HARNESS RACING AUSTRALIA

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HARNESS RACING AUSTRALIA INC

Rules of Association

1. There is hereby constituted under the Associations Incorporation Ordinance 1953-66 of the Australian Capital Territory an Association, which shall be known as "HARNESS RACING AUSTRALIA Incorporated", hereinafter called the "Council" and such Council is constituted as from the date hereof.

2. (a) The public office of the Council shall be located in Victoria or at such other place as the Council may determine.

   (b) The head office of the Council shall be located at such place as the Council may determine.

   (c) The Council may establish branch offices at such places as the Council may determine.

3. The members of the Council are:

   (a) Harness Racing New South Wales being the Controlling Body for harness racing in New South Wales

   (b) Harness Racing Victoria being the Controlling Body for harness racing in Victoria

   (c) Racing Queensland being the Controlling Body for harness racing in Queensland

   (d) Harness Racing South Australia being the Controlling Body for harness racing in South Australia

   (e) Racing and Wagering Western Australia being the Controlling Body for harness racing in Western Australia

   (f) Tasracing Pty Ltd being the Controlling Body for harness racing in Tasmania

   (g) New South Wales Harness Racing Club

   (h) HRV Management Ltd

   (i) Albion Park Harness Racing Club

   (j) Gloucester Park Harness Racing

   (k) Tasmanian Pacing Club

(l) and any other body admitted by majority decision of the Council.

Object

4. The object of the Council shall be to promote the harness racing Industry and to assist the various members to more effectively carry out their powers and obligations under the respective Constitutions and Incorporating Statutes.

Powers of the Council

5. Without restricting the generality of the foregoing provisions the Council may exercise all or any of the following powers and functions:

(a) Generally to recommend to the members to do all those acts and things which it deems expedient for the promotion, regulation and improvement of the harness racing Industry in Australia.

(b) To

i. Represent;
ii. Lobby;
iii. Advocate;
iv. Arbitrate;
v. Administrate; and or,
vi. Act as agent for all or any member or members as requested by such member or members as hereinbefore named, and for such and any period as may from time to time be stipulated by such member or members.

(c) To take and keep the custody and control of all records books papers and documents or other property of Council

(d) To receive such records from members as shall be submitted to it and to charge such members such fee as may be agreed for any service in regard to the keeping or processing of such records and to keep available orderly information regarding such records.

(e) To compile the Australian Rules of Harness Racing and recommend to all members the adoption of common practices, Rules and regulations in relation to harness racing, and as to the conduct of owners, licensees, trainers and drivers with the intent that once approved by HRA, they shall be adopted in each State, with the exception of local legislative based impediment, so that they shall be uniform and reciprocal throughout Australia.

(f) To establish and publish the Australian Trotting Stud Book detailing all Harness Racing sires, mares, foalings, breeder names, and matters ancillary thereto:

i. To appoint a Keeper of the Stud Book who shall be remunerated as determined by Council;
ii. To make such regulations as it thinks fit with respect to admission of horses in the Stud Book and other matters necessary for the proper compilation of the Stud Book.

(g) To apply for purchase or otherwise acquire any patents brevets d'invention trade marks licences concessions or the like conferring any exclusive or non-exclusive or limited right to use or any secret information as to any invention which may seem capable of being used for the benefit of harness racing and to use exercise develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(h) To hold all copyrights in relation hereto.

(i) For the purpose of assisting the Chief Executive Officer to carry out his duties and for such other purposes as it thinks fit to appoint to its staff such persons as it may deem necessary and to pay such persons such salaries as it may from time to time determine.

(j) To control and invest the funds of the Council as it shall think fit.

(k) To delegate to a committee consisting wholly or partly of its own members any power, duty or function for such period or periods as it thinks fit.

(l) To consider all questions arising out of the operation of service and agency agreements and to recommend such variations as may be deemed desirable.

(m) To compile and control copyright and periodically publish a list of the horses registered with the Council.

(n) To compile copyright and publish annually an Australian Trotting Year Book, which shall contain a record of the performances of all registered harness racing, horses competing at licensed meetings, a record of the results of all races at such meetings and an index thereto.

(o) To recommend to the members that a licence issued by a member be valid throughout Australia without payment of additional fees except in exceptional circumstances.

(p) To partner and or invest in equine based health and welfare research.

(q) To:-
  i. Acquire, hold, and dispose of real and personal property.
  ii. Raise or borrow money upon such terms and in such manner as it thinks fit.
  iii. Secure the repayment of money raised or borrowed, as the payment of a debt or liability over all or any of the real or personal property of the Council.

