



TRAINING TRACK BYLAWS

1. Racing Club Facilities

The land and facilities covered by the constitution and these bylaws (the "Bylaws") of the Racing Club shall include all roads, walkways, accesses, grounds, racing and training tracks, swimming pool, horse stalls and all buildings used primarily in association with the training of horses, owned by or under the control of the Racing Club being hereinafter collectively referred to as "Racing Club facilities".

2. Application of Bylaws

These Bylaws shall be binding upon all persons who enter upon or use or attempt to use Racing Club facilities and all such persons:

- a. shall at all times be deemed to have full knowledge of these Bylaws and of their rights, duties, liabilities and obligations hereunder;
- b. agree to be bound by the decisions and acts of the Committee and Hearings Committee authorised by these Bylaws to give decisions; and
- c. shall at all times comply with the New Zealand Rules of Racing and all directives issued by the Board of NZTR pursuant to those Rules.

3. Definitions

- a. "**Committee**" referred to in these Bylaws is the duly elected committee of the Racing Club.
- b. "**Course Manager**" means the duly appointed manager of the Racing Club facilities or other person acting for the time being in their absence.
- c. "**Hearings Committee**" referred to in these Bylaws shall be any three persons appointed by the President or in his absence the Vice-President or their Nominee. Such persons need not be a committee member of the Racing Club. The President or in his absence the Vice-President or their nominee shall appoint the Chairperson of the Hearings Committee.
- d. "**Misconduct**" shall have a general meaning and also includes assault, disorderly conduct, abusive, insulting, offensive or threatening language, ill-treatment or cruelty to a horse, failing or refusing to comply with a lawful order or directive from the Course Manager or other person acting in their absence or any other act deemed by the Hearings Committee to be misconduct.
- e. "**NZTR**" means New Zealand Thoroughbred Racing.
- f. "**Permit**" means a permit issued to a person to use the Racing Club facilities.

- g. **“President”** means the President of the Racing Club or other person acting for the time being in their absence.
- h. **“Racing Club”** means [*insert name of the club*], being a Racing Club as registered under the First Schedule of the New Zealand Rules of Racing.
- i. **“Secretary”** means the duly appointed Secretary of the Racing Club or other person acting for the time being in their absence.
- j. **“Vice President”** means the Vice President of the Racing Club or other person acting for the time being in their absence.

4. The functions of the Hearings Committee are

- a. To hear and determine any complaint received by the Secretary in connection with the Racing Club facilities or these Bylaws.
- b. To hear and determine any allegation or complaint referred to it by the Secretary which is made by the Course Manager or acting Course Manager for any breach or non-compliance of these Bylaws.
- c. To hear and determine any other matter touching or concerning the Racing Club facilities and these Bylaws.
- d. All hearings of the Hearings Committee in terms of the Bylaws in this sub-section shall commence as soon as practicable after and not more than five days from the date the Secretary receives a complaint or allegation or a request for a determination.
- e. The Hearings Committee, the complainant and the person or persons against whom the Course Manager has made an allegation or complaint, shall be notified in writing of the time, date and place of the hearing at least 48 hours prior to such a hearing. Such notification shall include a summary of the allegation or complaint to be determined.
- f. Either party at a hearing shall be entitled to be legally represented or to be assisted by an Advocate and to give evidence, cross-examine witnesses and to call witnesses on their behalf.
- g. The conduct of the hearing shall otherwise be carried out in an informal manner
- h. The Hearings Committee shall as soon as practicable after the hearing, provide each party with a written copy of its decision.

4.1 The Hearings Committee may do all or any of the following:

- a. Request the Committee or direct the Course Manager to take any or all such actions which the Hearings Committee may deem necessary to satisfy any reasonable complaint.
- b. Restrict or withdraw horse access to any of the Racing Club facilities.
- c. Impose a fine (of such amount as the Committee may direct from time to time) for a breach or non-compliance of these Bylaws.
- d. Suspend the Permit of a permit holder for a breach or non-compliance of these Bylaws for a period not exceeding twelve months from the date of the Hearings Committee’s decision.
- e. Cancel the Permit of a Permit holder without refund of any fees
- f. Restrict or prohibit any person from entering upon or using the Racing Club facilities for a breach of these Bylaws for a period not exceeding two years.

- g. Request the Committee to take any other action the Hearings Committee may deem necessary.
- h. Where any fine is not paid within 30 days, the sum outstanding may be referred to NZTR, to be placed on the Arrears List.

