



Horse Racing

RESEARCH SUMMARY

2021 HRA Governance Review



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TABLE OF CONTENTS

Introduction	2
Alberta Racing Corporation (1996 – 2002)	3
Reporting Structure.....	3
Organizational Body	4
Governance	4
Appeal Process	3
Horse Racing Alberta (2002 – present)	5
Current Reporting Structure	6
Chief Executive Officer’s (CEO) Responsibilities	7
Horse Racing Arm	7
Governance.....	8
Appeal Process.....	8
Other Jurisdictions’ Governance Structures	11
Province of British Columbia - Overview	11
Governance 1997 - 2001.....	12
Current Reporting Structure	12
2001 and Beyond – The Gaming Control Act	12
Reporting Structure	13
Appeal Process	13
Province of Ontario - Overview	14
Governance.....	15
Appeal Process.....	16
Horse Racing Across Canada	17
Association of Racing Commissioners International	18
Summary of ARCI Governance.....	18
Appeals	19
Duties and Requirements of Associations (Race Meet Licensees)	21
Financial Reports.....	22
Sources	22

Introduction

This report was developed strictly by the Marcomm Works Inc. and Parlee McLaws LLP team. The preparation of the content was conducted by reviewing comprehensive background documents and summarizing the data for the purpose of providing information about horse racing processes for stakeholders' reference. This summary offers a general overview of the governance of horse racing practices, including roles, responsibilities, reporting structures and appeal processes.

As horse racing governance practices have evolved over the years, this report also includes historical information about horse racing authorities in Alberta, British Columbia, and Ontario.

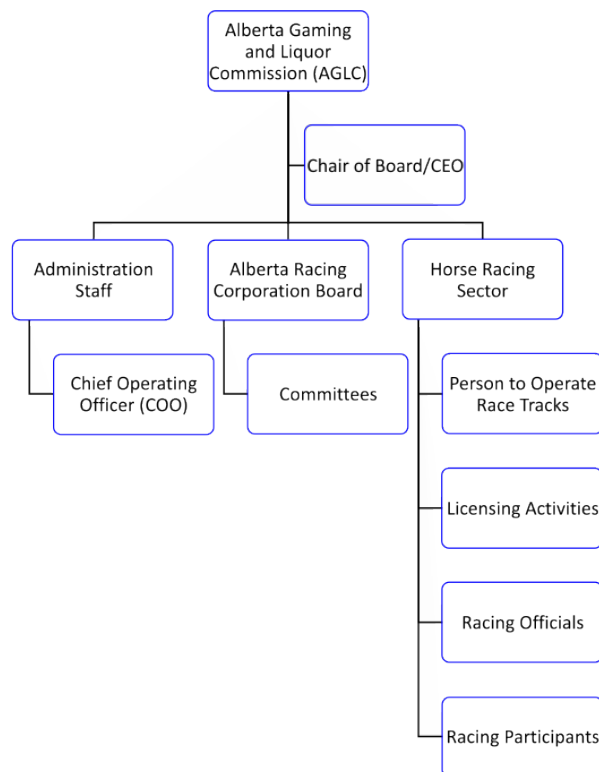
Alberta Racing Corporation (1996 -2002)

In May 1996, the Government of Alberta (GOA) approved a Racing Industry Renewal Initiative, under which the GOA and the Alberta Gaming and Liquor Commission (AGLC) committed to assisting in the development of the horse racing industry by allowing electronic gaming activities at racing entertainment centres. In essence, this moved the Alberta Racing Corporation out of government and gave it a much larger mandate. (Source: 2009 Cuff Report on Horse Racing Alberta)

In October 1996, the GOA proclaimed the *Racing Corporation Act*. The Corporation, for the purposes of carrying out its objects under this Act, had the capacity and the rights, powers and privileges of a natural person. That is, the board had the ability to establish by-laws to govern the administration and management of the business and affairs of the Corporation. However, the Act required the Corporation “to operate in accordance with the laws governing gaming and the policies and directions of the Government with respect to gaming.” (Source: SA 1996, c R-1.5 - Part 1(11))

Reporting Structure

Organizational Chart under Alberta Racing Corporation (est. 1996)



Board Composition:

- (a) one person appointed by The Horsemen’s Benevolent and Protective Association of Alberta to represent the interests of that Association;
- (b) one person appointed by the Alberta Standardbred Horse Association to represent the interests of that Association;
- (c) 3 persons who, in the opinion of the selection committee, represent the interests of the public; and
- (d) 2 persons, other than those who represent the interests of the associations referred to in clauses (a) and (b), who, in the opinion of the selection committee, represent the interests of the race horse breeding industry.

Administrative Staff:

Chief Operation Officer (COO) - works very closely with the Board Chair.

Horse Racing Sector Composition:

- (a) A person who operates racetracks.
- (b) Persons who carry out licensed activities other than the operation of racetracks.
- (c) Racing officials.
- (d) Racing participants.

Organizational Body

The organizational body of the horse racing sector arm included a person who operated racetracks, persons who carried out licensed activities other than the operation of racetracks, racing officials, and racing participants.

A racing official could conduct ongoing inspections at anytime to ensure compliance with the *Act*. If failure to comply with the *Act*, the racing official had the authority to conduct an investigation and hearing into the matter.

Governance

The Corporation could establish the following rules, to name a few:

- Defining any term that is not defined by the Act.
- Prescribing activities in addition to those referred in the Act as licensed activities.
- Designating persons as racing officials.
- Designating persons as racing participants.
- Governing the licensing of persons under the Act, as well as suspension, revocation and reinstatement of licenses.
- Governing the conditions under which a license is issued, including the right to search the licensee and property of the licensee.
- Establishing fees and other charges.

