



# New Zealand Gazette

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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 34 of the Racing Act 2003, New Zealand Thoroughbred Racing Incorporated has made the following changes to the Rules of Racing.

Industry consultation has taken place on these amendments and NZTR's Board has sought the views of the Judicial Control Authority (JCA) and the New Zealand Racing Board Dates Committee (NZRB). The NZRB and the JCA have approved these amendments.

These amendments to the Rules of Racing are:

### 1. Rule 104: Definition of 'Authorised Person'

This addition to the definition of 'Authorised Person' will allow employees of the Racing Integrity Unit, who have gained the appropriate qualifications, to take urine samples from licence holders.

#### DEFINITIONS

**Authorised Person** means:

- (a) a person acting in any hospital who is employed by a District Health Board or similar entity or organisation and who in the normal course of the person's duties takes blood specimens;
- (b) a nurse registered or enrolled under the Health Practitioners Competence Assurance Act 2003;
- (c) a medical laboratory technologist registered under the Medical Auxiliaries Act 1966 or Regulations made under that Act; or
- (d) in the case of urine samples only, any employee of the Institute of Environmental Science and Research Limited (**ESR**), ~~or~~ New Zealand Racing Laboratory Services, **Racing Integrity Unit Limited (RIU)** or such other laboratory or organisation as approved by the Board, who either:
  - (i) holds a scientific degree or New Zealand Certificate of Science; or
  - (ii) has completed NZQA Unit Standard 6417 (Level 3) or the latest NZQA Unit Standard which supersedes or is equivalent to NZQA Unit Standard 6417 (Level 3).

### 2. Rule 104 and Other Rules: Definition of 'Sample' and Drug & Alcohol Testing

This addition of 'Sample' to Rule 104 'Definitions' and amendments to relevant Rules 208, 314, 322, 656, 657 and 902 will provide for a wider choice of fluids and tissues, which could be collected for testing for prohibited substances, in response to advances in technology.

#### DEFINITIONS

**104 Sample means a specimen of saliva, urine, perspiration, breath, blood, tissue, hide, hair, or any other excretion product or body fluid taken from a horse or person.**

**208 Stipendiary Stewards and Investigators have the power:**

...

- (c) to require any horse to be produced for inspection, examination or observation by any person specified by them at a time and place also so specified, and to

*have such a horse tested and/or have any sample taken from it. ~~(including, without limitation, a sample of its hair, urine and/or blood;~~*

...

- (f) *to require a Rider 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;*
- 314 (1) *Every Rider's Licence which is issued shall contain, or be presumed conclusively to contain, a condition that the holder shall, whenever required to do so by a Stipendiary Steward or Investigator, permit a sample ~~of the holder's blood, breath, urine, saliva or sweat (or more than one thereof)~~, to be obtained from the holder by, or under the supervision of, a Registered Medical Practitioner or an Authorised Person.*
- 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 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*

#### DRUG AND ALCOHOL TESTING

- 656 (1) *A Rider who rides or presents himself to ride a horse 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 to supply a sample ~~of his blood, breath, urine, saliva or sweat (or more than one thereof)~~ at a time and place nominated by the Stipendiary Steward or Investigator. If so, such Rider must comply with such a requirement. Any Rider 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 cancelled under Rule 322(1) of these Rules.*
- (3) *A Rider 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 **a sample 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.*
- 657 (1) *If a Rider 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 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 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 be reinstated.*
- 902 (2) ...
- (g) *to require a Rider 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.*

### 3. Rule 210: Appointment, Functions and Duties of Stipendiary Stewards and Investigators

This amendment will provide for any costs to be recouped from an Owner in the event a horse is ordered to be seized, for example, for reasons of welfare of the horse.

- 210 (1) *From any time at which withdrawals close for any Race Meeting and during any Race Meeting, Stipendiary Stewards and Investigators have power where any horse has been entered for or has run in any Race, to order **that at the expense of the Owner:***
- (a) *~~that~~ any person take and maintain possession of any horse at any place for such period and under such conditions as the Stipendiary Stewards or Investigators specify; and/or*
- (b) *~~that~~ the horse be examined and/or tested and/or have any sample taken there from ~~(including a sample of its urine and/or blood)~~. Any such sample ordered to be taken shall as far as practicable be taken in accordance with*

*the swabbing instructions or other direction (if any) from NZTR in force at the time of the order.*

...