5. Cancellation of Permit

Where the holder of a Permit becomes a disqualified or suspended person or is placed on the Arrears List pursuant to the New Zealand Rules of Racing such Permit shall *ipso facto* be deemed to be cancelled.

6. Conduct

All persons, whether a permit holder or otherwise, present at the Racing Club facilities shall conduct themselves at all times in an orderly manner. Any such person who Misconducts him or herself in any way may be summarily dismissed from the facilities by the Course Manager for the period up to the hearing by the Hearings Committee as set out in paragraph 4 of these Bylaws.

7. Dismissal

Where any such person as referred to in paragraph 6 is dismissed from the Racing Club facilities, the Course Manager shall as soon as practicable report such dismissal to the Secretary who shall in turn arrange for the President to set up a Hearings Committee to determine the allegation or complaint in accordance with these Bylaws.

8. Complaints

Any person, other than the Course Manager, desiring to make a complaint in connection with any matter or matters subject to these Bylaws, shall do so in writing to the Secretary who shall arrange for the President to set up a Hearings Committee to determine the allegation or complaint.

9. Application for Permit to train at the Racing Club facilities

Any person who wants to train at the Racing Club facilities shall first apply to the Racing Club for a Permit to train at the Racing Club facilities on the prescribed form. The applicant must hold a Class A, B or C trainer's licence or a Class A (riding) or B miscellaneous licence with NZTR. The Course Manager shall satisfy himself that the applicant is competent to carry out all required functions. A Permit shall not be granted until the applicant has completed a familiarisation tour of the Racing Club facilities with a Racing Club official and has signed the prescribed form confirming that they have possession of and have read a copy of these Bylaws, and agree to abide by them.

10. Visiting Trainers Orientation

All visiting trainers or staff acting in their absence must complete a track familiarisation course with a Racing Club official before going onto any tracks.

11. Rider Orientation

Any person, who desires to ride at the Racing Club facilities, must firstly have completed a familiarisation tour of the facilities with a Racing Club Official and sign the prescribed form confirming that they have possession of and have read a copy of these Bylaws, and agree to abide by them. Such person must also provide evidence of an appropriate NZTR riding licence, being either a Class A, B, C, D or E rider's licence, or a Class A (riding) or B miscellaneous licence.

12. Control and Supervision

The control and supervision of the Racing Club facilities is the duty of the Course Manager. All persons who enter upon the Racing Club facilities shall obey these Bylaws and all issued directives, instructions, requests and special conditions or restrictions made with regards to the use of the Racing Club facilities. It is the responsibility of the holder of a Permit, any visiting trainer or foreperson of such trainer, to ensure that their employees, jockeys, track riders, clients and any visitors, are conversant with these Bylaws.

13. Requests, Queries, Concerns or Complaints

In the first instance, any requests, queries, concerns or complaints must be directed to the Course Manager. If the problem remains unresolved, then the request, query, concern or complaint is to be directed to the appointed trainers' representative. If the response to or resolution in relation to the request, query, concern or complaint is unsatisfactory then a written statement detailing the problem should be forwarded to the Secretary of the Racing Club.

14. Accounts

All accounts are to be paid by the 20th of the following month. The Racing Club reserves the right to charge interest on overdue accounts. The Racing Club reserves the right to action pursuant to the NZ Rules of Racing (Arrears List) and to seek legal assistance in collecting outstanding debts. The Permit holder will be liable for all costs incurred collecting overdue accounts. The Racing Club reserves the right to withdraw the access of a Permit holder to its Racing Club facilities if an overdue accounts remain unpaid.

15. Riders and/or Horse Attendants

The Course Manager or other Racing Club track or pool official may refuse any rider or stablehand access to the track or pool if such a rider or stablehand, in the opinion of such official, has displayed a lack of experience and competence in their handling of

such horse, so as to create a possible safety hazard, or if in the opinion of such official, such person displays visible signs of being under the influence of alcohol or drugs.

The Course Manager or other Racing Club track or pool official may refuse any rider or stablehand access to any of the Racing Club facilities until such person produces to the Secretary of the Club a medical certificate from a registered medical practitioner certifying that such person is not under the influence of alcohol or drugs or that such person by reasons of a previous injury is medically fit to resume their normal duties.

16. Supervision

For safety reasons, children, must be supervised by a parent, guardian or suitably qualified person at all times.

17. Ill Treatment of a Horse

Any person who ill-treats a horse in any manner on the Racing Club facilities, may be directed to desist from their action by the Course Manager or other Racing Club official. Such Racing Club officials may also refer the ill-treatment by way of complaint or allegation to the Secretary of the Club for determination by the Hearings Committee.