Appeal Process

Under the Act, the Minister appoints an appeal tribunal consisting of no more than three persons to hear appeals. The Act further states that, “the corporation shall not give any direction to the appeal tribunal with respect to the conduct of appeals or the operation of the appeal tribunal.” (Source: SA 1996, c R-1.5 Part 3 (7))

Where a racing official makes a ruling or gives a direction, a person affected by the ruling or direction may appeal the ruling to the Appeal Tribunal. They may commence an appeal by serving on the corporation, or on a person designated by the corporation, a notice of appeal within 30 days of the written notification of the ruling or direction being appealed. On being served notice of appeal the corporation shall, within 10 days of being served with the notice of appeal, deliver the notice of appeal to the chair of the Appeal Tribunal.

As outlined in the *Act*, once the appeal is received, the Appeal Tribunal may do the following:

- a. Dismiss the appeal;
- b. Allow the appeal and give such directions, if any, that the appeal tribunal considers appropriate in the circumstances;
- c. Vary the decision;
- d. Prescribe terms and conditions to which its order is subject;
- e. Make any other decision that is in the best interest of horse racing;
- f. Award costs

Once a decision is rendered, the appeal tribunal notifies the parties to the appeals and the corporation in writing of the decision. The appeal tribunal does not have the authority to order that a rule be made under the *Act* be repealed, amended or otherwise varied.

If the appeal tribunal's decision is questioned, it can be brought forward for judicial review, seeking an order in the nature of certiorari or mandamus if notice is filed with the Court of Queen's Bench and served on the Appeal Tribunal no later than 30 days after the decision has been made. The Court of Queen's Bench can determine the issues to already be resolved on application and limit the contents of the return from the appeal tribunal to those materials necessary for the disposition of those issues.

Existing appeals under the previous Act would be dealt with under the processes of the previous Act.

Horse Racing Alberta (2002 – present)

In response to the initiatives brought forward in the Alberta Horse Racing Industry Review in 2001, the GOA adopted the *Horse Racing Alberta Act* in which Horse Racing Alberta (HRA) was established as a corporation to replace the Horse Racing Corporation. The mandate of HRA is defined by the legislation and its bylaws/regulations/policies and decisions.

HRA is a private, not-for-profit corporation established in 1996 (Alberta Racing Corporation) and then recreated as Horse Racing Alberta in 2002. It is not a Crown corporation and has relationships with various government departments through a variety of mechanisms. HRA is required to create business plans, which describe decisions and the associated funding requirements. Additionally, the approved budgets must provide endorsement for any proposed activities.

The HRA was assigned to the Solicitor General and Minister of Public Security (SG&PS). The SG&PS has the principal role relative to HRA. The *Act* charges the minister with ensuring that the Board of HRA makes appointments to fill vacant positions. If the corporation does not, the minister can make appointments.

The minister can appoint a non-voting member of the board, approve the annual report, which is required of the corporation, receives audited financial statements and the multi-year business plans and any performance assessment tools, provides a copy of the annual report to the Legislative Assembly, and may request additional reports.

The HRA chair is the key contact between the organization and the government. The Ministry of Culture and Community Spirit has a role in issuing Lottery Fund Grants and managing the grant agreement between the Province and HRA.

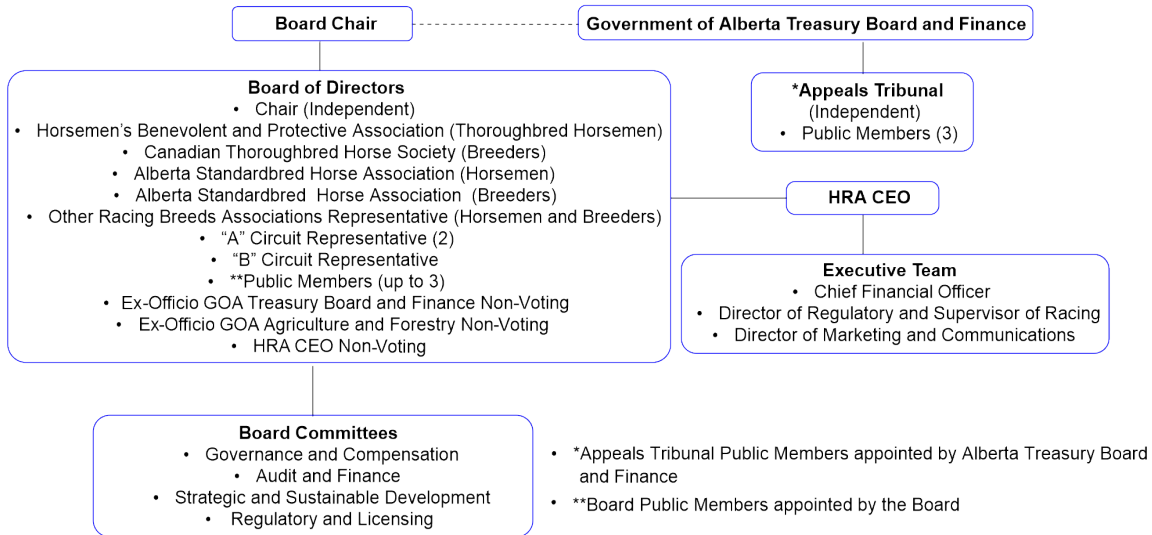
The AGLC has several roles. It is the connection with the Ministry of Culture and Community Services (CCS) and contributes funds for that ministry to provide to HRA through the lottery program. They provide HRA its power to issue the Racing Entertainment Centre (REC) licenses and regulate the delivery of gaming in these centres.