#### 4. Rule 303: Trainers' Licences

This amendment will correct a grammatical error in the Rule. The current Rule, as worded, requires a person to have held a Class A Rider's Licence for at least two years *and* held a Class A Miscellaneous Licence for at least six years before he/she might be considered for a Class A Trainer's Licence. The intention of this Rule is one *or* the other, not both.

##### TRAINERS' LICENCES

- 303 *A Class A trainer's licence may only be granted to a person who:*
- (a) *has attained the age of 18 years;*
  - (b) *as his primary occupation, trains race horses;*
  - (c) *has:*
    - (i) *held a Class A rider's licence for at least two years; or*
    - (ii) *held a Class A miscellaneous licence for at least six years; or*
    - (iii) *previously held a Class B trainer's licence;*
  - (d) *is competent to train race horses;*
  - (e) *owns or occupies appropriate Trainer's Premises; and*
  - (f) *is financially sound and of good character.*

#### 5. Rules 104, 208(h), 307, 317A, 322(1), 323, 324, 325(3), 327(1), 328, 330(4), 533 & 801(1) and Regulations for Trials (4) & (7): Stable Foreman

These additions to the Rules will provide for a new category of Trainer's Licence – Stable Foreman. This recognises the value and importance of a role currently being performed by many suitably qualified persons within the industry but not provided for in the Rules. It would also provide for licensing someone at the appropriate level who is not in a position to accept joint liability required in a Training Partnership but who is in a position of senior responsibility within a training stable.

##### DEFINITIONS

- 104 ***Class D miscellaneous means a licence issued pursuant to Rule 317A. It may also be referred to as a Stable Foreman's Licence and the holder as a Stable Foreman.***

*Licence means one of the following licences:*

- (a) *Class A, Class B, Class C, Class D or Class E rider's licence;*
- (b) *Class A, Class B, or Class C trainer's licence; or*
- (c) *Class A, Class B, ~~or~~ Class C or Class D miscellaneous licence.*

*Licenceholder means the holder of one or more of the following licences:*

- (a) *Class A, Class B, Class C, Class D or Class E rider's licence;*
- (b) *Class A, Class B, or Class C trainer's licence; or*
- (c) *Class A, Class B, ~~or~~ Class C or Class D miscellaneous licence.*

*Such person may also be referred to as a Licensed Person.*

...

***Rider*** means a person authorised by these Rules, whether as the holder of a Rider's Licence or otherwise howsoever to ride a horse in a race, and for the purposes of the drug and alcohol testing provisions in these Rules and Rule 610 includes the holder of a Class A miscellaneous licence (except where such a Licence contains a condition prohibiting the Licenceholder from riding horses) ~~or, a Class B miscellaneous licence or~~ **a Class D miscellaneous licence (except where such a Licence contains a condition prohibiting the Licenceholder from riding horses)** and any other person who rides or presents himself to ride a horse in trackwork and/or trials (including jump-outs and/or tests for certification purposes) and/or at any Training Facility or any Trainer's Premises.

#### APPOINTMENT, FUNCTIONS AND DUTIES OF STIPENDIARY STEWARDS AND INVESTIGATORS

208 *Stipendiary Stewards and Investigators have the power:*

...

- (h) *to enter a Trainer's Premises and access any facility (including a horse float) at reasonable times for the purposes of:*
  - (i) *requiring a Rider to permit a sample to be obtained by them pursuant to rule 208(f) above;*
  - (ii) *ensuring non-Licensed Persons are not involved in the care, control or training of a horse;*
  - (iii) *ensuring horse and Rider welfare;*
  - (iv) *ensuring any relevant Trainer's Licence conditions are being observed;*
  - (v) *ensuring only a Rider, or ~~a~~ holder of a Class A miscellaneous licence (**who is** permitted to ride horses under their licence), ~~or a Class B miscellaneous licence,~~ or a Trainer **or Stable Foreman**, or a person approved to ride by a Stipendiary Steward, is riding a horse; or*
  - (vi) *speaking to a person in connection with an inquiry or investigation.*

#### TRAINERS' LICENCES

307 *Every Trainer's licence which is issued shall contain, or be presumed conclusively to contain, a condition that the Trainer shall, when required to do so by a Stipendiary Steward or Investigator, permit that Stipendiary Steward or Investigator to have reasonable access to that Trainer's Premises for the purposes of:*

- (a) *requiring a Rider to permit a sample to be obtained by him pursuant to Rule 208(f);*
- (b) *ensuring non-Licensed Persons are not involved in the care, control or training of a horse;*



- (c) ensuring horse and Rider welfare;
- (d) ensuring any relevant Trainer's Licence conditions are being observed; and/or
- (e) ensuring only a Rider, or **a** holder of a Class A miscellaneous licence (**who is permitted to ride horses under their licence**), ~~or a~~ Class B miscellaneous licence, **or Stable Foreman**, or a person approved to ride by a Stipendiary Steward, is riding a horse.