18. Horse diseases and Infections

The Course Manager or any other Racing Club official may refuse or restrict entry to any of the Racing Club facilities to any horse that is judged to have, or could reasonably be at risk of having, a clinically evident contagious or infectious disease.

19. Bylaws and Changes

A current copy of the Bylaws will be displayed on the Track Notice Board at all times. A copy of the same is available for perusal at the office of the Racing Club during normal office hours. The Racing Club reserves the right to update or change any of these Bylaws whenever they deem it necessary to do so. When a current bylaw is changed or a new one enacted, a copy of such bylaw will be placed on the notice board and a copy kept in the office of the Club and shall be available for perusal during normal office hours. The trainers' representative will also be supplied with a copy of the change/s to the Bylaws.

20. Liability

The Racing Club, including the board or any officer, member or servant of the Racing Club shall have no liability for any direct, indirect, special, economic or consequential loss (including, without limitation, any loss of revenue, profits or opportunities), injuries or damage suffered or incurred by any Permit holder, their employees or other person resulting from the use of the Racing Club facilities, whether caused by the negligence or otherwise arising out of the actions or conduct of any Permit holder, their

employees or other person and whether or not the Racing Club, Trainer, Rider, Stablehand or other person was aware or should have been aware of the possibility of such loss, injury or damage.

GENERAL TRAINING TRACK RULES

1. Closure of or applying restrictions to Facilities

The Course Manager may close or apply restrictions to any or all of the Racing Club facilities whenever they deem it necessary or expedient to do so for repair, maintenance or because of poor visibility or hazardous conditions (caused by bad weather or any other circumstances that may arise).

2. Discretion to amend rules

The Course Manager has the discretion to amend these general training track rules to facilitate the daily operation of the Racing Club facilities.

3. Track opening hours

The track will be opened at the discretion of the Course Manager or track official acting on the authority of the Course Manager.

A Racing Club staff member acting on the Course Manager's or track official's behalf must be on duty before any horse goes on to the track.

Generally the tracks at the Racing Club will be open for use by Permit holders during the following hours:

Monday to Friday *[insert time]* am/pm to *[insert time]* am/pm

Saturday & Public Holidays *[insert time]* am/pm to *[insert time]* am/pm

Sunday *insert time]* am/pm to *[insert time]* am/pm

Trial & Race Days *insert time]* am/pm to *[insert time]* am/pm

A Permit holder may use the tracks outside these hours to train horses only by arrangement with the Course Manager.

4. Track Indicator Board

The tracks available for use by a Permit holder on a particular day will be shown as "open" on the Track Indicator Board, which will also display the track and pool closing time each morning. No track shall be worked on other than those displayed as "open". The direction in which horses are to be worked on the tracks will also be displayed on the Track Indicator Board each morning.

5. **Special Conditions or Restrictions**

Special conditions or restrictions may at times apply to the Racing Club facilities. When special conditions or restrictions apply they will be displayed on the Track Indicator Board

6. **Riding Helmets, Vest, Boots & Jewellery**

Every person mounted on a horse at the Racing Club facilities must be wearing a riding helmet and vest approved by NZTR (which has not been modified) and which are to be correctly fastened at all times. Riding boots are to have a smooth sole with heels.

A person shall not ride a horse (including at races, trials, jumpouts or trackwork) at the Racing Club facilities with any jewellery, adornment or piercing affixed to an eyebrow, lip, nose, tongue or ear. Upon application, a Stipendiary Steward may grant permission for a rider to ride with a stud in an ear(s).

7. **Riders' Gear Check List**

All riders are responsible for checking that their horse's bridle, saddle and all other tack is fitted correctly and tightened to their own satisfaction before mounting their horse.

8. **Faulty Horse Tack or Riding Gear**

The Course Manager, or other track officials may refuse any rider or horse access to any of the Racing Club facilities if any part of their riding gear or horse tack is damaged or faulty that may cause safety concerns.

9. **Helmet Lights**

In foggy or inadequate light conditions, all riders mounted on a horse must be wearing a suitably bright red or orange or other approved helmet light, which is to be in good working order and turned on at all times while such conditions prevail. Access to tracks will be denied to any rider not wearing such a helmet light.

10. **Track Instructions**

All riders must have their work instructions before going onto the track to advise the track official of which track they are working on and whether they are galloping or not. The track official will advise the rider of other horses galloping and organise these gallops.