The Ministry of Agriculture and Rural Development (AARD) has an interest in the context of equine agribusiness. While there is no legislated role for AARD, the nature of the horse racing business places it mainly as an agricultural business involving substantially in breeding, raising and marketing of horses. AARD acknowledges that breeding farms and the boarding/training

stables contribute significantly to the rural economy Furthermore, the presence of “A” level track racing in Alberta enables Standardbred breeding or racing to be viable and establishes direct relations with HRA. The minister may appoint a representative to serve as a non-voting member of the board.

Current Reporting Structure

Horse Racing Alberta Organizational Chart 2021



The Chair of Board is a senior member of the Board of Directors of the corporation. The Chair’s duties are prescribed by the *Horse Racing Alberta Act*.

The Board of Directors comprise of 12 members:

- One person appointed by the Alberta Standardbred Horse association to represent the race horse breeders.
- One member of Alberta Standardbred Horse association to represent persons in the association other than horse breeders.
- One person appointed by the Canadian Thoroughbred Horse Society (AB division).
- One person appointed by the Horsemen’s Benevolent and Protective Association of Alberta to represent horse breeders in that association.
- One person agreed on and appointed by all other racing breed associations in the province recognized by the corporation, excluding the associations referred in members above.
- Two persons agreed on and appointed by the operators of race tracks licensed under the rules of “A” level race tracks.
- One person agreed on and appointed by operators of race tracks licensed under the rules as “B” level race tracks.
- Three members of the general public.

The Minister and the Minister of Agriculture and Rural Development may each appoint a person to the board but those persons do not have voting rights on the board.

Committees that report to the board (Source: 2009 Cuff Report on Horse Racing Alberta)

- Executive
- Finance and Legal

- Government and Industry Relations
 - Industry relations sub committee
 - Daycare subcommittee
 - Computer literacy task force
 - Industry manpower task force
 - Government relations strategies sub committee
 - Industry information task force
 - Breeding improvement
 - Marketing committee
 - Technical sub committee
 - Racetrack licensing
 - Regulatory
 - Animal welfare sub committee
 - Integrity & pari-mutuel wagering
 - Board member selection (as needed)

Administration Staff

- Chief Executive Officer (since 2002) - considered only employee of the board.

Chief Executive Officer's (CEO) Responsibilities

As President, the CEO is entitled to attend all the meetings of the board and is named as ex officio non-voting member of the executive committee. The CEO:

- Oversees the strategic management of the corporation's principle corporate functions as set out in the bylaws.
- Establishes and maintains a sound administrative and management structure for the operation of the corporation.
- Directs, supervises and evaluates affairs of the corporation.
- Within the personnel policies and procedures established by the HRA board, employs or engages staff to meet the objectives of the corporation.
- Ensures the preparation and maintenance of proper record keeping.
- Ensures proper recording, distribution and safe keeping of board meeting minutes, agreements and other records.
- Provides administrative support to standing and other committees and task forces, established by the board.
- Publishes rules made by the corporation in the Alberta Gazette in accordance with section 22(3) of the Act.
- Prepares for review and approval by the HRA board the annual report to the minister and any other special reports required by the Act.
- Has the authority to implement any decision of the HRA board and for that purpose may enter into any agreement of contract, make expenditures or otherwise commit the corporation, subject only to any limitation on the authority imposed by the board
- Authorizes another person to act on his or her behalf, delegates any authority or responsibility.

Horse Racing Arm

The horse racing arm includes persons who operate race tracks and who carry out licensed activities other than the operation of race tracks. Included in this arm are racing participants and

racing officials, which are defined as stewards, harness racing judges and other race track officials and employees whose duties relate to the actual running of horse races.

Governance

Annual submission to the minister requirements include a multi-year business plan and the measures to be used in assessing the performance of the corporation; an annual report, including audited financial statements; and upon request by the minister, a report on specific matters in a specified timeframe.

HRA follows key governance functions: (Source: 2009 Cuff Report on Horse Racing Alberta)

- Advocacy for the horse racing industry and its multitude of component parts
 - Development of policies and positions on the key issues that impact the business
 - Maintain awareness of the impacts the full sector is experiencing
 - Encouraging the growth of the racing industry
 - Development of long-term funding strategy that balances needs of the various industry sector and focuses on developing a healthy fiscal base
 - Acting as a single voice for the horse racing industry
- Keeping connected to government; ensuring that minister(s) are aware of industry issues or other issues with negative impacts
 - Monitor and/or speak to any legislation changes which may impact the industry
 - Seek federal and provincial support for a regulatory framework that works
- Building relationships within the horse racing sector
- Marketing horse racing and maximizing purses
- Licensing and regulation
 - Assessing if the market can support the licensed facilities
 - Pursuing long term licenses to ensure stability
 - Allocating/monitoring funds
 - Enforcing rules
 - Encouraging the development of a Canada-wide program
 - Human resources/backstretch programs
- Breed involvement and animal welfare

Appeal Process

As outlined in Part 3 of the *Alberta Horse Racing Act*, the minister shall appoint an appeal tribunal consisting of not more than three persons to hear appeals. One of the members is designated as the chair, a person appointed to the appeal tribunal should not be a member of both the board and the appeal tribunal. The corporation is not to give any directions to the appeal tribunal with respect to the conduct of appeals or the operation of the appeal tribunal.

