



AGCO

Alcohol and Gaming
Commission of Ontario



Horse Racing Consultation: INTERFERENCE RULES ADJUDICATION

FALL 2019



AGCO

Alcohol and Gaming
Commission of Ontario

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90 SHEPPARD AVE E - SUITE 200
TORONTO ON M2N 0A4

Fax: 416 326-8711

Tel: 416 326-8700 or 1 800 522-2876 toll free in Ontario

www.agco.ca

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If you would like to complete this survey online, scan this QR code or visit:
www.agco.ca/horse-racing/interference-consultation.

For more information, email the AGCO’s Strategic Engagement Office:
connect@agco.ca

OVERVIEW OF CONSULTATION

There are currently two different approaches to adjudicating interference used in racing jurisdictions around the world: Category 1 and Category 2.

Category 1

Category 1 states that Judges and Stewards may disqualify a horse only if it improved its finishing position because of that interference, or in cases of dangerous riding.

Category 2

The Category 2 approach provides Judges and Stewards with the authority to disqualify a horse if, in their opinion, it interfered with another horse regardless of whether the interference was accidental, willful, or the result of careless riding.

In Thoroughbred racing, Category 2 is used exclusively in North America, and Category 1 is used in every other jurisdiction. Several countries have switched from Category 2 to Category 1 in the last decade, including France and Germany, who most recently switched in 2018.

In Standardbred racing, several jurisdictions have indicated that they are exploring switching from Category 2 to Category 1, but the majority remain as Category 2, with the exception of Australia and New Zealand who are Category 1.

Quarter Horse racing is predominantly conducted in North America and follows the Category 2 approach. To our knowledge, a switch to Category 1 has not been discussed in Quarter Horse racing. In Ontario, Quarter Horse racing is governed by the *Thoroughbred Rules of Racing*, with a few exceptions captured in the Quarter Horse Appendix. For the purpose of this consultation, please provide your views on which category is appropriate for Quarter Horse racing, including whether or not it is important to keep consistency with Thoroughbred racing interference adjudication.

The difference between the Category 1 and Category 2 approaches is typically highlighted when a high-profile race outcome is impacted by the method of adjudicating interferences. A commonly used example that prompted debate was the 2010 Japan Cup, in which the betting favourite, Buena Vista, was the first horse to finish, but was then placed second for interfering with Rose Kingdom. More recently, the 2019 Kentucky Derby finish resurfaced the same debate when the first horse to cross the finish line, Maximum Security, was disqualified for interference, resulting in a demotion from first to 17th place. Both of these are examples from Thoroughbred racing, where a large portion of the interference adjudication discussions are currently taking place.

The AGCO is assessing the two interference adjudication approaches in each of the three breeds in consultation with the horse racing industry and related stakeholders, as well as the public. The input provided to the AGCO on the different interference classification systems used globally, and any implications if Ontario were to change its regulatory approach to interference, will help to inform future changes to interference adjudication in Ontario.

Specifically, this consultation is directed at Standardbred, Thoroughbred and Quarter Horse businesses, individuals and associations in Ontario's horse racing industry, including industry associations, racetracks, owners, jockeys, drivers, trainers, veterinarians, agents, tele-theatre registrants, horseplayers (i.e. bettors), and the public.

This consultation is an opportunity for you to provide input on the various topics that fall within the scope of interference adjudication. Based on our analysis, we have structured this consultation to address the following topics:

1. Fairness
2. Safety
3. Transparency
4. Consistency with other jurisdictions

There is also a section at the end where we welcome comments on any other topics related to interference that you find relevant.

To assist you, this document includes links to several publicly available videos that require internet access to view¹.

PROVIDING FEEDBACK

Your written submission should be sent to the AGCO by no later than January 20, 2020.

This document can be downloaded from the AGCO's website at www.agco.ca/horse-racing/interference-consultation or use the QR code on page 3.

At the link above, you will find an online version of this survey, where you can easily read the material and submit your responses.

To submit your submission in writing (either within this PDF or by separate document), please either:

- Email your written submission to the AGCO at: connect@agco.ca
- Fax your written submission to the AGCO at: (416) 326-8054
- Mail your written submission to the attention of the Strategic Engagement Office, at:
Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue East, Suite 200
Toronto, Ontario
M2N 0A4

¹ These links have also been posted at www.agco.ca/horse-racing/interference-consultation.

