as an agent of TAB NZ no person having any duties in connection with or employed in or about the betting shall disclose information relating to investments to a person of any other person.

(2) Sub-rule 1 does not apply to:

- (a) betting information requested by and disclosed to a Stipendiary Steward or Racing Investigator;
- (b) information being disclosed to TAB NZ; or
- (c) information being disclosed required to be disclosed by law.

902 Every holder of a dividend winning ticket shall satisfy himself that he has received his proper dividend before leaving the counter at which the pay-out is made and no claim made subsequently shall be recognised without the express direction of the Stewards.

903 (1) Every person betting must comply with the TAB NZ Betting Rules.

(2) No person shall fraudulently claim payment of any dividend.

(3) A breach of sub-rule (1) or (2) is declared to be a serious racing offence.



## **PAYMENT OF DIVIDENDS**

- 904 (1) The Judicial Committee shall give authority to TAB NZ for the payment of dividends.
- (2) The authority for payment of dividends shall not be given before three minutes after the Judge's decision as to placings under rule 873(2) and 874.
- (3) After the three-minute period the Judicial Committee shall not give such authority if:
- (a) an information has been filed which may result in an alteration of the placing of one or more of the horses in a dividend-bearing place;
  - (b) notice of an intention to file an information has been given to the Judicial Committee by a person permitted to file an information, which may result in an alteration of the placing of one or more of the horses in a dividend-bearing place; or
  - (c) notice of an intention to file an information has been given under paragraph (b) and within six minutes after the Judge's decision an information has been filed which may result in an alteration of the placing of one or more of the horses in a dividend-bearing place.
- (4) The time period referred to in sub-rules (2) and (3) may be extended by the Judicial Committee if it is satisfied:
- (a) that an information could not have been filed within that time; and
  - (b) that authority for the payment of dividends has not already been given.
- (5) Where an information is filed within the time periods in either sub-rule (4) or (5) authority for the payment of dividends shall not be given until the proceeding is determined.
- (6) Before the proceeding is determined the Judicial Committee may give authority for the payment of dividends on any placed horse, or combination of placed horses, not affected by the information or proceeding.
- (7) On the determination of any proceeding the Judicial Committee shall give such authority in accordance with its decision.
- (8) The disqualification of any horse or placing of a horse after another horse that occurs after authority for the payment of dividends has been given shall not affect or result in any alteration of the payment of dividends.
- (9) The Judicial Committee may correct any error in an authority for payment of dividends at any time prior to the commencement of payment of dividends by TAB NZ.
- (10) Every authority for the payment of dividends, decision to give authority for the payment of dividends, decision to or not to extend time, or decision to correct any authority for the payment of dividends under sub-rule is declared to be final.

### **Reason**

The proposed rule changes update this part of the rules to remove outdated rules and reflect reality regarding the payment of dividends by TAB NZ.

**11. RULE 1001A SOCIAL MEDIA POLICY (PROPOSED BY HRNZ BOARD)**

**Remit (to come into force on a date fixed by the Board)**

Insert after rule 1001 a new rule 1001A that states:

- 1001A (1) The Board may make Social Media Policy Regulations the purpose of which is to strike a balance between HRNZ needs, the need to protect its interests, manage its professional obligations to other members, stakeholders, staff, and participants right to engage in social media activities.
- (2) A person who fails to comply with a breach of the Social Media Policy Regulations commits a breach of the rules.
- (3) Sub-rule (2) does not limit the application of rule 1001(1)(v) or (ze).

**Reason**

The introduction of a rule and a policy relating to social media, will improve the professionalism of harness racing and consequently the image presented to the public.

**12. RULE 1004H BISPHOSPHONATES (PROPOSED BY HRNZ BOARD)**

**Remit (to come into force on 1 December 2020)**

Amend rule 1004H to state:

- 1004H (1) In these rules a registered bisphosphonate means a bisphosphonate listed in the Prohibited Substance and Practices Regulations as a registered bisphosphonate.
- (2) A horse must not have been administered:
- (a) any registered bisphosphonate under the age of four years; or
- (b) any registered bisphosphonate in the period 30 clear days prior to racing.
- (3) A horse must not at any time at be administered a bisphosphonate that is not registered.
- (4) A trainer and the person in charge of the horse at the time of the administration prohibited by sub-rule (2) or (3) commits a serious racing offence.
- (5) 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.

**Reason**

To provide clarity on bisphosphonate use.

**13. RULE 1004K MANIPULATION OF BLOOD AND BLOOD PRODUCTS (PROPOSED BY KAPITI COAST HRC)**

**Remit (to come into force on 1 December 2020)**

Amend rule 1004K by adding a new sub-rule (7) and (8) that states:

- (7) No trainer shall be in possession of any any homologous, allogenic (heterologous), or autologous blood, blood products, or blood cells of any origin that may be administered to, reinfused or reintroduced into a horse.

- (8) Any homologous, allogenic (heterologous), or autologous blood, blood products, or blood cells of any origin that may be administered to, reinfused or reintroduced into a horse may not be stored at any property at which horses are trained.
- (9) A breach of sub-rule (7) or (8) is declared to be a serious racing offence.

**Reason**

The reasons for this remit will be addressed by Kapiti Coast HRC at the Annual General Meeting.