Where racing officials makes a ruling or gives a direction a person affected by that ruling may appeal that ruling or direction to the appeal tribunal. A person who has a right of appeal may commence an appeal by serving on the corporation, or on a person designated by the corporation, a notice of appeal within 30 days from the day that the person receives written notification of the ruling or direction being appealed. On being served with a notice of appeal, the corporation shall,

within 10 days from that day of being served with the notice of appeal to the chair of the appeal tribunal.

After hearing an appeal, the appeal tribunal may:

- Dismiss the appeal
- Allow the appeal and give such directions, if any, that the appeal tribunal considers appropriate in the circumstances
- Vary the decision
- Prescribe terms and conditions to which its order is subject
- Make any other decision that in the opinion of the appeal tribunal is in the best interest of horse racing
- Award costs
- The tribunal shall notify parties to the appeal and the corporation in writing of the decision
- The appeal tribunal does not have the authority to order that a rule be made under this Act be repealed, amended or otherwise varied

Judicial Review

- No decision, order, directive, ruling or proceeding of the appeal tribunal shall be questioned or reviewed in any court by way of an application for judicial review or otherwise, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, prohibition, quo warranto or otherwise, to question, review, prohibit or restrain the appeal tribunal or any of its proceedings.
- A decision, order, directive, ruling or proceeding of the appeal tribunal may be questioned or reviewed by way of an application for judicial review seeking an order in the nature of certiorari or mandamus if the originating notice is filed with the Court of Queen's Bench and served on the appeal tribunal no later than 30 days after the date of the decision, order, directive, ruling or proceeding, or reasons in respect of it, whichever is later.
 - The Court of Queen's Bench may, in respect of any application:
 - (a) determine the issues to be resolved on the application, and
 - (b) limit the contents of the return from the appeal tribunal to those materials necessary for the disposition of those issues.

Procedure Before Appeal Tribunal

- The chair and other members of the appeal tribunal have the same power as vested in the court of Queen's Bench for the trial of civil actions.
 - To summon and enforce the attendance of witnesses
 - To compel witnesses to give evidence on oath or otherwise
 - To compel witnesses to give evidence in person or otherwise
 - To compel witnesses to produce any record, object or thing that relates to the matter being heard
 - Appeal tribunal may take evidence under oath
 - Any member of the tribunal may administer oaths for the purpose of taking evidence
 - Any member of the appeal tribunal may grant interim relief and stays in respect of the proceedings before the appeal tribunal
- With respect to appeals before the appeal tribunal, the appeal tribunal may make rules:
 - Governing notice of appeal

- Governing the procedure before the appeal tribunal
- Governing the adjournments of matters before the tribunal
- Governing the attending of witnesses
- Governing the applicability of the rules of evidence in judicial proceedings to hearings before the appeal tribunal
- Governing the receiving a recording of evidence
- Empowering the appeal tribunal to proceed when a party to the appeal fails to appear at or attend a hearing
- Governing the interim relief and stays that may be granted
- Providing for majority and minority decisions
- Empowering the appeals tribunal to consider an appeal without holding a hearing and governing the procedure to be used in those circumstances
- Governing the applicability of the *Alberta Rules of Court*
- Providing for the issuing and publication of decisions of the appeal tribunal
- Empowering the appeal tribunal to require the production of any record, object or thing
- Governing the reconsideration of decisions made by the appeal tribunal
- Governing costs
- Where a rule is made, the appeal tribunal shall publish the rule in Part 1 of the Alberta Gazette
 - Every person is deemed to have notice of the rule

Other Jurisdictions' Governance Structures

Province of British Columbia - Overview

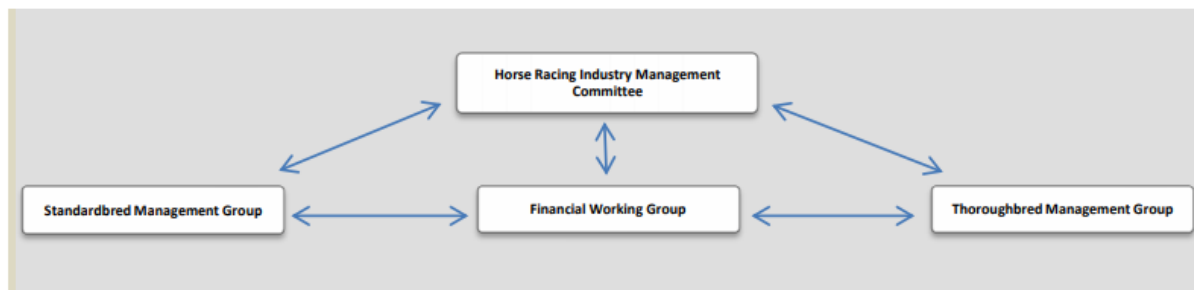
In 2001, racing activities in British Columbia were managed by three senior government staff members. Since 2002, the Assistant Deputy Minister/GM of the Gaming Policy and Enforcement Division (GPEB) assumed responsibility. The management structure comprised of seven executive directors report to the GM. They lead the following divisions:

- Licencing
- Registration and Certification
- Compliance
- Enforcement
- Community Supports
- Strategic Policy and Projects
- Operations
- Compliance and Enforcement Collaborative

The Horse Racing Arm includes:

- Government Branch - Gaming Policy and Enforcement Branch
- Director of Racing - interchangeable with "Executive Director"
- The Racing Division executive director of the Gaming Policy and Enforcement Act
- General Manager appointed under the Gaming Control Act
- Judge - racing official employed by the branch to regulate all aspects of Standardbred horse racing
- Official chemist - a chemist approved by the Branch or Canadian Pari-Mutuel Agency to perform analytical procedures on a sample
- Steward - a racing official employed by the Branch to regulate all aspects Thoroughbred horse racing
- Racing secretary - responsible for the programming of races during the race meeting, compiling and publishing condition books, receiving all entries, subscriptions and declarations