Following the close of the written consultation period, the AGCO will hold a limited number of in-person or teleconference meetings with interested stakeholders to discuss the feedback and comments received.

Important Note

Submissions received as part of this consultation will not be released publicly, except as may be required by the Freedom of Information and Protection of Privacy Act. Please note, however, that the AGCO intends to release a findings report, which anonymously aggregates the feedback received during the consultation.

Although it is optional to provide the following information, having an understanding of your views as they relate specifically to how you connect to racing, will assist us in our review of the feedback received.

<p>Role within the racing industry (check all that apply):</p>	<p><input type="checkbox"/> Jockey / Driver</p> <p><input type="checkbox"/> Owner</p> <p><input type="checkbox"/> Trainer</p> <p><input type="checkbox"/> Bettor</p> <p><input type="checkbox"/> Veterinarian</p> <p><input type="checkbox"/> Backstretch Staff</p> <p><input type="checkbox"/> Racetrack Management Staff</p> <p><input type="checkbox"/> Other:</p>
<p>Breeds you are involved in (check all that apply):</p>	<p><input type="checkbox"/> Quarter Horse</p> <p><input type="checkbox"/> Standardbred</p> <p><input type="checkbox"/> Thoroughbred</p>
<p>Please indicate the primary geographic region where you are involved in horse racing (check one):</p>	<p><input type="checkbox"/> Ontario</p> <p><input type="checkbox"/> Elsewhere in Canada</p> <p><input type="checkbox"/> United States</p> <p><input type="checkbox"/> Outside North America</p>

PART I: Description of Interference Rules Classification Systems (Category 1 and 2)

There are two separate classification systems with regards to interference – Category 1 and Category 2. This section will explain the method behind each category and outline key differences.

Currently, all Thoroughbred racing jurisdictions within North America, including Ontario, adjudicate under Category 2. All other major Thoroughbred racing jurisdictions adjudicate under Category 1, with some having always done so (such as Britain, Ireland and Hong Kong), while others have opted to switch from Category 2 to Category 1 in the last decade (such as Germany, France and Japan).

In Standardbred racing, all jurisdictions operate under a Category 2 approach to interference adjudication, except for Australia and New Zealand, which operate under Category 1. We understand that some Category 2 Standardbred racing jurisdictions are currently reviewing whether to make the change.

As all major Quarter Horse racing jurisdictions are within North America, we understand that they all operate under the Category 2 approach.

The table below captures the differences in the use of the Category 1 and 2 approaches internationally, for all three breeds.

	Thoroughbred	Standardbred	Quarter Horse
CATEGORY 1 Jurisdictions	All countries other than Canada and United States	Australia New Zealand	N/A
CATEGORY 2 Jurisdictions	Canada United States	All countries other than Australia and New Zealand	Canada United States

CATEGORY 2 – The Current State in Ontario

The Category 2 method provides Judges and Stewards with authority to disqualify a horse if, in their opinion, it interfered with other horses, regardless of whether the interference was accidental, willful, or the result of careless riding.

According to the International Federation of Horseracing Authorities (IFHA), a Category 2 interference rule is defined as:

“Countries whose Rules provide that if the interferer is guilty of causing interference and such interference has affected the result of the race then the interferer is placed behind the sufferer irrespective of whether the sufferer would have finished in front of the interferer had the incident(s) not occurred.”²

² Source: <https://racingthinktank.com/reports/tif-reports-changing-rules>

In the AGCO's *Rules of Thoroughbred Racing*³, Rule 11.14 states:

11.14 In determining the extent of disqualification of a horse in any race, the Stewards may place the disqualified horse behind such horse as in their judgment the disqualified horse interfered with, or they may place it last.

In the AGCO's *Rules of Standardbred Racing*, Rule 22.09 states:

22.09 In the case of interference [...] the horse may be placed back one or more positions in that heat or dash, and in the event of such collisions, interference or violation preventing any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver may be assessed a monetary penalty or suspended. If a horse is set back, it must be placed behind the horse with which it interfered. If an offending horse has interfered with a horse involved in a dead heat and the offending horse is set back, it must be placed behind the horses in the dead heat.

Although the rules are discretionary, it is AGCO practice and policy that horses are placed in the event of an interference.