(r) To consider any application for membership of Council and to admit such applicant by Special Resolution.

(s) To recommend to the members that there be reciprocity between such members on questions relating to the fining, suspension or disqualification of owners, trainers, horsemen and horses.

(t) To make such regulations as it thinks fit with respect to:
  i. Breeding;
  ii. Naming;
  iii. Recording of horse registration including identification, markings and ownership;
  iv. Approved Gear & Equipment;
  v. Equine Health and Welfare Standards;
  vi. Licensing standards; and
  vii. Import and Export Clearances.

(u) To be a financial member of, and representative at, relevant domestic and international organisations or meetings whose purpose is to promote equine health, welfare, racing and regulations with the intention of promoting the interests of the Australian harness racing industry, and, where possible, bring about reciprocity agreements.

Appointment of Representatives

6. (a) Subject to sub-rule (b) each Controlling Body Member shall be entitled to appoint two accredited representatives to attend and represent the Member at Council meetings.

(b) Where the Controlling Body Member is comprised of two entities then each entity shall be entitled to appoint one accredited representative to attend and represent the Member at Council meetings.

(c) Every other Member shall be entitled to appoint one accredited representative to attend and represent the Member at Council meetings.

7. (a) Subject to sub-rule (b), the appointment of and the retirement of accredited representatives are matters for the respective Members.

(b) A person is ineligible to be and may not be appointed as an accredited representative if the person:-

i. Is of or becomes of unsound mind;

ii. Is a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;

iii. Is or becomes a person who is warned off or is disqualified, or whose name is on the forfeit list, under the Australian Harness Racing Rules;

iv. Is affected by bankruptcy action.

Appointment of Substitutes

8. If any representative appointed be unable to be present at a Meeting of the Council the member which he would represent may at any time before such meeting by letter, facsimile or electronic communication addressed to the Chief Executive Officer appoint another accredited representative as substitute for such representative who may exercise all the powers as to voting and otherwise of such absentee representative.

Public Officer

9. The Council shall appoint a public officer who shall be a resident of Victoria and who shall hold office for one year and may be re-appointed on the expiration of his first or other appointment.

Chief Executive Officer

10. A Chief Executive Officer shall be appointed by the Council for such period and at a remuneration to be determined by the Council. Any person who is the holder of a licence granted by a member shall not be eligible for appointment as Chief Executive Officer or a staff member.

(a) The Chief Executive Officer shall record all Minutes and Resolutions and proceedings of all Meetings of the Council and circulate same to the members.

(b) The Chief Executive Officer shall keep or cause to be kept correct accounts and books showing the financial affairs of the Council and the state of property held by it or in trust for it and shall submit annually to the Council the Balance Sheet and Financial Statements of the Council certified as being correct by the Auditors for each financial year.

(c) The Chief Executive Officer shall in the performance of his duties obey all lawful and proper direction of the Council.

(d) The Chief Executive Officer may be dismissed without notice for misconduct or inefficiency or other like cause and the Council may at any time terminate his appointment without any cause on giving him three months' notice in writing of its intention in that behalf or paying three months' salary in lieu of notice together with all other entitlements.

(e) The Chief Executive Officer shall in addition to carrying out the particular duties imposed on him by these Rules perform all other duties properly appertaining to his office and for that purpose shall be under the general direction and control of the Council.

Chairperson

11. (a) i. A Chairperson shall be elected at the Annual General Meeting and upon that election shall be subject to rule (a) (ii) hold office for a period of three years.

ii. A Chairperson is ineligible to hold office for a period exceeding six years in aggregate.

(b) Should the Chairperson upon election be either:-

i. A licensed person, or;

ii. An office holder of any association, organisation or club associated with harness racing;

then he or she shall immediately resign from such position.

(c) The person elected as Chairperson becomes by that election a Member and the Chairperson of the Council Executive.

(d) The Chairperson shall be the Chair of all meetings of the Council and the Council Executive and shall only have a casting vote at such meetings.

(e) The Chairperson must:-

i. Provide independent impartial Chairing of all meetings;

ii. Perform duties delegated by the Council Executive;

iii. Perform all such other duties and functions as are required by the Rules of Association.

Council Executive - Officers

12. (a) The Council Executive shall comprise a representative of each Controlling Body member of Council and the Chairperson elected in accordance with Rule 11.

(b) The representative of each Controlling Body member of Council shall be its Chairperson or nominee.