Horse Racing Industry Management Committee Governance Triangle



(Source: Rules of Thoroughbred and Standardbred Racing)

Governance – 1997 - 2001

The British Columbia Racing Commission

Prior to the enactment of the current *Gaming Control Act* (GCA), horse racing in British Columbia was governed by two provincial statutes: the *Horse Racing Act* and the *Horse Racing Tax Act*, both enacted on April 21, 1997. The *Horse Racing Act* regulated horse racing in British Columbia through the B.C. Racing Commission. Section 4 of the *Act* empowered the B.C. Racing Commission to:

- Regulate the operation of all sites in B.C. at which horse racing is carried on.
- Regulate the operation of all designated race horse training centres.
- Enforce observations of and compliance with this act and all regulations and rules made by this act.
- Do other things relating to horse racing as authorized or directed by the Lieutenant Governor General.

The *Horse Racing Act* assigned the B.C. Racing Commission the responsibility to licence racetrack operators, jockeys and others involved in the industry, assign racing days to an association, inspect facilities and documents, conduct tests and analyses of licensees and horses, and make rules dealing with all aspects of horse racing.

2001 and Beyond – The Gaming Control Act

In September 2001 the Ministry of Public Safety and Solicitor General announced a restructuring of gaming in B.C. The B.C. Racing Commission was replaced with three senior government staff, chaired by the Acting Deputy Solicitor General at that time. In 2002 the Assistant Deputy Minister/GM of the Gaming Policy and Enforcement Division (GPEB) assumed responsibility.

Effective March 31, 2003 and April 1, 2003, respectively, the *Horse Racing Tax Act* and the *Horse Racing Act* were repealed and replaced by the *Gaming Control Act*. This included lotteries, casinos, bingo halls, and horse racing. Seven executive directors report to the GM. Within the compliance division, the racing unit develops and enforces rules and policies for horse racing, regulates racing events, and registers all racing participants. Participants in B.C. horse racing industry must be registered with and licensed by the GPEB.

The Racing Unit is responsible for developing policies and rules for thoroughbred and standardbred horse racing. The Unit revises rules and meets regularly with industry stakeholders to address issues. GPEB is responsible for enforcing roles and regulations related to racing and reviews activities on the track that could have a negative impact on the integrity of horse racing.

In 2009 the BC Horse Racing Industry Management Committee (HRIMC) was formed under the direction of Honourable Rich Coleman, Minister of Public Safety and Solicitor General (PSSG). It has full authority to provide strategic direction, decision making, and business leadership to the horse racing industry with the aim of revitalizing the declining industry.

Reporting Structure



The Sector reports to the Gaming Policy and Enforcement Branch of the Government of British Columbia. Seven executive directors report to the GM. They lead the following divisions:

- Licensing
- Registration and Certification
- Compliance
- Enforcement
- Community Supports
- Strategic Policy and Projects
- Operations
- Compliance and Enforcement Collaboration

Rules and regulations are set by the General Manager in regards to:

- Respecting security and surveillance at tracks.
- Requiring the owners of race horses to register racing colours, assumed names, partnerships and contracts, and any other matters and things that the GM deems appropriate.
- Specifying certain duties that associations must perform in relation to horse racing.
- Respecting conduct of race meetings and the operation and management of race tracks
- Respecting the operation and management of designated race horse training centres.
- Requiring association operating a race track to permit the training of horses on the track for the periods and on the terms the general manager considers appropriate.

The lieutenant governor in council may prescribe the general manager may make rules dealing with all aspects of horse racing additional to those listed above.

- Respecting the issue and renewal of horse racing licences
- Requiring the licencing of race horse owners, jockeys, race horse trainers, drivers, grooms, jockeys agents, jockey valets, etc.
- Requiring horse racing licensees or classed or horse racing licensees to do or refrain from doing any one or more things related to or in any way connected with horse racing
- Establishing the qualifications that an applicant must hold to be eligible to obtain a horse racing license.
- Imposing terms and conditions on any horse racing licenses

(Source: Gaming Control Act 2002)

Appeal Process

Referred to as “Reconsideration of a Decision,” a request is submitted to the Director of Racing to review decisions or rulings of the Stewards, Judges or other delegated officials in matters that involve the carrying out of the Rules of Racing or other questions dealing with the conduct of racing. A Request for Reconsideration must be based on specific grounds which would warrant a modification or reversal of the original decision.

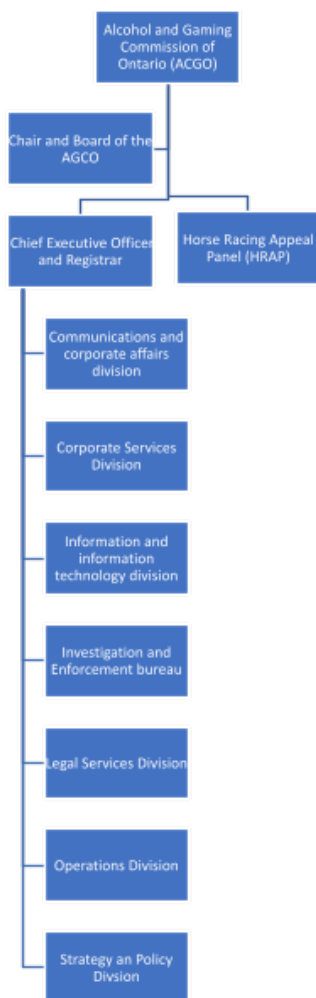
A notice of intent for reconsideration must be provided to the Director of Racing within 48 hours of receipt of the decision or ruling for which the reconsideration is being requested. Eight calendar days will be allowed to file with the Director. All requests must be in writing and completed on a form provided by the racing division. Within 30 days, or as operationally feasible, after receiving the filed request for reconsideration, the director, or other delegate of the general manager, must confirm or vary the decision in writing

Purse money affected by a request for reconsideration shall be held pending disposition of the reconsideration. Pending disposition of the reconsideration, all penalties imposed shall continue in full force and effect except when stayed by order of the Director of Racing. Warnings will not be reconsidered.

