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NEW ZEALAND THOROUGHBRED RACING INCORPORATED

AMENDED RULES OF RACING

PURSUANT TO
SECTIONS 29 OR 34 OF THE RACING ACT 2003

Racing Act 2003

Pursuant to section 29 or section 34 of the Racing Act 2003, New Zealand Thoroughbred Racing Incorporated has made the following changes to the Rules of Racing at www.nzracing.co.nz with effect from 1 August 2014.

Industry consultation has taken place on these amendments and NZTR's Board of Directors has sought the views of the Judicial Control Authority and the New Zealand Racing Board Dates Committee.

Deleted words are ~~struck out~~ and added words are shown in **bold**.

These amendments to the Rules of Racing are:

1. Rules 104 and 407: Definitions and Registration of Horses

This addition to Rule 104 and amendments to Rule 407(c)(ii) (Registration of Horses) are in response to a recommendation from the International Stud Book Committee to ensure any avoidance of doubt in regard to non-eligibility of a horse for Thoroughbred registration.

DEFINITIONS

104 *In these Rules, unless the context requires otherwise:*

...

Genetic Manipulation means the biological process of altering the genetic constitution of an organism by human manipulation.

REGISTRATION OF HORSES

407 (c)

...

(ii) *semen obtained from a stallion by any artificial means may not be used to reinforce a service, and any other form of artificial breeding (including artificial insemination, embryo transfer or transplant, cloning, or any ~~other~~ form of ~~g~~Genetic ~~m~~Manipulation at any stage of the horse's existence) may not be used to produce the horse.*

2. Rule 333: Ownership of Horses by Rider

These proposed additions to the Rules would address any undesirable perceptions of New Zealand Thoroughbred racing's integrity, which could arise when a Rider has an interest in more than one horse in the same race, by disallowing a Rider to ride in a race in which he or she has an interest in more than one horse in that race.

OWNERSHIP OF HORSES BY RIDER

333 (1) *A Rider may own or lease a horse which is in training or entered for a Race only if:*

(a) *the Rider ~~is not under the age of~~ **has attained the age of 18 years** and ~~is not~~ **the a Rider-holdering of** a Class B or C rider's licence; and*

(b) (i) *the horse is owned by or leased to:*

(A) *the Rider only; or*

- (B) *the Rider and other persons, where the Rider has ~~at least a 25% any~~ interest in the horse, as Owner (where there is no lessee) or lessee (as the case may be); or*
- (C) *a Legal Ownership Entity and the Rider ~~is the beneficial owner of at least 25% of the shares or other ownership rights or interests or other legal or~~ has a beneficial interest in that Legal Ownership Entity. ~~Provided that a Rider may apply to NZTR for an exemption from the operation of this Rule so as to permit him to acquire or retain shares in a Legal Ownership Entity which is listed on a recognised stock exchange in New Zealand or in the jurisdiction of Another Racing Authority and in any such case NZTR may, if it thinks fit, grant that exemption or such terms and conditions as it thinks fit in its absolute discretion; or~~*
- (ii) *the horse is the subject of a lease and the Rider is the only or one of the Owners (being the lessor) of that horse (for the avoidance of doubt, where the horse is the subject of a lease and the Rider is the only or one of the lessees of that horse then sub-Rule 333(1)(b)(i) applies; ~~and~~), provided that*
- (iii) *the Rider declares such Ownership interest to NZTR **within seven days of acquiring the interest** so that the fact that such Rider has an Ownership interest shall be included in the race book for any Race for which the applicable horse is entered.*
- (2) (a) *A Rider shall not, in any Race in which a horse ~~or horses~~ owned or leased by that Rider, or **by** that Rider and other persons, or by any Legal Ownership Entity in which the Rider has a beneficial interest in accordance with Rule 333(1)(b) (the **Rider's Horse**), is a starter, ride any horse other than ~~one of the Rider's Horses~~.*
- (b) ***Notwithstanding sub-Rule (2)(a) above, a Rider shall not ride any horse in a Race in which more than one horse owned or leased by that Rider, or by that Rider and other persons, or by any Legal Ownership Entity in which the Rider has a beneficial interest in accordance with Rule 333(1)(b) is a starter.***

3. Rule 406: Registration of Horses

This proposed amendment to Rule 406, which requires a Racing Manager be appointed at the time a horse is registered, corrects the current exclusion of the need for a Racing Manager if a horse is owned by only one person. The recent introduction of the Credit Checking Policy requires every horse to have a Racing Manager, regardless of whether a horse is owned by one or more persons.