CATEGORY 1

Category 1 states that Judges and Stewards may disqualify a horse only if it improved its finishing position because of that interference, or in cases of dangerous riding.

According to the IFHA, a Category 1 interference rule is defined as:

"If, in the opinion of the Staging Authority's relevant judicial body, a horse or its rider causes interference and finishes in front of the horse interfered with but irrespective of the incident(s) the sufferer would not have finished ahead of the horse causing the interference, the judge's placings will remain unaltered."⁴

Example 1: 2019 Kentucky Derby Finish

The 2019 Kentucky Derby finish can be used as an example to illustrate the difference between the two categories of interference rules. The interference can be seen at the 1:30 mark of the video.⁵



From watching the finish, it is clear that the horse that crossed the finish line first, Maximum Security (7), interfered with horse 1 coming out of the last turn before the stretch, War of Will, which in turn also impeded another horse, Long Range Toddy (18). Under Category 2 interference rules (the current state in Kentucky), this resulted in Maximum Security being disqualified for interference and being demoted to 17th position, despite having crossed the finish line first.

Had this race been run in a jurisdiction that uses Category 1 interference rules, the outcome would likely have been that Maximum Security would have been upheld in the 1st position, as it is not likely that, absent the interference, a different horse would have finished first.

³ The AGCO Rules of Thoroughbred Racing apply to both Thoroughbred and Quarter Horse racing.

⁴ Source: <https://racingthinktank.com/reports/tif-reports-changing-rules>

⁵ Here is a link to the video: https://www.youtube.com/watch?v=pPjYOiN_QSQ. All video links can also be found by visiting www.agco.ca/horse-racing/interference-consultation.

PART II: Differences in Category 1 and 2 Adjudication and Key Considerations for Potential Change

Ontario currently adjudicates under Category 2 interference rules for Thoroughbred, Quarter Horse and Standardbred racing, but the AGCO is currently considering whether a change to adjudicate under Category 1 interference rules for any or all breeds would better serve the industry and public in Ontario.

This section outlines a number of considerations related to key differences between Category 1 and 2 adjudication for comment.

FAIRNESS

Proponents of the Category 2 approach believe that the rules enable strong advocacy on behalf of the horses and jockeys who suffered interference. This is achieved by ensuring that the interferer is placed behind all of the horses who suffered the interference, both directly and indirectly. This helps to safeguard against horses having their finishing position compromised as a result of the interference.

Proponents of the Category 1 approach argue that Category 2 interference rules do not ensure the more deserving horse finishes ahead of the less deserving horses. In Category 1 jurisdictions, Judges and Stewards do not disqualify a horse unless they believe the sufferer would have finished ahead of the interferer. The driver or jockey may be penalized in cases of interference, and the horse disqualified in cases of dangerous or highly careless driving.

Fairness Example: Thoroughbred



Here is a video that illustrates an instance of interference in Thoroughbred racing, and how it would be addressed under each Category. In this video, you will see that horse 3 interferes with horse 4 after the 150 meter mark. Horse 3 crosses the finish first, and the interference allows horse 1 to finish ahead of horse 4, although horse 1 was not affected by the interference. Under Category 2, the interference would have resulted in a disqualification; the interferer (horse 3), would have been placed behind the sufferer (horse 4), and horse 1 would have won the race, with a finish order of: 1 – 4 – 3. Under Category 1, the finish order would not have been changed at all, so the finish order would have been: 3 – 1 – 4.

Fairness Example: Standardbred

Here is an example that illustrates an instance of interference in Standardbred racing, from the 2017 Hambletonian.  In the video, you will see that horse 4 interferes with horse 9 at 3:10 of the video clip, and goes on to cross the finish line first. The interference is replayed in slow motion at 7:30 of the video clip. This race was adjudicated under Category 2 and as such, horse 4 was disqualified for interference, and horse 6, who finished second, was determined to be the winner, making the finishing order: 6 – 3 – 2. However, under Category 1, the finish would likely have remained unchanged, with no disqualification, resulting in the following finishing order: 4 – 6 – 3.

⁶ Here is a link to the Thoroughbred video: <https://vimeo.com/296698494/b277e6b553>. All video links can also be found by visiting www.agco.ca/horse-racing/interference-consultation.