(Source: Rules of Thoroughbred and Standardbred horse racing - Chapter 10)

(Source: <https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/gambling/horse-racing/rules-horse-racing.pdf>)

Province of Ontario - Overview



In 1950 the Government of Ontario established the Ontario Racing Commission (ORC). Its purpose of the Crown industry was to govern, direct, control and regulate the horse racing industry in Ontario. The ORC became known as a world class regulator and development of best practices.

In 2015, the Government of Ontario introduced the *Horse Racing License Act* that moved to integrate horse racing into the province's gaming strategy. This included the transfer of the regulatory responsibilities for horse racing from the ORC to the Alcohol and Gaming Commission of Ontario (AGCO).

The reporting structure is as follows:

- Chair and Board of the AGCO
 - Chief Executive Officer and Registrar
 - Communications and Corporate Affairs Division
 - Corporate Services Division
 - Information and Information Technology Division
 - Investigation and Enforcement Bureau
 - Legal Services Division
 - Operations Division
 - Strategy and Policy Division

Horse Racing Appeal Panel (HRAP) is an independent adjudicative body appointed by the Board of the AGCO.

Governance

On April 1, 2016, the Ontario Racing Commission (ORC) ceased operations and on that date the regulatory responsibilities for horse racing were transferred to the Alcohol and Gaming Commission of Ontario (AGCO). Non-regulatory functions were transferred to other organizations. AGCO's Horse Racing Regulatory Functions included officiating at all races. AGCO provides three officials to supervise races conducted at Ontario licenses race tracks. They are responsible for the enforcement of the Rules of Racing and conducting investigations.

Compliance is performed by investigators and/or compliance officers, including:

- Administration of the human drug testing and breathalyzer program
- Searches for prohibited items
- Enforcement of racetrack security standards

AGCO's investigation and enforcement bureau is responsible for:

- Investigations into more serious racing violations.
- Due diligence investigations on licence applicants or licensees.
- Investigations into illegal gambling activities.
- Investigations of horse abuse, race fixing, or other racing and rule infractions, as well as investigating horse deaths.
- Monitoring and enforcing equine medication control programs.
- Liaison between the AGCO, the police, community and other civilian regulatory bodies in and out of Ontario.
- Enforcement of judges/stewards' orders and rulings.

Licenses to individuals and businesses involved in horse racing industry includes applications from new racetrack owners, teletheatre locations and individuals involved in the industry (groomers, trainers, etc.).

AGCO annually licences racetracks and reviews racetrack business plans, back stretch improvement and fire safety plans and health and safety plans.

- Also has the authority to approve the race dates applied for by racetracks.

Horse racing business functions that are not managed by AGCO:

- Adjudication - appeals of rulings made by judges and stewards under the Rules of Racing are heard by the Horse Racing Appeal Panel (HRAP)
- Appeals of decisions of the registrar under the HRLA related to licencing are heard by the Licence Appeal Tribunal (LAT)

Industry Support:

- The Horse Improvement Program (HIP) is now managed by Ontario Racing (<https://ontarioracing.com/home>)
- Responsibility for the Enhanced HIP program is under the supervision of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), Horse Racing Transition Branch.
- Administration of the Transfer Payment Agreements (TPA's) that the Ontario has with racetracks in the province is now managed by Ontario Lottery and Gaming (OLG) (<https://about.olg.ca/>).

Appeal Process

The board may appoint members to the panel as part time or full-time members for terms of up to 3 years. No member of the board may be a member of the panel. A chair and vice chair are appointed by the board.

If the rules of racing provide for an appeal to the panel, a person who considers themselves aggrieved by a decision of a steward, judge, veterinarian, race track official, racing association official, licensing agent or officer or employee of the Commission may appeal the decision to the panel and the hearing of the appeal shall be held in accordance with the panel's rules of procedure.

The panel may confirm, or vary the decision being appealed, or set it aside. The decision is final and is not subject to appeal.

(Source: Horse Racing Appeal Panel)

(Source: Horse Racing License Act, 2015. <https://www.ontario.ca/laws/statute/15h38>)

Horse Racing Across Canada

(Source: Ministry of Attorney General Gaming Policy and Enforcement Branch Briefing note Dec. 2017: http://docs.openinfo.gov.bc.ca/Response_Package_MAG-2018-86078.pdf)
(Table has been altered for required information only. No information was changed.)

