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October 14, 2011

## **Notice to the Industry**

### **Proposed new policy on Track Rules being circulated for comment**

As part of the Racetrack Licensing Process, racetrack operators are required to submit Track Rules.

At its meeting on June 29, 2011, the Board of the Ontario Racing Commission (ORC) reviewed proposed new policy on the requirements for Track Rules. Prior to considering the new policy for approval, the ORC is seeking public input on the proposal.

Industry stakeholders are encouraged to review the proposed new policy below and provide comments by October 25, 2011 as follows:

By Email: [inquiry@ontarioracingcommission.ca](mailto:inquiry@ontarioracingcommission.ca)

By Fax: (416) 213-7827

### **Proposed POLICY DIRECTIVE Track Rules**

*WHEREAS, the Racing Commission Act, 2000 states that:*

*Section 11(2) In its rules, **the Commission may adopt by reference, in whole or in part**, with the changes that the Commission considers necessary, **rules and procedures of racing associations or bodies**, as amended from time to time, with respect of any matter except hearings held under Part II;*

*AND WHEREAS, it is recognized that Track Rules are any rules and procedures provided to ORC licensees that govern how they are to conduct themselves while on the property of the association or while they are participating in racing activities on the property of the association, and that Track Rules can also be referred to by other titles, including Rules and Regulations;*

*AND WHEREAS Track Rules are a tool utilized by most racetracks in providing participants with the expectations around behaviour and protocols while on the grounds of the association; Track Rules can also codify the practices of operations, such as no motorcycles or dogs on the backstretch, which would not necessarily require action of an ORC official.;*

*AND WHEREAS, it is a requirement. under application to the Ontario Racing Commission for an annual racetrack operator's licence, to submit any Track Rules upon which the association will rely during the period of licence;*

*AND WHEREAS, it is recognized that under the current Rules an association is not required to have Track Rules;*

*AND WHEREAS, the Director, under the Act, has the authority to approve Track Rules and can additionally authorize the adoption of those Track Rules not covered by Rules of Racing but that require adoption where the ORC will enforce and issue penalty;*

**To be approved by the Director, Track Rules must conform as follows:**

1. *A "suspension" in Track Rules can only refer to a suspension of licence as ordered by the ORC and the word cannot be used to refer to loss of privileges to access the property.*
2. *A Track Rule cannot supersede or change the requirement, where such requirement is specified in the Rules of Racing, unless that Track Rule is approved or adopted by the ORC.*
3. *Any Track Rule that varies an ORC rule, may be considered for approval and/or adoption where that variation refers to local issues specific to operations.*
4. *A track rule cannot layer an additional penalty on a rule of racing.*
5. *A demerit system can be used by the association to manage loss of privilege under the Trespass to Property Act, but cannot compound on a penalty issued by the ORC under the Rules of Racing.*
6. *A Track Rule cannot require membership in a horseperson's association.*
7. *Where the Association wishes to highlight an existing ORC rule, the Track Rule must include the specific ORC rule reference (ORC SB X.XX).*
8. *Where a Track Rule is deemed to be impermissible or redundant by the ORC, it must be removed.*
9. *Where a Track Rule is acted on by an official of the ORC and enforced, the penalty will be issued by the ORC, and any fines will be collected by the ORC.*
10. *All Track Rules will include a standard clause stipulating to the participants right to appeal any decision of the Association to the ORC.*

*Upon review and recommendation of ORC Administration, the Director will issue approval of the submitted Track Rules in whole and/or in part. Approval of Track Rules as a whole means the Director finds no issue with the rules contained therein, that the rules are permissible. Where the Director determines that ORC officials will enforce a specific track rule, that rule must be adopted by reference.*

To be considered, comments must be received at the offices of the Ontario Racing Commission no later than October 25, 2011.

For further information, please contact:

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