(c) Nominations for the Council Executive shall be in writing and received by the Chief Executive Officer not later than 30 days before the Annual General Meeting.

(d) At each Annual General Meeting there shall be elected a Deputy Chairperson and a Treasurer who shall hold office from the time of that election until the election at the next Annual General Meeting.

(e) The Council Executive shall make executive decisions between meetings of Council and report such decisions to Council.

(f) A Council Executive representative may resign at any time by notice in writing delivered to the Chief Executive Officer or he may be removed from office by resolution at any meeting of the Council.

(g) Where by reason of death, resignation or removal from office, the office of Chairperson becomes vacant, the Deputy Chairperson shall succeed thereto and shall hold office until such time as a meeting of Council elects a Chairperson to assume office. Until such time as a Chairperson is elected, the Controlling Body member of Council that was previously represented by the Deputy Chairperson shall choose another representative in his place.

(h) At any time when, on account of illness, absence or other incapacity the Chairperson is unable to perform the duties of his office, the Deputy Chairperson shall, as long as such inability continues, exercise and perform all the powers, duties and functions of the Chairperson. The fact of the Deputy Chairperson exercising or performing any power, duty or function of the Chairperson shall be conclusive evidence of his authority to do so.

(i) Where for any reason other than pursuant to sub-rule (g) the office of Deputy Chairperson becomes vacant, the Council shall appoint an accredited representative of a Controlling Body member of Council to hold the office until his successor is elected and assumes office.

(j) Where by reason of the Treasurer ceasing to be an accredited representative of a Controlling Body member of Council or on his death, resignation or removal from office, the office of Treasurer becomes vacant, the Chairperson shall appoint a duly accredited representative of a Controlling Body member of Council to be Treasurer to hold office until his successor is elected and assumes office.

(k) If at any time the offices of Chairperson and Deputy Chairperson become vacant the Council shall duly appoint an accredited representative of a Controlling Body member to exercise and perform the powers, duties and functions of the Chairperson until the vacancy in that office be filled in accordance with these rules.

(l) The Council may appoint or invite persons as it may deem necessary to act as Honorary Officers to assist the Council in such capacity as it thinks fit.

(m) The Council Executive shall appoint a Chairperson to any sub-committee established by Council.

(n) The office of Deputy Chairperson and the office of Treasurer may if necessary be held by the same accredited representative.

Information to be supplied to Chief Executive Officer by Members

13. All members acting under and subject to these rules shall furnish the Chief Executive Officer with such returns, information and particulars as he may require on behalf of the Chairperson or Deputy Chairperson, the Council or any Committee thereof or for the purpose of enabling him to carry out duties imposed on him by or under these rules.

Meetings of the Council who may attend

14. (a) Meetings of the Council shall be attended only by the accredited representatives of the members or the accredited substitute for any such representative, the Chief Executive Officer and Honorary Officers of Council and such other persons as may be nominated by a member of Council for accreditation as observers.

(b) The accredited representative of a member or his accredited substitute present at meetings of Council shall be entitled to address Council and to take part on any discussion during the meeting and to vote on any matter but persons present as observers may address only on invitation and shall not be entitled to vote.

(c) The Council may co-opt the services of outside authorities or other persons to advise or report on matters under discussion by Council.

Chairperson of Meetings

15. (a) The Chairperson and in his absence the Deputy Chairperson, and in their absence the Treasurer, shall be Chair of every meeting of the Council.

(b) In the absence from any meeting of the Chairperson, Deputy Chairperson and Treasurer the Council Executive representatives present shall elect a Chairperson for that meeting.

(c) The Chairperson shall at all meetings of the Council decide all questions of order or procedure as to which provision has not been made by these rules.

Quorum at Meetings

16. At any meeting of the Council a quorum shall be constituted by 75% of the members.

Council to act by Resolution only

17. (a) The Council shall exercise or perform any duty or function conferred or imposed on it by these Rules by resolution in that behalf passed at a duly convened meeting of Council.

(b) A resolution of the Council may be passed without a meeting or any previous notice being given therefore if such resolution be approved in writing by a two-thirds majority, unless a demand is made in writing from an accredited representative of a member that the resolution be deferred for consideration at the next meeting of Council.

Voting of Meetings

18. (a) Each member of Council shall have equal voting rights.

(b) At every meeting of the Council:-

i. If a Controlling Body member is representative by two accredited representatives then each accredited representative shall be entitled to exercise one vote on any question put to the vote.

ii. If a Controlling Body member is represented by one accredited representative then such representative shall be entitled to exercise two votes on any question put to the vote.