Province	Regulator	Conduct/Manage/ Operate	Number of Active Tracks (Thoroughbred & Standardbred)
British Columbia	Gaming Policy and Enforcement Branch (Ministry of Attorney General)	Horse Racing Industry Management Committee (Private sector – industry assoc.)	2
Alberta	Horse Racing Alberta (Crown Corp)	Horse Racing Alberta (Crown Corp)	4
Saskatchewan	Saskatchewan Liquor and Gaming Authority (SLGA) (Crown Corp)	Saskatchewan Liquor and Gaming Authority (Crown Corp)	1 (+5 rural tracks w/ 2-6 race days per year)
Manitoba	Manitoba Horse Racing Commission (Crown Corp)	Manitoba Horse Racing Commission (Crown Corp)	1
Ontario*	Alcohol and Gaming Commission of Ontario (Crown Corp)	Ontario Racing Association (Private sector – industry assoc.) Ontario Lottery and Gaming (Crown Corp)	14
Quebec	Régis des alcools, des courses et des jeux (Ministère de la Sécurité publique)	Industry association (private entity – industry association)	1
New Brunswick	Atlantic Provinces Harness Racing Commission (Agency of the Council of Atlantic Premiers)	Horse Racing New Brunswick (Private entity – industry assoc.)	2
Newfoundland and Labrador	Atlantic Provinces Harness Racing Commission (Agency of the Council of Atlantic Premiers)	St. John's Racing and Entertainment Centre Incorporated (private entity)**	0**
Nova Scotia	Atlantic Provinces Harness Racing Commission (Agency of the Council of Atlantic Premiers)	Unknown	3
Prince Edward Island	Atlantic Provinces Harness Racing Commission (Agency of the Council of Atlantic Premiers)	Affiliate of Atlantic Lottery Corporation (Crown Corp)	2

* On April 1, 2016, the Ontario Racing Commission ceased operations and on that date, as mandated by the *Horse Racing Licence Act, 2015*, the regulatory responsibilities for horse racing were transferred to the Alcohol and Gaming Commission of Ontario (AGCO). Non-regulatory functions were transferred to other organizations. See <https://www.agco.ca/horse-racing/horse-racing-ontario-who-does-what> for more information.

** There is currently no racing in Newfoundland. The final race occurred in 2016.

Association of Racing Commissioners International

Endorsed by the Association of Racing Commissioners International (ARCI), Model Rules of Racing have been drafted for the use of the Pari-Mutuel Industry. The purpose of the Model Rules is to regulate race meetings and those who participate in race meetings. The Model Rules document is seen as a living document and is amended as necessary.

(Source: <https://www.arci.com/wp-content/uploads/2020/12/MODELRULESMASERVERSION9.51220.pdf>)

Summary of ARCI Governance

- ACRI-002-010
 - The commission shall regulate each race meeting and the persons who participate in each race meeting.
 - Pursuant to the authority granted in the Act the commission may delegate to the executive director and the stewards/judges all powers and duties necessary to fully implement the purposes of the Act.
- ACRI-002-015 Membership and Meetings
 - The commission should meet at the call of the chair or a majority of the members, or as otherwise provided by statute.
 - A majority of the commission constitutes a quorum. When a Quorum is present, a motion before the commission is carried by an affirmative vote of the commissioners present at the meeting.
 - A commission member may not act in the name of the commission on any matter without a majority vote of a quorum of the commission.
- ARCI-002-020 - the commission shall submit an annual report as prescribed by the statute.
- ARCI-002-025 - Employees
 - The commission shall employ an executive director who shall employ other employees necessary to implement, administer and enforce the Act
 - The executive director will maintain the records of the commission and shall perform other duties as required.
 - Except as otherwise provided by a rule of the commission, if a rule of the commission places the duty on the executive director, the ED may delegate to another employee of the commission.
 - The commission and ED may not employ a person who:
 - Owns financial interest in an association in the jurisdiction.
 - Who accepts remuneration from an association in the jurisdiction.
 - Who is an owner, lessor or lessee of a contestant that is entered in a race.
 - Who accepts or is entitled to a part of the purse or purse supplement to be paid on a contestant in a race held in this jurisdiction.
 - Commission employees shall not wager in any pari-mutuel pool at any facility or through any pari-mutuel system subject to the jurisdiction of the commission.
- ACRI-002-030 - Power of Entry
 - A member or employee of the commission may enter any area on association grounds or other places of business of an association at anytime to enforce or administer the Act or Commission rules.

- An association or an officer, employee or agent of an association may not hinder a person who is conducting an investigation under or attempting to enforce or administer the commission rules.
- ARCI-002-035 Subpoenas
 - A member of the commission may require by subpoena the attendance of witnesses the reproduction of books, records, papers, correspondence and other documents.
 - A member of the commission may administer an oath or affirmation to a witness appearing before the commission or a person authorized by the commission.
 - Each party is responsible for proper service of any subpoenas it requests and for the payment of witness fees and expenses as provided by this jurisdiction's civil procedures statute.
- ACRI-002-045 Records
 - Except as otherwise provided by the Act, commission records are subject to the open records Act.
 - All original records of the commission shall be maintained in the main offices of the commission. No person may remove an original record from the offices without approval of the ED.
 - A written request to the executive director must be made to inspect the commission records.
 - A person will also pay all associated fees with pulling, copying and mailing records.
- ARCI-002-050 Allocation of Race Dates and Permits
 - The commission shall allocate race dates and permits to each association in accordance with the Act and these rules.
 - An association shall apply to the commission not later than ___ of each year for race dates to be conducted the next calendar year.
 - Applications shall not be received or amended after this date except by approval of a majority of the commission.
 - The burden of proof is on the association to demonstrate the allocation of the race dates will be in the public interest and will achieve the purposes of the Act.
 - Association shall be obligated to conduct pari-mutuel racing, except in the case of emergencies, on each race date allocated. Any changes to race dates must be approved by the commission.