#### MISCELLANEOUS LICENCES

**317A A Class D miscellaneous licence (Stable Foreman's Licence) may be issued to a person who:**

- (a) **has held a Class A miscellaneous licence for a continuous period of two years;**
- (b) **has submitted two letters of recommendation from former employers and/or Trainers who can attest (to NZTR's satisfaction) to the applicant's knowledge of horsemanship, including but not limited to, saddling, bandaging, and diagnosing horse ailments;**
- (c) **can demonstrate (to NZTR's satisfaction), by actual performance, his knowledge of horsemanship, including but not limited to, saddling, bandaging, and diagnosing horse ailments; and**
- (d) **has passed a written examination administered by the Stipendiary Stewards or Investigators, covering such subjects as the Rules, care and handling of horses, and proper use of racing equipment.**

#### 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, **Stable Foreman (who is permitted to ride horses under his Licence)**, ~~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
  - (b) a Trainer, when required to do so by a Stipendiary Steward or Investigator, failed to permit that Stipendiary Steward or Investigator to have reasonable access to that Trainer's Premises for the purposes of Rule 208(h); or
  - (c) a Licenceholder who holds a Licence but who no longer meets the criteria set out in these Rules for such Licence.

#### CLASS A AND CLASS B MISCELLANEOUS LICENCES

- 323 A Class A, ~~or~~ Class B **or Class D** miscellaneous Licenceholder attending to any horse or fulfilling any duties, at any Race Meeting or trials (including jump-outs or tests for certification purposes) must wear, so as to be visible by relevant officials, a current identification card issued by NZTR.

#### ABILITY TO RIDE

- 324 Only a Rider, or **a** holder of a Class A miscellaneous licence (except for a holder of such a licence that contains a condition prohibiting the holder from riding

horses), ~~or a~~ Class B miscellaneous licence, or Trainer **or Stable Foreman**, or such other person approved by a Stipendiary Steward, may ride a horse, which is registered, at any Racecourse, Training Facility or Trainer's Premises.

#### TRAINERS

- 325 (3) Where **neither** a Trainer of a horse which is to run at a Race Meeting **or his Stable Foreman (Foremen) are** is not in attendance at that Race Meeting, ~~he~~ **the Trainer** must authorise another Trainer or Licensed Person to care for the horse at the Race Meeting and inform a Stipendiary Steward not later than one hour before the start of the Race of the identity of that person.
- 327 (1) A Trainer shall not, without the previous written consent of NZTR, employ or otherwise permit to work or to assist in any capacity in connection with the care, control or training of any horse:
- (a) any person whose last application for a Trainer's, **Stable Foreman's**, ~~or Rider's~~ or Rider's Agent Licence has been refused, or whose last licence as a Trainer, **Stable Foreman**, ~~or Rider~~ or Rider's Agent was cancelled, withdrawn or revoked;
  - (b) any unlicensed person;
  - (c) any person who is excluded from entering a Racecourse pursuant to Rules made under section 34 of the Racing Act 2003; or
  - (d) any person prohibited by NZTR from being employed in or about any Trainer's Premises.
- 328 A Trainer **or a Stable Foreman** who is also a Rider shall not, in any Race in which there runs any horse trained by him, ride a horse which is not trained by him.

#### RIDERS

- 330 (4) An Owner or lessee (as the case may be) or Trainer, **or Stable Foreman**, and every Agent of an Owner or lessee (as the case may be) or Trainer **or Stable Foreman**, who has engaged a Rider to ride in a Race shall not, without reasonable cause, break such engagement.

#### ACCEPTING AND WITHDRAWING HORSES

- 533 ~~No~~ **A Trainer or Stable Foreman of a Trainer** shall ~~not~~, without the prior consent of the Owner or lessee (as the case may be) or his Agent or its Racing Manager, withdraw from a Race a horse which ~~such~~ **the** Trainer is or has been training if such horse has been removed, or the Trainer **or Stable Foreman** has received notice of intention to remove such horse, from the Trainer's custody.