Additional Considerations in Standardbred Racing

An additional consideration for Standardbred racing is that interference commonly causes the suffering horse to go off stride, leading the horse to lose additional ground as the driver is forced to slow in order to bring the horse back on stride. As a result, horses often lose their ability to be competitive in the race.

The issue of fairness is further complicated in Standardbred racing because an individual may be an owner, trainer, and a driver. This presents a conflict whereby a driver who causes an interference (one that does not result in a disqualification) may be suspended as a driver, but benefits as an owner by having the finishing position upheld under Category 1.

1. Which approach do you feel is fairer?

Category 1

Category 2 (the current state in Ontario)

Why?

Another issue of fairness to consider is that within the Category 1 approach, only the position of the direct sufferer is considered. However, it is possible that an interference may indirectly have a negative impact on the race for other horses, and therefore negatively affect their finishing position.

For example, a horse that is running in third position and would likely finish there is required to suddenly slow down because of an interference incident between the two horses ahead, and as a result the horse ends up placing fifth. The Category 1 approach would not necessarily take that into account, because assuming the Stewards and Judges believe the horse that dropped from 3rd to 5th would not have finished ahead of the interferer, the interfering horse would not be placed behind it. The Category 2 approach, in jurisdictions that require a placing when an interference occurs (such as in Ontario), however, would place the interferer behind the 5th finisher, moving it to 4th.

⁷ Here is a link to the Standardbred video: <https://www.youtube.com/watch?v=OUll955Emfw>. All video links can also be found by visiting www.agco.ca/horse-racing/interference-consultation.

2. Should interference rules take into account the finishing position of all horses in relation to an instance of interference?

Yes No

Please add any comments you may have:

3. On the question of fairness, does your opinion differ depending on the breed (Thoroughbred, Quarter Horse or Standardbred)?

Yes No

If so, how?

SAFETY

The AGCO takes safety very seriously and is committed to protecting the welfare of human and equine athletes; issues related to safety in considering a change to Category 1 must be carefully considered.

Proponents of the Category 2 approach say that the Judges and Stewards' ability to disqualify the interferer acts as a strong deterrent to riding or driving in a way that may cause interference.

Proponents of the Category 1 approach say that even though disqualifying a horse for interference is less likely, most jurisdictions that follow Category 1 include significant penalties for drivers and jockeys who cause interference, thereby deterring "rough riding".

The table below outlines the results of a preliminary review of estimated jockey penalties for interference in Thoroughbred and Standardbred racing jurisdictions that follow a Category 1 approach.

Sample of Thoroughbred Interference Penalties in Category 1 Jurisdictions

Jurisdiction	Monetary Penalty	Suspension
UNITED KINGDOM		2 – 28 DAYS
FRANCE		2 – 20 DAYS
HONG KONG	½ DAY'S EARNINGS	~7 DAYS
NEW ZEALAND		UP TO 6 WEEKS
JAPAN		9 – 23 DAYS +

Sample of Standardbred Interference Penalties in Category 1 Jurisdictions

Jurisdiction	Monetary Penalty	Suspension
VICTORIA (AUSTRALIA)	\$100	7 DAYS – 4 WEEKS

In Ontario, the AGCO *Rules of Thoroughbred Racing* include the following rules related to riding conduct and penalties:

11.09.03 For fouling, interference, or careless riding a rider may be subject to a monetary penalty or suspension, or both, by the Stewards according to the nature and seriousness of the violation.

Careless Riding is defined as every jockey/apprentice who rides a horse on a race track without due care and attention or without reasonable consideration for other jockeys, apprentice jockeys and/or horses and shall constitute a violation of these Rules.

In Ontario, the *AGCO Rules of Standardbred Racing* permit Judges to assess monetary penalties and suspensions for interference, as well as reckless driving that endangers the safety of horses or other drivers in the race.

In Quarter Horse racing in Ontario, interference typically results in a minimum of a 1-day suspension. In Standardbred and Thoroughbred racing, interference typically results in a minimum of 3 days' suspension. In Thoroughbred racing, if contact is made, this is increased to 5 days, and if it causes an accident the penalty is typically 10 to 15 days.