11. Pregnancy Guidelines

Any pregnant track rider must notify her pregnancy to NZTR, who then have the right to notify appropriate training track authorities. The rider is also required to obtain a consent form and medical form (for certification of her fitness to ride in the circumstances). The rider shall provide these forms together with the NZTR pregnancy guidelines to the examining medical practitioner.

After the examining medical practitioner has considered the pregnancy guidelines and examined the pregnant rider, the examining medical practitioner may issue (if they consider the rider fit to participate in track work) a medical clearance for the pregnant rider to continue riding until: if the rider is in her first trimester, to the end of the first trimester of the pregnancy if the rider is beyond the end of the first trimester, for a seven day period.

In providing such clearance to ride, the medical practitioner is to acknowledge that he/she has read and discussed the pregnancy guidelines with the pregnant rider.

12. Crossing Tracks

All trainers, riders, attendants, track users and visitors are to pay special attention to approaching horses when crossing tracks. Be aware of which tracks are open and which direction horses will be approaching from. Tracks may only be crossed at the designated crossing. ***No person or horse and rider are to cross the path of approaching horses.***

All trainers, riders, attendants, track users and visitors are to remain vigilant about the possibility of loose riderless horses. If it is safely possible, and the person has the necessary skill and expertise, a person may assist with catching or preventing the horse from running into the path of any approaching horse.

13. Containment/catching of loose horses

All experienced people in attendance shall assist in the containment, if safely possible, of any loose horse. Attention must be paid to, and acted upon accordingly, when the warning device to alert riders and handlers is activated.

14. Inexperienced or unruly horses

All trainers must respect the safety of other riders and horses by working or swimming inexperienced or unruly horses after daylight and when the facilities are not so busy. These horses must be ridden or led by a suitably experienced rider or attendant. The Course Manager or track official may refuse or restrict entry to any of the Racing Club facilities to any horse that may be judged unruly or difficult to ride or handle.

15. Riders' Responsibilities

In respect to safety matters, a rider is responsible for their own actions in determining whether or not they feel safe in any aspect of their business of riding a horse at the Racing Club facilities.

16. Trainers' Responsibilities

In respect to horse safety and training facility suitability, trainers or other persons acting in their absence are advised to inspect the tracks prior to working their horse/s and if not satisfied with any aspect they should not work the horse/s on or in the facility in question.

17. Racing Club/Training Track Provider Responsibilities

The following procedures must be implemented:

1. Formalised procedure to be established for a situation when an issue of track safety is raised or has been identified. This should include input from the following:
 - Experienced jockey or track rider(s)
 - Experienced local trainer(s)
 - Course Manager
2. Course Managers should not make decisions until they have considered input from all the above parties.
3. A sign-off procedure should be established.
4. Ensure the above procedures are effectively implemented including a system of ongoing compliance and addressing incidents of non-compliance.
5. The decision on whether to use the track cannot be left up to the individual users. A Racing Club cannot contract out of its responsibilities under the Health and Safety In Employment Act 1992.
6. Racing Clubs have a duty under Section 26 of the Health & Safety In Employment Act 1992, that when a serious harm accident occurs not to interfere with the accident scene unless authorised to by an Inspector (see attached information). Procedures are to be established to ensure compliance with these requirements.
7. Immediately following a training track accident, the Course Manager (or designated deputy) is required to make a judgement call, after consultation with the parties mentioned in (1), before training can continue. That can happen only after it has been ascertained that the condition of the track did not contribute to the accident.

DECLARATION

Ihereby declare that I have been made

PRINT NAME IN FULL

familiar with the Racing Club facilities and that I have received and read a copy of the

current training track Bylaws as at which I agree to abide by.

Signature.....

This declaration is to be signed by a Racing Club official on completion of the familiarisation tour and before this application will be considered by the Racing Club Committee.

Racing Club Official..... Designation.....

SIGNATURE

Date.....

APPLICATION FOR PERMIT TO TRAIN AT RACING CLUB FACILITIES

DATE _____

FULL NAME _____

POSTAL ADDRESS _____

RESIDENTIAL ADDRESS _____

HOME PHONE _____ MOB. PHONE _____

FAX _____ EMAIL _____

PLEASE TICK ONE OF THE FOLLOWING

CLASS A TRAINER'S LICENCE

CLASS B TRAINER'S LICENCE

CLASS C TRAINER'S LICENCE

PRE TRAINER

CLASS A (RIDING) MISCELLANEOUS LICENCE

CLASS B MISCELLANEOUS LICENCE (Trackwork Rider)

OTHER

SIGNED _____