#### SERIOUS RACING OFFENCES

- 801 (1) A person commits a Serious Racing Offence within the meaning of these Rules who:
- (a) corruptly gives or offers, directly or indirectly, any money, present, share in a bet, or other benefit, to a person having official duties in relation to a Race, or to an Owner or lessee (as the case may be), Trainer, **Stable Foreman**, Rider, or other person having charge of or access to a horse;



- (b) *having official duties in relation to a Race, or being the Owner or lessee (as the case may be), Trainer, **Stable Foreman**, Rider or other person having charge of or access to a horse, corruptly accepts or offers to accept any money, present, share in a bet or other benefit;*

### THIRD APPENDIX - REGULATIONS FOR TRIALS

#### 4 ENTRY

...

- (b) *Horses can only be entered and started by persons holding a Trainer's licence  
**or a Stable Foreman of any such Trainer** who have such horses under their direct charge or control. Any person who enters a horse and supplies false information in regard to that horse, or races in a trial a horse which is not the horse so entered or described may commit a Serious Racing Offence as described in the Rules.*

#### 7 OTHER CONDITIONS

...

- (d) *Trainers **or their Stable Foremen** must declare a rider prior to the horse leaving the birdcage.*

## 6. Rules 410 & 411: De-registration of a Horse

These Rule amendments would require an Owner or their Agent to de-register a horse when transferring/permanently gifting the horse to another Owner who no longer intends to use the horse for the purpose of racing and/or breeding. A new form for registering a horse's death or de-registering a horse, to aid compliance, is attached to these proposed amendments.

### REGISTER OF HORSES

410 *NZTR shall keep a register in respect of each horse approved for registration under Rule 408 stating:*

- (a) *the registered name of the horse;*
- (b) *the branding, micro-chip or DNA-typing for the horse;*
- (c) *the breeding of the horse;*
- (d) *the name(s) of the Owner(s) of the horse (which shall be a prima facie record of the registered Owner(s) of a horse, but not absolute evidence of Ownership); ~~and~~*
- (e) *the name(s) of lessees(s) of the horse (which shall be a prima facie recorded of the registered lessee(s) of a horse, but not absolute evidence of a leasehold interest), if a lease of the horse has been registered by NZTR in accordance with these Rules; **and***
- (f) **whether the horse is registered to:**
  - (i) **race;**
  - (ii) **breed; or**
  - (iii) **race and breed.**

CANCELLATION OF REGISTRATION **AND DE-REGISTRATION** OF HORSES

- 411 (1) *The registration of a horse, or the registration of a lease in respect of a horse, may be cancelled **(and where sub-Rule (1)(d) applies, may be de-registered in full or in part)** by NZTR at any time in its absolute discretion if:*

...

- (d) *requested to do so by an Owner who is no longer intending to use that horse for the purpose of:*

- (i) *racing; ~~and/or~~*
- (ii) *breeding; or*
- (iii) *racing and breeding, ~~or~~*

*in accordance with the Rules;*

- (2) *On receipt of a validly completed form for de-registering a horse, NZTR shall update the appropriate register(s) if the horse is only being de-registered for either racing or breeding purposes and shall keep a separate register of horses who have been de-registered for both racing and breeding purposes.*
- (3) *A person who wishes to re-register a horse for racing and/or breeding, shall apply in writing to NZTR to seek re-registration of that horse. NZTR shall determine in its absolute discretion and on such conditions (if any) as it thinks fit whether to grant re-registration. If NZTR exercises its discretion to re-register a horse in respect of racing and/or breeding, it will amend the appropriate register(s) accordingly.*

## 7. Rule 417: Notification on Horse's Death

This addition to Rule 417, which requires notification of a horse's death, takes account of and aids compliance with the new form (SR24 available in the Forms section on [www.nzracing.co.nz](http://www.nzracing.co.nz)) for registering a horse's death or de-registering a horse.

### NOTIFICATION ON HORSE'S DEATH

- 417 *On the death of any registered horse, the Owner or Racing Manager of the Owner (as the case may be) at the time of death shall, within one month of the date that the horse dies, notify NZTR ~~in writing to that effect~~ **on the prescribed form in accordance with the Rules.***