- 406 (a) ...
- (iv) *nominate a Racing Manager for the horse ~~if it is owned by a Legal Ownership Entity or by two ~~one~~ or more persons (including, for the avoidance of doubt, natural persons and Legal Ownership Entities); and~~*
 - (d)
 - (iii) *the nominated Racing Manager ~~(if one is required under these Rules).~~*

4. Rule 526: Eligibility of Horses for Races

These proposed changes would prevent Trainers entering a horse in a race with the intention of reducing the weight of another horse or other horses in the same race and then withdrawing that horse. Under the current wording Trainers are able to legitimately deny that a horse was entered in a race for the sole purpose of affecting the weight to be allocated to another horse.

526 *A person shall not enter, or cause to be entered, a horse in a Race **where one of the purposes of entering the horse is to** ~~with the sole purpose of affecting the weight to be allocated to any other horse entered in such Race.~~*

5. Rule 616: Notifiable Gear

These proposed additions to the Rules allow for devices, which capture data, to be included and ensures NZTR owns the data and has full rights to its use for any purpose and adds offences under Rules 616 (2) and 616 (3) to the Minor Infringement System (Fifth Appendix) with the applicable fine for both offences being, for a first offence in 120 days a \$50.00 fine and for a second offence in 120 days a \$100.00 fine.

616 (3) *A trainer shall not start or attempt to start a horse in a Race unless that horse has a numbered saddle cloth supplied by the Club which may contain a device to permit the capturing of data on that horse's performance during the Race. Any such data may be used by NZTR for such purposes as it sees fit.*

FIFTH APPENDIX MINOR INFRINGEMENT SYSTEM PENALTY TABLE

RULE	DESCRIPTION	FINE	
Trainers		1st Offence	2nd Offence
616 (2) & (3)	Notifiable Gear	\$50	\$100

6. Rule 652: Pregnant Mares

These proposed amendments would require Trainers to report to the Racing Integrity Unit that a filly or mare, under their care, has been served by a stallion. It would also require Trainers to report subsequent positive or negative pregnancy tests, or if the filly or mare slips, within prescribed deadlines. These amendments aim to improve compliance of Rule 652 and increase information to bettors, taking into account a filly's or mare's potential change of racing performance (better or worse) when in foal. A standard form, for inclusion in the Trainers' Service Centre and the forms section of the NZTR website, will be available for Trainers to aid compliance.

HORSE WELFARE

652 (1) *A **pregnant filly or mare** ~~or filly~~ shall not Race or participate in any trials (including jump-outs or tests for certification purposes), or trackwork **more than 120 days** after day 120 of its pregnancy ~~its last date of service.~~*

(2) *~~A Trainer shall as soon as possible upon becoming aware of the pregnancy of a mare or filly in his charge, notify the Stipendiary Stewards in writing of the pregnancy and the date of the last service, of such mare or filly.~~ **A Trainer who has completed a form under Rule 326(1) in respect of a filly or mare which is being served by a stallion in breeding season must notify a Stipendiary Steward as follows:***

- (a) *of the first date of service, such notice to be given within seven days of that service;*
 - (b) *the outcome of a 42-day pregnancy test, within seven days of the results of that test, such notification to the Stipendiary Steward to include:*
 - (i) *the outcome of the test;*
 - (ii) *if the test is positive, the last date of service of that filly or mare;*
 - (c) *if a pregnant filly or mare subsequently slips or is otherwise found not to be pregnant the Trainer must advise a Stipendiary Steward before the horse may participate in any Race or trial (including a jump out or test for certification procedures).*
- (3) *For the purpose of sub-Rule (2), 'slips' shall have the meaning given to the term 'slipped' in Regulation 1(2) of the New Zealand Stud Book and Register of Non Stud Book Mares Regulations.*

7. Rules 104, 208, 322, 344 (new), 656-7, 803, 812 (new) & 902 – Drug and Alcohol Testing

Proposed amendments to the Rules regarding drug and alcohol testing would allow testing of all licensed persons carrying out or likely to carry out a 'safety sensitive activity' at a Racecourse, Training Facility or Trainer's Premises. A 'safety sensitive activity' is defined as 'attending to, or saddling, leading or handling a horse.' This would enhance safety in relation to such activities.

DEFINITIONS

104 *In these Rules, unless the context requires otherwise:*

Safety Sensitive Activity *means an activity associated with Races or racing which is of the type that is specified by NZTR in a published policy to be a safety sensitive activity.*

208 *Stipendiary Stewards and Investigators have the power:*

...

