



**Maritime Provinces Harness
Racing Commission**

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**INTEGRITY, FAIRNESS,
AND THE APPEALS PROCESS**

A Mandate for Fairness

The Maritime Provinces Harness Racing Commission is an Agency of the Council of Atlantic Premiers responsible for governing, regulating and supervising harness racing in all its forms relevant and related to pari-mutuel betting in the Maritime Provinces. This includes the licensing of racetracks and individuals engaged in the business of racing and the establishment of uniform rules for the conduct of racing.

The viewing and betting public expects that such rules will be enforced and applied fairly, so that the integrity of the sport is protected and maintained.

As part of this mandate, the Commission employs the Judges who officiate at races on behalf of the Commission while Starters and Paddock Judges are employed by the race tracks. The Judges, Starters, and Paddock Judges are provided with the resources, training and support to ensure that fairness is maintained.

If a licensee feels that a decision of the Judges is unfair or that the interpretation of the *Rules of Racing* is not correct, that person is entitled to appeal that decision to a panel of the Commission.

Your Responsibilities and Rights to participate in racing

Those who are licensed to participate in racing in the Maritime Provinces are part of a tradition that goes back generations. As a valued member of that racing community, the Commission wants you to play your role in ensuring that racing remains open, fair and accountable.



You have the responsibility to be familiar with, and to follow, the *Rules of Racing* and to conduct yourself in a professional manner. This includes acting respectfully to not only the Judges and race officials, but also to other licensees.

You have the right to be treated professionally and respectfully by all officials, at all levels and in all manner of your dealings with the Commission. This includes a fair and impartial hearing and appeal procedure, as outlined in the *Rules of Racing*.

The Appeal Process

The portions of the *Rules of Racing* which deal with decisions of the Judges and how you can appeal can be found in **Section 7.3 - Rules 418 to 431**.

Please familiarize yourself with these sections, in particular 418 and 419:

<p>Rule 418.</p> <p><i>Following a hearing with the Judges, any person who is allegedly aggrieved by a decision or ruling of the judges' or delegated official in respect to placings, penalties, interpretation of the rules or conduct of a race, may appeal to the Commission by filing a Notice of Intent to Appeal with the Director of Racing within 48 hours of the judges' hearing. Failure to file such a Notice of Intent to Appeal will preclude a licensee's right to appear before the Commission. Effective July 1, 2008 such licensee must attend the judges' hearing in order to sustain the licensee's right of Appeal to the Commission.</i></p>	<p>Note:</p> <p>If you wish to appeal a decision of the Judges, you must file a <i>Notice of Intent to Appeal</i> with the Director of Racing within 48 hours of that hearing.</p>
<p>Rule 419.</p> <p><i>Within eight (8) days of filing a Notice of Intent, the person aggrieved shall file a Notice of Appeal with the Director of Racing on a form prescribed by the Commission setting out the particulars of the decision or ruling being appealed, the parties to the appeal and the grounds for the appeal.</i></p>	<p>Note:</p> <p>Within 8 days of filing the Notice of Intent, you then must file the <i>Notice of Appeal</i> on a form prescribed by the Commission.</p>



Important Facts about Appeals

- When you file an appeal, you are in fact going to receive a “new hearing,” with a fresh look at the evidence relating to the case presented by both you and the Judges. Following its deliberations, the appeal board renders a decision with its reasons.
- More than 70% of the appeal hearings have been held in the home province of the person appealing.
- Appeals are usually held in conjunction with monthly Commission meetings, this being an attempt to reduce administrative costs.
- Every effort is made to schedule the hearing within a reasonable period of time (usually a month or six weeks) following submission of the appeal form.
- When you appeal a Judge’s decision in this jurisdiction, your appeal will be heard directly by a panel of the Commission. (Independent boards that heard appeals of Maritime licensees in the past were more costly, sometimes difficult to assemble, and caused significant delays in having the appeal heard, resulting in purse monies being held up for lengthy periods of time.)

Some facts regarding hearings held by MPHRC over the past five years:

- Number heard: 95
- Number allowed: 26
- Number Denied: 64
- Other: 5



What about other jurisdictions?

- In December 2009, the Board of the Ontario Racing Commission (ORC) approved changes to its *Rules of Racing* and *Rules of Procedure* with respect to the role of the Ontario Racing Industry Board of Appeal. As of January 1, 2010 all appeals of decisions of Ontario Judges or Stewards go direct to an ORC panel.
- In Newfoundland, Standardbred Canada acts as the regulator. They also hire the officials and their appeal board members must be current or former SC directors.
- Commissioners from the *Régie des alcools, des courses et jeux* hear the appeals in Québec.
- In Saskatchewan and Manitoba, it is Commission members who hear appeals.
- In Alberta, Appeal Board members are appointed by the Solicitor General and are not Commission members.
- In B.C. the Director of Racing hears the appeals, which in this province are referred to as ‘reconsiderations.’