



Amendments to Rules of Racing for Thoroughbred Welfare and Traceability

1.0 Background

In the August 2017 Board meeting, the Board resolved that NZTR should commence drafting and consulting on the amendments to the Rules proposed as part of the Thoroughbred Welfare Strategy.

Initial reviews of Thoroughbred Welfare identified a number of necessary amendments or enhancements to the Rules of Racing that broadly encompass:

- Enhanced data capture to enable comprehensive traceability of the registered thoroughbred population, including the intentions at retirement from racing or breeding;
- Greater clarity of responsibility of owners, breeders or licence holders, including clear expectations for the care and condition of thoroughbreds; and
- Powers of inspection, enforcement and specific penalties in event of a breach of thoroughbred welfare expectations.

Furthermore, on 8 August 2017, IFHA released a set of principles of good practice in relation to horse welfare. Gaps between IFHA Welfare Principles and NZTR Rules and guidelines were identified. Where gaps may be bridged by amendments to Rules of Racing, a suggested amendment is included in the following discussion.

2.0 Discussion

The following sections propose the substance of Rule amendments.

2.1 Traceability & Responsibility

2.1.1 *Accountable Person or Responsible Owner*

Create the concept of an 'accountable person' 'Accountable Person' or the 'Responsible Owner' (as distinct from the 'Racing Manager') as the person responsible for each horse, who could be either trainer or the primary owner, with welfare related obligations and compliance responsibilities specifically including obligations to submit registration returns to NZTR (foal, broodmare, change of ownership, death or retirement).

The plain English interpretation of the Rules ([refer Rule 1429] is that the Accountable Person is:

- For a registered horse, the Racing Manager;
- For an unregistered horse, or a registered horse without a named Racing Manager, then the accountable person is the natural owner or lessee or syndicate member who owns the largest share of the horse. If there are two owners with equal largest ownership share then the Accountable Person is the one whose surname is first in alphabetical order.

There is an overriding provision [Rule 1430] that the Accountable Person may be specifically nominated, subject to NZTR acceptance and that such nomination meets the terms of Rule 1431.

For the application of the Rules, having an Accountable Person gives NZTR or the RIU someone to hold accountable when there isn't a Racing Manager, and the horse is not in a trainer's stable / Stable Return. Where there is a nominated Accountable person who differs from a licenced Trainer, either one or both persons may be held accountable, depending on the circumstances and the rule that applies.

	General administration responsibilities of "Accountable Persons"
	Welfare responsibilities of "Accountable Persons"
	Who is the "Accountable Person"

Amendments to the Rules

101 (1) (e)	Rules apply to all "Accountable Persons"
104	Definition of an "Accountable Person"
406 (a) (vi)	Owners can change the "Accountable Person"
406 (d) (v)	Verification of "Accountable Person" by statutory declaration
408 (3) (d), 411 (1) (b)	Ineligibility of person to be an "Accountable Person"
410 (h)	NZTR to keep record of "Accountable Person"
413	Responsibility of a "Responsible Person" to notify NZTR of cancellation of registration, disqualification, cancellation of lease.
415 (c)	NZTR can revoke regulations in respect of "Accountable Persons"
422 (1) (f)	Lessees can replace the "Responsible Person"
422 (3) (v)	Verification of "Accountable Person" for lease by statutory declaration
422 (6) (d)	Ineligibility of person to be an "Accountable Person" in a lease
430	"Accountable Person" must provide ongoing information about the horse
806	"Accountable Person" must give notice to a hearing that he is to argue that he is not the accountable person.
1401, 1402, 1403,	"Accountable Person" must ensure that welfare standards are met. NB See Welfare Guidelines. <ul style="list-style-type: none"> • Failure is a serious offence (1402 (4)) • Lack of intention is not a defence • Stipendiary Stewards have power to enter property.
1404	"Accountable Person" must ensure that sale, lease, disposal or destruction of any horse is done in accordance with Welfare Standards.
1405	"Accountable Person" must advise NZTR of new address where horse moves for more than 90 days
1429 (1)	Every horse must have an "Accountable Person"
1429 (2)	The "Accountable Person" will be: <ul style="list-style-type: none"> • The racing Manager • The Owner • The Lessee • Owner of the dam • In the case of a deregistered horse – the owner or lessee
1429 (3)	Multiple ownership – the "Accountable Person" is the person whose surname appears first in alphabetical order.
1430	"Accountable Person" must be natural person, 18 years or older.
1431	Owners or Lessees can change the "Accountable Person"