- (f) *to require a Rider, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, to permit a sample of his blood, breath, urine, saliva or sweat (or more than one thereof), to be obtained from him by or under the supervision of a Registered Medical Practitioner or an Authorised Person at such time and place as a Stipendiary Steward or Investigator shall nominate;*

REVIEW, SUSPENSION, WITHDRAWAL AND CANCELLATION OF LICENCES

322 (1) *NZTR may, on reasonable grounds, at any time review and impose conditions on any Licence, or cancel or withdraw or suspend any Licence including, but not limited to, if:*

- (a) *a Rider, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, ~~or Trackwork Rider or Stablehand~~ who when required by a Stipendiary Steward or Investigator to permit a sample of his blood, breath, urine, saliva or sweat (or more than one thereof), to be obtained from him by or under the supervision of a Registered Medical Practitioner or an Authorised Person, refused or failed to do so at the time and place nominated by such Stipendiary Steward or Investigator; or*

CONDITION OF LICENCE

344 Every Licence which is issued shall contain, or be presumed conclusively to contain, a condition that the Licenceholder shall, whenever required to do so by a Stipendiary Steward or Investigator in accordance with these Rules, permit a sample of the Licenceholder's blood, breath, urine, saliva or sweat (or more than one thereof), to be obtained from the Licenceholder by, or under the supervision of, a Registered Medical Practitioner or an Authorised Person.

DRUG AND ALCOHOL TESTING

- 656** (1) A Rider who rides or presents himself to ride a horse, **or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity** at a Racecourse, Training Facility or Trainer's Premises shall thereby be deemed to have consented to a sample of his blood, breath, urine, saliva or sweat (or more than one thereof), being obtained from him by or under the supervision of a Registered Medical Practitioner or by an Authorised Person if and whenever the Rider is required by a Stipendiary Steward or Investigator to permit such a sample to be so obtained.
- (2) A Stipendiary Steward or Investigator may require a Rider, **or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises**, to supply a sample of his blood, breath, urine, saliva or sweat (or more than one thereof) at a time and **such** place nominated by the Stipendiary Steward or Investigator. If so, such Rider, **or any other Licenceholder**, must comply with such a requirement. Any Rider, **or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises**, acting in contravention of this Rule shall be reported to NZTR by the Stipendiary Steward or Investigator dealing with the breach and NZTR shall consider whether, in addition to any penalty which may be imposed by the Judicial Committee, such person's Licence should be **reviewed (including having conditions imposed on it)**, cancelled, **withdrawn or suspended** under Rule 322(1) of these Rules.
- (3) A Rider, **or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises**, who, having been required by a Stipendiary Steward or Investigator to supply a sample of his blood, breath, urine, saliva or sweat (or more than one thereof) in accordance with this Rule must not have blood, breath, urine, saliva or sweat (whichever is the subject of the applicable sample) which is found upon analysis to contain any controlled drug as defined in the Misuse of Drugs Act 1975 or other illicit substance or diuretic and/or its metabolites, artifacts or isomers.
- (4) A Rider who rides or presents himself to ride a horse at a Racecourse, Training Facility or Trainer's Premises must not have a breath alcohol level greater than 100 micrograms of alcohol per litre of breath.
- (5) **Subject to Rule 656(4), any Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises must not have a breath alcohol level greater than:**
- (a) 150 micrograms of alcohol per litre of breath, if that person is younger than 20 years of age;**
 - (b) 400 micrograms of alcohol per litre of breath, if that person is 20 years of age or older.**

657 (1) *If a Rider, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, has supplied a sample of his blood, breath, urine, saliva or sweat (or more than one thereof) in accordance with Rule 656(2), and such sample or samples is or are found upon analysis to contain any controlled drug as defined in the Misuse of Drugs Act 1975 or other illicit substance and/or its metabolites, artifacts or isomers, then:*

- (a) *that such person shall be notified in writing of the finding of that analysis as soon as reasonably practicable; and*
- (b) *that person's Licence shall be automatically withdrawn from the date of the written notice until the Judicial Committee issues a substantive decision in relation to any information filed against that person in relation to that sample or samples.*

(2) *If:*

- (a) *no information against that Rider, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, is filed within 21 days of the written notice referred to in Rule 657(1)(a) being served on that person; and*
- (b) *that Rider, or such other Licenceholder, (as applicable) has subsequently provided a further sample of his blood, breath, urine, saliva or sweat (being the same type or sample as the first sample provided, e.g. urine) and such sample is found upon analysis not to contain a controlled drug as defined in the Misuse of Drugs Act 1975 or other illicit substance and/or its metabolites, artifacts or isomers,*

then that person's Licence ~~shall~~ may be reinstated.