Appeals (Chapter 3)

- A person aggrieved by a ruling of the stewards/judges may appeal to the commission.
 - A person who fails to file an appeal by the deadline and in the form required by this section waives the right to appeal.
- An appeal under this section must be filed with the commission's executive director not later than ___. If the commission determines the appeal to be frivolous, the appellant may be subject to a fine.
- An appeal must be in writing on a form prescribed by the commission.
 - It must include:
 - Name, address, telephone number and signature of the person making the appeal
 - A statement of the basis for the appeal.

- On notification by the commission that an appeal has been filed, the stewards/judges shall forward to the commission the record of the proceeding on which the appeal is based.
- If a person against whom a fine has been assessed files an appeal of the ruling that assesses the fine, the person shall pay the fine in accordance with these rules.
 - If the appeal is disposed of in favor of the appellant, the commission shall refund the amount of the fine.
 - A decision by the stewards/judges regarding a disqualification during the running of a race is final and cannot be appealed to the commission.
- ACRI-003-015 - Proceedings by the Commission
 - A person who is the subject of a disciplinary hearing, who filed for an appeal from a stewards/judges ruling or who otherwise seeks relief from the Commission is a party to that processing.
 - Party has the right to present a direct case, cross examine each witness, submit legal arguments and otherwise fully participate in the proceeding.
 - Notice:
 - Not less than ___ days before the date set for a hearing, the commission serves written notice on each party of record to the proceeding. The person may waive his/her right to said notice by executing a written waiver.
 - Subpoenas and depositions - any member of the commission may be required by subpoena the attendance of witnesses and the reproduction of books. Records, papers, correspondence and other documents.
 - Pleadings filed with the Commission include appeals, applications, answers, complaints, exceptions, replies and motions. Regardless of an error in designation, a pleading shall be accorded its true status in the proceeding in which it is filed.
 - On written notice, the presiding officer may, on the officer's own motion or on the motion of a party, direct each party to appear at a specified time and place for a prehearing conference to formulate issues and consider any of the following:
 - (a) simplifying issues;
 - (b) amending the pleadings;
 - (c) making admissions of fact or stipulations to avoid the unnecessary introduction of proof;
 - (d) designating parties;
 - (e) setting the order of procedure at a hearing;
 - (f) identifying and limiting the number of witnesses;
 - (g) resolving other matters that may expedite or simplify the disposition of the controversy, including settling issues in dispute; and
 - (h) identifying provisions and mandates of statute or rules relating to the issues.
- Proposal for decision
 - the Commission shall consider the proposal for decision in open meeting. The Commission may:
 - (a) adopt or modify the proposal for decision, in whole or in part;
 - (b) decline to adopt the proposal for decision, in whole or in part;

- (c) remand the proceeding for further examination by the same or a different presiding officer; or
 - (d) direct the presiding officer to give further consideration to the proceeding with or without reopening the hearing.
- Dismissal
 - On its own motion or a motion by a party, the presiding officer may dismiss a proceeding, with or without prejudice, under conditions and for reasons that are just and reasonable, including:
 - (1) failure to timely pay all required fees to the Commission;
 - (2) unnecessary duplication of proceedings;
 - (3) withdrawal;
 - (4) moot questions or obsolete petitions; and
 - (5) lack of jurisdiction.
- Orders:
 - The final order of the commission must be in writing and be signed by a majority of the members of the commission who voted in favor of the action taken by the commission.
 - Must include findings of facts and conclusions of law, separately stated.
 - The Commission staff shall mail or deliver a copy of the order to each party or the party's Representative.
 - A final order of the Commission takes effect on the date the order is issued, unless otherwise stated in the order.
 - If the Commission finds that an imminent peril to the public health, safety or welfare requires an immediate final order in a proceeding, the Commission shall recite that finding in the order in addition to reciting that the order is final from the date issued. An order issued under this subsection is final and appealable from the date issued and a motion for rehearing is not a prerequisite to appeal.

Duties and Requirements of Associations (Race Meet Licensees) – Chapter 7

- To describe the requirements, facilities, equipment and operations of associations
- An association, its officers, directors, officials and employees shall abide by and enforce the Act and the rules and orders of the Commission and stewards.
- An association may request an exemption from a requirement in this chapter to utilize new technology or innovative construction or design of the racetrack facilities. The Commission may grant an exemption if the Commission determines that:
 - (a) the association's proposal substantially satisfies the purpose of the requirement; and
 - (b) the exemption is in the best interests of the race horses, the racing industry and the citizens of this jurisdiction.
- Approval of a race meeting by the commission does not establish the commission as the insurer or guarantor of the safety or physical condition of the association's facilities or purse of any race.
- An association shall agree to indemnify, save and hold harmless the commission from any liability, if any, arising from unsafe conditions of association grounds and default payment of purses.

- Association must provide the commission with a certificate of liability insurance as required by the commission.
- An association and its managing officers shall ensure that all purse monies, disbursements and appropriate nomination race monies are available to make timely distribution in accordance with the Act, Commission rules, association rules and race conditions.

Financial Reports

- Commission may require periodic audits to determine that the association has funds available to meet those distributions for the purposes required by the Act, etc.
- An association shall file a copy of all tax returns, a balance sheet and a profit and loss statement
- An association should file an unaudited balance sheet and profit and loss statements as required by the commission
- Stakes Escrow Requirements - the association shall provide the commission with a copy of written race conditions for stakes races prior to destruction.
- Unless otherwise prescribed by statute, an association must receive approval of the Commission to conduct charity race days. (must be requested no later than 30 days before the race date)
 - The association shall pay to the charity out of its share of the pari-mutuel handle.

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3. Horse Racing Act (SBC 1993)
 1. <https://www.bclaws.gov.bc.ca/civix/document/id/94consol18/94consol18/93051>
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