(c) At every meeting of the Council every other accredited representative shall be entitled to exercise two votes on any question put to the vote.

(d) In the event of any equality of votes the Chairperson of the Council may exercise a casting vote.

19. (a) At every meeting of the Council a resolution put to the vote of the meeting shall be decided by a show of hands and the declaration by the Chairperson that a resolution has been carried or carried unanimously or by a particular majority or lost shall be conclusive evidence of the fact, save and except as is otherwise expressly provided in these rules. A resolution shall be deemed to be carried and be effective if it shall have been passed by a simple majority of those present and entitled to vote at a Meeting of the Council, or in accordance with Rule 17 (b).

(b) If a vote by secret ballot be demanded it shall be taken in such manner as the Chairperson directs.

Annual General Meeting

20. (a) An Annual General Meeting of the Council shall be held once in each calendar year and being not more than sixteen months after the last preceding Annual General Meeting and at such place as the Council at the last preceding Annual General Meeting shall have appointed.

(b) In default of such appointment the Chairperson shall determine the date and place and notice in writing of the date and place appointed shall be given by the Chief Executive Officer to each member at least two months before the date of the meeting.

21. The order of business at the Annual Meeting of the Council shall unless otherwise resolved be as follows:

(a) Roll call of accredited representatives;

(b) Adoption of Minutes of the previous Annual General Meeting and any Special General Meeting;

(c) The Chairperson's address;

(d) Consideration of the Annual Accounts of the Council;

(e) Reading and dealing with correspondence;

(f) Consideration of Motions of which notice has been given;

(g) Appointment of Committees and sub-committees;

(h) Appointment of Auditor, Public Officer and Honorary Officers;

(i) Such other business as may be brought before the meeting;

(j) The fixing of time date and place of the next Annual General Meeting of the Council;

(k) Election of Chairperson, Deputy Chairperson, and Treasurer.

Other Meetings of Council

22. (a) The Chief Executive Officer at the direction of the Chairperson or at the direction of any six (6) Members shall call meetings of Council in the year as deemed necessary.

(b) Notice in writing of such meeting shall state the time date and place therefore and business to be transacted thereat and shall be sent to each Member at least twenty-one days before the date fixed for the meeting.

(c) No business other than that stated in the convening notice shall be transacted at any meeting except as authorised by a resolution passed by a majority of two thirds of the votes of the representatives present and voting thereon.

Finance
Funds of Council

23. (a) For the purpose of meeting expenditure incurred or to be incurred by the Council there shall be paid to the Council not later than the date nominated by the Council an annual subscription of such amount as may be determined by the Council. The Council may at any time require payment of such additional subscriptions provided that the Council may reduce the amount of the annual or additional subscription in the case of any one or more members.

(b) For the purpose of meeting expenditure attributable to the servicing of any agreements between the Council and a member, members shall pay to the Council such fees as are prescribed by the Council for services provided by the Council on behalf of one member or on behalf of any members.

(c) The Council may determine the membership of any member if such member fails to pay any moneys payable by it under the provision of these rules within sixty (60) days after same shall have become due.

General Bank Account of the Council

24. (a) All monies received by the Council shall be paid into such Bank accounts has Council may direct.

(b) All monies standing to the credit of any Council Account shall be withdrawn in accordance with sub-rule (c) and by the authority of Council.

(c) Any withdrawal made from any bank account shall be authorised by any two of the following persons:

- the Treasurer
- the Chief Executive
- a designated employee of Council
- a representative of an Council member appointed by Council for that purpose.

Accounts Statements and Balance Sheets of Council

25. (a) The Council shall cause to be kept in such form as it thinks fit full and proper Accounts and all such Accounts shall be audited by an Auditor appointed by the Council who shall be paid such remuneration for his services as determined by the Council.

(b) As soon as conveniently may be after 31st December in each year the Council shall cause to be prepared and audited a Balance Sheet and Income and Expenditure Account showing fully the financial position of the Council at the close of the period of twelve months ending on the 31st December. A copy of the said Balance Sheet and Income and Expenditure Account duly audited shall be forwarded to each member not later than one month after the Auditor has given his Certificate.

Rules of Association
Members to which Rules apply deemed to have Notice and Knowledge thereof

26. Each member agrees to be bound by the terms of these rules as from execution under its respective seal and thereafter by resolutions duly passed in accordance with these Rules and also rules recommended by Council and adopted by such member and at all times each member shall be deemed to have notice of the rules and regulations and to have full knowledge thereof, and of its rights duties liabilities and obligations thereunder.