(3) *If, in the opinion of NZTR, the hearing of an information against a Rider, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, in relation to a sample or samples referred to in sub-Rule (1) above is not held in a timely way as a result of delays or omissions on the part of the informant, then NZTR may reinstate that person's Licence on such terms and conditions as NZTR sees fit.*

(4) *The above provisions shall take effect notwithstanding anything to the contrary in the provisions of Rule 322.*

GENERAL PENALTIES

803 (1) *A person who, or body or other entity (not being a Club) which, commits or is deemed to have committed a breach of these Rules or any of them for which a penalty is not provided elsewhere in these Rules shall be liable to:*

- (a) *be disqualified for a period not exceeding 12 months; and/or*
- (b) *be suspended from holding or obtaining a Licence for a period not exceeding 12 months. If a Licence is renewed during a term of suspension, then the suspension shall continue to apply to the renewed Licence; and/or*
- (c) *a fine not exceeding \$20,000.*

Where a Rule or any part of a Rule provides that a horse may be disqualified if a person commits a breach in respect of such Rule or any such part the liability to disqualification of the horse shall not be regarded as a penalty for the person's or body's or other entity's breach of the Rule or of the part.

- (2) *Where a horse or its Rider commits or is deemed to have committed a breach of these Rules or of any of them and a penalty is not provided elsewhere in these Rules for that breach:*

(a) *the horse may:*

(i) *be disqualified or scratched from any Race; and/or*

(ii) *be disqualified for a period not exceeding 12 months from and after the date of that Race;*

(b) *a Rider committing the breach, or a person who in the opinion of the Judicial Committee was in charge of the horse at any material time may:*

(i) *be disqualified for a period not exceeding 12 months; and/or*

(ii) *be suspended from holding or obtaining a Licence for a period not exceeding 12 months. If a Licence expires and is renewed during a term of suspension, then the suspension shall continue to apply to the renewed Licence; and/or*

(iii) *be fined a sum not exceeding \$20,000, unless the breach is:*

(A) *a riding breach;*

(B) *a breach related to wagering; or*

(C) *a breach related to drugs, alcohol or a Prohibited Substance,*

in which event such person shall be liable to a fine not exceeding \$50,000 or the amount of the fee and share of stakes payable to the Rider or Trainer concerned for the relevant Race (whichever is the greater amount) and to a period of disqualification not exceeding five years.

- (3) ***Subject to Rule 803(2)(b), where any Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises commits or is deemed to have committed a breach of these Rules related to drugs or alcohol and a penalty is not provided elsewhere in these Rules for that breach, that Licenceholder committing the breach may:***

(a) ***be disqualified for a period not exceeding 5 years; and/or***

(b) ***be suspended from holding or obtaining a Licence for a period not exceeding 12 months; and/or***

(c) ***be fined a sum not exceeding \$50,000,***

provided that if the Licenceholder committing an alcohol related breach is a Trainer and it is that Trainer's first offence under these Rules in relation to drugs or alcohol from the date Rule 803(3) came into effect, then that Trainer may be fined a sum not

exceeding \$50,000 but shall not be suspended or disqualified for committing that first breach.

~~(3)~~ **(4)** *Nothing in the preceding sub-Rules of this Rule shall apply to a Serious Racing Offence, or a breach of the type set out in Rule 804.*

~~(4)~~ **(5)** *The Judicial Committee may, in addition to or in substitution of any penalty imposed under this Rule, disqualify for any Race and/or for any period not exceeding 12 months, any horse connected with a breach.*

812 The Judicial Committee may:

(a) *in addition to or in substitution of any penalty imposed under Rules 801, 803 and/or 804, require the person committing the breach to complete a counselling or rehabilitation course of the type specified by the Judicial Committee; and/or*

(b) *stay, in whole or in part, and for such period and upon such terms and conditions as it thinks fit, the operation of any penalty imposed for a breach of the Rules, provided that, in the event of any failure to comply with any of the terms and conditions of the stay, the Judicial Committee may order that the penalty or the remaining part of the penalty take effect.*

902 **(1)** *The Judicial Committee shall have jurisdiction to hear and determine all proceedings commenced pursuant to these Rules, which are not expressly stated by any of these Rules to be within the jurisdiction of any other person or body.*

(2) *The functions of a Judicial Committee shall be:*

...

(g) *to require a Rider, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, to permit a sample of his blood, breath, urine, saliva or sweat (or more than one thereof) to be obtained from him by or under the supervision of a Registered Medical Practitioner or an Authorised Person at such time and place nominated by a Stipendiary Steward or Investigator.*