

# HRNSW CODE OF CONDUCT FOR LICENSEES



**ONE (1) COPY OF THE CODE OF CONDUCT MUST BE SIGNED AND RETURNED WITH YOUR LICENCE APPLICATION**

## 1 DEFINITIONS

- 1.1 **Australian Harness Racing Rules** means the National Rules gazetted by Harness Racing Australia and any Local Rules gazetted by Harness Racing NSW (HRNSW);
- 1.2 **Code of Conduct** means the provisions comprising Sections 1-5 hereto;
- 1.3 **Controlling Body** means Harness Racing NSW (HRNSW);
- 1.4 **HRNSW** means the Membership of the Harness Racing New South Wales Board as constituted in the *Harness Racing Act 2009*; Part 2, Clause 4 and in accordance with Part 2, Clause 6 and includes the duly appointed HRNSW Licencing Committee;
- 1.5 **HRNSW Policies** mean any Policy implemented by HRNSW or by the HRNSW Licencing Committee;
- 1.6 **Licence** means any Licence issued by HRNSW in accordance with the Australian Harness Racing Rules, Part 4;
- 1.7 **Licensee** means any person holding a valid Licence issued by HRNSW in accordance with the Australian Harness Racing Rules, Part 4;
- 1.8 **Meeting** means the monthly HRNSW Board Meeting or the scheduled meetings of the HRNSW Licencing Committee;
- 1.9 **Offence** means any breach of the Australian Harness Racing Rules and/or HRNSW Policies where the Licensee is found guilty by Stewards and that decision is preserved at any subsequent appeal;
- 1.10 **Official** means any person employed by HRNSW or any person employed or affiliated with the functions of harness racing, including (without limitation) race club staff, security and veterinarians;
- 1.11 **Stewards** means any Steward appointed under the Australian Harness Racing Rules;

## 2. INTRODUCTION & BACKGROUND

- 2.1 The mission of HRNSW is, in part, to “maintain an effective regulatory and governance framework” and a key objective is to “invoke consumer confidence and lift the industry’s profile”. HRNSW grants the privilege of a Licence to individuals committed to that outcome. The privilege of a Licence may, therefore, be withdrawn or denied by HRNSW at any time where HRNSW determines that the conduct of a Licensee or prospective Licensee is inconsistent with the objectives of the organisation or the best interest of the industry and those who participate in it;
- 2.2 In order to assist all Licensees to best serve the interests of harness racing, HRNSW has adopted this Code of Conduct;
- 2.3 Any HRNSW Licensee may be sanctioned by Stewards under the Australian Harness Racing Rules; including, but not limited to being fined, suspended or disqualified, after being afforded the right to a hearing comprising the annexed guidelines on the principles of natural justice and subsequent avenues of appeal as set-out in the *Racing Appeals Tribunal Act 1983* and the *Regulations 2010*;
- 2.4 This Code of Conduct exists in association with the Australian Harness racing Rules and specifically Rule 90 (4) (5) (6) (7) and (8) which states:
90. (4) *The Controlling Body may grant a Licence for such a period and upon such terms and conditions as it thinks fit.*
- (5) *An application for a Licence may be refused by the Controlling Body without assigning any reason.*
- (6) *A Licence may be suspended or cancelled:*
- (a) *By the Controlling Body or the Stewards for breach of a term or condition of the Licence: or*
- (b) *By the Controlling Body where the Controlling Body is satisfied that the person holding the Licence is not a fit and proper person to be associated with harness racing;*
- (7) *The type, grade or class of a Licence may be varied by the Controlling Body or by the Stewards;*
- (8) *The terms or conditions attaching to a type, grade or class of Licence may be varied by the Stewards or the Controlling Body.*
- 2.5 The terms and conditions of holding any Licence issued by HRNSW is the acceptance of this Code of Conduct.

### 3. VIOLATIONS & OFFENCES

- 3.1 Licensees shall at all times conduct themselves in accordance with the Australian Harness Racing Rules and HRNSW Policies;
- 3.2 Licensees shall not at any time engage in conduct unbecoming to their status which could bring them or harness racing into disrepute;
- 3.3 The following schedule of offences is provided as a guideline and should not be read as an exhaustive list of offences or prohibited conduct;
- 3.4 In accordance with Sections 3.1 and 3.2 Licensees are in breach of the Code of Conduct whenever they have been found guilty of an offence and have exhausted all avenues for appeal to have that finding reversed;
- 3.5 Level 1 Offences include any period of disqualification or fine in excess of \$5,000;
- 3.6 Level 2 offences include any suspension in excess of six weeks or fine in excess of \$2,000;
- 3.7 Level 3 Offence include any suspension in excess of 21 days or fine in excess of \$500.

#### 4. PROCEDURE FOR CANCELLING A LICENCE

- 4.1 Notwithstanding any sanction imposed by Stewards, HRNSW may cancel or not renew a Licence if within a period of 12 months a Licensee has been found guilty of the following breaches;
- (a) One Level 1 Offence;
  - (b) Two Level 2 Offences;
  - (c) Two Level 3 Offences and one Level 2 Offence;
  - (d) Three Level 3 Offences.
- 4.2 If Stewards have suspended or disqualified a Licensee who has thereby breached the provisions of Section 4.1, HRNSW will consider the status of that Licence at a meeting to be conducted not less than one month prior to the expiry of the suspension or disqualification;
- 4.3 If Stewards have imposed a fine on a Licensee who has thereby breached the provisions of Section 4.1, HRNSW will consider the status of that Licence at its next scheduled meeting;
- 4.4 In determining whether or not to cancel a Licence, HRNSW shall take into account the prior record of the Licensee;
- 4.5 In determining whether or not to cancel a Licence, HRNSW may consult the eligible industry bodies;
- 4.6 Any Licensee whose Licence is being reviewed is entitled to provide a written submission (“Show Cause”) to HRNSW in accordance with the timeframe outlined in Section 4.2 and 4.3;
- 4.7 HRNSW shall provide written notification of any decision made to cancel or not renew a Licence;
- 4.8 If HRNSW cancels a Licence, the Licence fee or any portion of it shall not be refunded.

## 5 Acceptance of the Code of Conduct

I certify that I have read all terms and conditions and fully understand, accept, and agree to be bound by them.

Name : \_\_\_\_\_ Licence Number : \_\_\_\_\_

Signature : \_\_\_\_\_ Date : \_\_\_\_\_