27. These rules may be amended or revoked only by a resolution passed by a majority of not less than seventy five per cent of the votes of the member representatives present and voting at the Annual General Meeting or any other meeting of Council called under Rule 22.

Notices

28. Any notices may be given by prepaid post facsimile or electronic communication. Any notice sent by post shall be deemed to have been delivered at the time when the envelope containing the same would be delivered in the ordinary course of post and in proving the service it shall be sufficient to prove that the envelope containing the notice was properly addressed and posted.

Indemnity

29. The Council indemnifies all accredited representatives and officers appointed by it whilst in performance of their duties as requested, directed or instructed by Council.

Retirement and Expulsion from Membership

30. Any Member desiring to retire from membership shall give not less than one month's notice thereof to the Council and shall bear and pay all such subscriptions, charges and outgoings as shall be determined by the Council as payable by such retiring member whereupon such retiring member shall be free of any further payments provided that a condition of retirement is that such member shall subsequently be liable for its share of any liabilities accrued by but unknown to the Council at the time of retirement of such member.

31. The Council may by two thirds majority in favour of a resolution call upon a member to show cause why it should not be expelled and in the absence of such cause shown may expel such member or impose such lesser penalty as the Council deems fit.

Winding Up

32. (a) The income and property of the Council whencesoever derived, shall be applied solely towards the promotion of the objects of the Council, and no portion thereof shall be paid or transferred directly or indirectly, by way of dividends, bonus or otherwise howsoever by way of profit or gain to the individual members of the Council. Provided that nothing herein shall prevent the payment, in good faith, of reasonable and proper remuneration to any officer or servant or to any member of the Council in return for any services actually rendered to the Council nor prevent the payment for out of pocket expenses, interest on money lent or reasonable and proper rent for premises demised or let by any officer or servant of the Council or member of the Council.

(b) If upon the winding up or dissolution of the Council there remains, after satisfaction of all its debts and liabilities, any property, whatsoever, the same shall not be paid to or distributed among the members of the Council but shall be given or transferred to some other organisation having similar objects of the Council and which shall prohibit the distribution of its income and property amongst its members to an extent at least as great as it imposed on the Council, such organisation to be determined by the members of the Council at or before the time of dissolution and in default thereof by such judge of the Supreme Court of Victoria as may have, or acquire, jurisdiction in the matter.

Seal of the Council

33. (a) The seal of the Council shall be in the form of a rubber stamp, inscribed with the name of the Council encircling the word "SEAL".

(b) The seal of the Council shall not be affixed to any instrument except by the prior authority of the Council and the affixing thereof shall be attested by the signatures of either of representatives of two members of the Council or of one member of the

Council and of the Public Officer of the Council or such person as the Council may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by the authority of the Council.

Definitions

34. (a) "member" or "members" means those bodies referred to in Rule 3.

(b) "accredited representative" means that person or persons specifically appointed by a member and notified to the Council to represent such member at meetings of the Council.

(c) "Controlling Body" means a body of persons, which by convention or recognition or an enactment of law is deemed to be in control of harness racing in a particular State, Territory or Country.

(d) "Trotting" includes pacing and means harness racing.

SUMMARY OF AMENDMENTS – HRA APPROVED.

Rules of Association Amended: 26 March 2009
6 (a), (b), (c), 7 (a), (b), 11 (a), (b), (c), (d), (e), 12 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), 15 (b), 19 (a), 21 (k)

Rules of Association Deleted: 26 March 2009
17 (c), (d), (e), 34 (d)

Rules of Association Amended: 01 July 2009
3 (a), (f)

Rules of Association Amended: 28 September 2009
3 (h)

Rules of Association Amended: 18 October 2010
2(a), 9

Rules of Association Amended: 11 October 2011
3(k)

Rules of Association Amended: 1 March 2012
12, 21(k)

Rules of Association Amended: 21 October 2016
12 (b)

Rules of Association Amended: 7 December 2017
11 (a)

Rules of Association Amended: 8 November 2019
5 (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u)

Rules of Association Amended: 10 August 2020
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Rules of Association Amended: 14 December 2024
11(a)(i), (ii), (b), (c), (d), (e)(i), 12(a), (b), (d), (g), (h), (i), (j), (k), (m), 13, 15(a), (b), (c), 18(d), 19(a), (b), 20(b), 21(c), (k), 22(a), 25(a), (b)

Rules of Association Amended: 17 July 2026
3(f), 12(n)