2.1.2 Duty of Care in sale or re-homing of a thoroughbred

Establish an express duty of care upon responsible owners, to ensure that they sell or re-home horses to appropriately skilled persons with an appropriate property for horses. Included in the duty of care should be a requirement for a behavioural assessment of the horse's suitability for the intended future activity and skills of the rider. This requirement is consistent with Principle 1 of IFHA Principles of Good Practice for the Aftercare of Racehorses.

417	(existing rule) The Owner or Racing Manager must, within 1 month of retirement, submit a Death or Retirement Form (SR24)
1404	"Accountable Person" must ensure that sale, lease, disposal or destruction of any horse is done in accordance with Welfare Standards.

2.1.3 Foal Notification and Breeding Stock Traceability

New Rules to trace the whereabouts of foals and breeding stock to be introduced.

SB 4(2)	Person in charge of a mare must advise NZTR of location of foal and name of foal owner/lessee within 30 days of birth of foal.
SB 10 (1) & (2)	Any person disposing or selling a stallion, mare, foal or older filly must notify NZTR of the new location

Whilst this is an amendment to SB4(2), in practice, it creates a new reporting obligation. Foal Registration deadline and resulting fee payments continue to be at the end of February, as is the current practice.

2.1.4 Horse Movements

The International Stud Book Committee recommends requirement of notification if a horse is intended to move from the property of the responsible person for longer than 90 days, as this would allow the Stud Book to obtain an update on the location of the horse if required. This would also ensure that stable returns are up to date and would assist out of competition testing.

326 (1)(2)	(existing Rule) Within 7 days, Trainers must advise NZTR that a horse has entered or has left his/her stable.
1405	"Accountable Person" must advise NZTR of new address where horse moves for more than 90 days

Note that 1405 applies to movements required for spelling of horses that remain within a Trainers stable. The existing Rule

2.1.5 Fatalities in racing and training

Whilst reporting of fatalities in races or trials meetings is robust, the shortcomings are that there are currently no requirements to report fatalities that:

- arise in training; and
- occur within 72 hours of an incident at a race meeting.

Whilst the paid attendance of vets at raceday provides a reliable basis for reporting of fatalities on raceday, this is not the case for fatalities that arise in training or subsequent to a racing or training incident

A new sub-rule requires that in the event that a horse dies or is euthanised within 72 hours as a direct result of injuries or health issue sustained in a race or in training, that a vet certificate containing details of the injury or health issue that lead to the fatality must accompany the SR24 form.

417 (4)	Owner or Racing manager must advise (by SR24) NZTR of death of horse within 72 hours resulting from racing, trialling or training, accompanied by a Vet Certificate
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2.1.6 Administrative retirement of horses

To overcome issues of aged horses appearing as active in the racing database, the Rules should enable NZTR to retire a horse from racing and breeding, at its discretion. This discretion would be potentially exercised where there are reasonable grounds to expect that the horse is no longer active in racing nor is a breeding prospect. Such retirement should be noted in the database as an "Administrative Retirement", and NZTR CEO or delegate would have powers to enable the horse to be reinstated on application and reasonable grounds.

417 (2)	NZTR can retire a horse from racing or breeding if it believes that the horse has retired. Owners will be advised, and the decision can be reversed.
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2.2 Powers of Access, Investigation and Enforcement

2.2.1 Strict Liability & Duty of Care

Create a provision or duty of care of the Accountable Person to ensure that:

- The horse is treated humanely at all times
- Breakers / pre-trainers are competent and professional and that they operate in compliance with the Thoroughbred Guidelines, Animal Welfare Act and the Animal Welfare (Horses and Donkeys) Code of Welfare; and
- that persons who are in charge of a horse's care require that surgical procedures are conducted by competent people who conduct their work in accordance with relevant Animal Welfare Regulations (Care & Conduct and Surgical & Painful Procedures).

1401, 1402, 1403,	"Accountable Person" must ensure that welfare standards are met. NB See Welfare Guidelines. <ul style="list-style-type: none"> • Failure is a serious offence (1402(8)) • Lack of intention is not a defence – 1402(g) • Stipendiary Stewards have power to enter property - 1403
1404	"Accountable Person" must ensure that sale, lease, disposal or destruction of any horse is done in accordance with Welfare Standards.

2.2.2 Use of Regulations

Create standards in a similar approach to the Animal Welfare Act, while referring to MPI (existing) or NZTR (pending) Regulations that specify minimum standards of care

1432	Publication of Welfare Standards
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2.2.3 Powers of Access

Under the Rules of Racing (306, 307, 322), Stewards have powers of access but specifically only in relation to trainers. This should be extended to any person who has a horse in her/his care.

1403	Stipendiary Stewards have power to enter and inspect properties where thoroughbred horses are located.
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2.2.4 Thoroughbred Welfare Compliance Notices

Establish a power for the CEO of NZTR to issue Thoroughbred Welfare Compliance Notices, on joint recommendation of RIU Investigator and an equine veterinarian.

A Thoroughbred Welfare Compliance Notice will give clear instructions for positive action by the recipient to effect stipulated improvements in the care and treatment of the horse(s). Sections 156A to 156E of the Animal Welfare Act are an appropriate model.

Failure to comply with a Thoroughbred Welfare Compliance Notice will invoke further enforcement procedures, being either or both of:

1406 & 1407	NZTR may issue a welfare compliance notice
1408	Application of compliance notices
1409	Requirements of compliance notices
1410	Serving of compliance notices
1411	Person must comply with compliance notice
1412	Application (response) to compliance notice
1413	Failure to comply with compliance notice is a Serious Racing Offence

2.2.5 Thoroughbred Welfare Possession Orders

Establish a power for the CEO of NZTR to issue Thoroughbred Welfare Possession Orders, on joint recommendation of RIU Investigator and an equine veterinarian.

Though there may be varying applications, the likely primary use of a Thoroughbred Welfare Possession Order would be that the horse(s) can be seized for up to 28 days and put into the care of NZTR or its agent, thus ensuring that the welfare of the horses can be improved within a brief period.

The objective would be that in cases of neglect or cruelty, RIU/NZTR can take immediate action (a form of temporary enforcement) that would allow NZTR to take control of affected horses for an initial period of 28 days, to become permanent (with costs payable to NZTR) **unless** the horse's Accountable Person gives notice that he wishes to be heard in relation to the notice. The issue of a

Possession Order should not require that charges be laid before the JCA or affect the outcome of any proceedings.

1414	NZTR can issue temporary or permanent possession orders
1415	Application of possession orders
1416	NZTR can enter any property where possession order is issued, take possession of horse and transport horse to another property
1417	Requirements of possession order
1418	Serving of possession order
1419	Person may not obstruct execution of possession order
1420	Actions following issue of temporary possession order – proposal notice
1421	Person on whom the proposal notice has been issued may request hearing.
1422	NZTR to arrange hearing
1423	Temporary possession order extends to date of hearing
1424	NZTR may substitute permanent possession order for a temporary possession order or may amend, withdraw or cancel possession order.
1425	NZTR may sell, find a new home for or destroy horse which is subject of possession order.
1426	Proceeds from sale may be used to offset costs
1427	Horse which is subject of possession order may be returned
1428	Costs associated with possession order may be recovered from owner

2.2.6 Penalties

To introduce penalties and other administrative actions that can be taken against persons who fail to meet their horse welfare obligations.

1402 (4)	Breach of welfare rules is Serious Racing Offence
1413	Failure to comply with compliance notice is Serious Racing Offence

2.3 Other matters:

2.3.1 Gene Doping

Gene doping should be prohibited.

407 (c)	Horse which has been gene doped or genetically manipulated will become ineligible for registration.
801 (ad)	Gene doping is a Serious Racing Offence
SB 3 (2) (3)	Genetically manipulated horse not eligible for registration in Stud Book

2.3.2 Treatments Logbook

To introduce a standard form of Treatment and Medication Logbook (ideally as an NZTR administered online tool).

345 (1)	Horse must have a Treatment Log Book as soon as it starts training.
453 (2)	Trainer must fill in all required details into treatment Log Book.
345 (3)	Treatments and medication to be entered into Treatment Log Book

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