Additional Safety Considerations for Standardbred Racing

The safety challenges in Standardbred racing differ quite significantly from those of Thoroughbred and Quarter Horse racing. In large part, this is a result of the sulkies (race bikes), which make it more difficult and dangerous to alter course while riding. The sulkies are approximately 5 feet wide and create mobility and proximity challenges. This is particularly important because the wheels on the sulkies may lock if they are too close together. Sulkies also increase the risk of a pile-up in instances of interferences.

An additional consideration related to Standardbred safety is the material of the surface of the racetrack, which is a lot harder than Thoroughbred or Quarter Horse racetracks in the event of a fall, with very little cushioning on the stone dust.

4. If Ontario were to amend its interference rules to follow the Category 1 approach, should the AGCO consider increasing penalties to deter "rough riding" to protect human and equine athletes?

- Yes, and this change would be sufficient to deter rough riding.
- No, the current penalties in Ontario would still be sufficient to deter rough riding.
- Either way, an increase in penalties would not be sufficient to deter rough riding.

Please add any comments you may have:

Thoroughbred and Standardbred jurisdictions that have changed to Category 1 have created an additional infraction of Dangerous Riding, to deter serious instances of interference. Under this definition, offenders would be subject to the highest penalties available, measured by their intention to interfere, which may result in suspensions of 28 days or more.

5. Do you think an added definition of Dangerous Riding would effectively deter instances of serious interference in a Category 1 framework?

- Yes, an added definition of Dangerous Riding would effectively deter instances of serious interference.
- No, the current rules concerning careless or reckless conduct are sufficient to deter serious interference.
- Either way, an added definition of Dangerous Riding would not effectively deter serious interference.

Please add any comments you may have:

In Australia, one of only two Standardbred racing jurisdictions that operate under Category 1, there is an additional “ease out” provision⁸, by which the driver on the outside must yield to an inside horse, in order to prevent interferences. This provision helps to ensure the safety of the horses and drivers while applying a Category 1 approach. Ontario’s Rules of Standardbred Racing do not currently contain an “ease out” provision.

6. If Ontario amends its interference rules to follow the Category 1 approach in Standardbred racing, should the AGCO consider implementing an “ease out” provision, similar to that of Australia?

- Yes No

Why?

⁸ “Ease out Provision” refers to a rule where a driver may ease another horse wider on the track at a designated point on the track, provided such movement does not cause or contribute to any interference.

7. Considering the question of safety, does your opinion differ for Thoroughbred, Quarter Horse or Standardbred?

Yes No

If so, how?

8. Please add other suggestions on how to deter instances of serious interference within a Category 1 framework.

TRANSPARENCY

The AGCO recognizes that transparency and consistency in how races are adjudicated are important concerns for racing participants, horseplayers (i.e. bettors) and the public.

Proponents of the Category 1 approach suggest that, broadly speaking, this framework yields a greater understanding of how a race is adjudicated, since there are fewer disqualifications, and fewer instances in which the Judges and Stewards are called upon to review a race. (This reduction in inquiries and disqualifications has been observed in a number of Thoroughbred jurisdictions that have changed to Category 1, including Japan, France and Germany.)

In their view, this leads to more predictable race outcomes, and therefore increased confidence in the racing product for all stakeholders.

Further, proponents of Category 1 believe that this interference framework benefits the public who wagered on the better-performing horse. This may be especially true in instances where, under the Category 2 interference framework, a horseperson successfully appeals their demotion, but this change does not affect how the betting is paid out. However, proponents of the Category 2 approach argue that the Category 1 approach does not reconcile the impact on the betting public that bet on the horses that were interfered with.

9. Which category provides a more transparent and consistent means of adjudicating a race?

- Category 1
- Category 2 (the current state in Ontario)

Why?

CONSISTENCY WITH OTHER JURISDICTIONS

If a decision is made to enact a Category 1 approach in Ontario, it is important to understand that Ontario would be the first jurisdiction within North America to do so. Many horsepeople who are active in Ontario also participate in racing in these neighbouring jurisdictions.

A significant portion of the Ontario betting handle is the result of off-track wagering by people outside of Ontario – particularly people in the United States. It is possible that changing to a Category 1 approach may deter North American bettors from betting on Ontario racing products, as the system is less familiar. It is also possible that if Ontario shifts to Category 1, it could lead to other North American jurisdictions making a similar change in the future.

It could also be argued that if Ontario adopts a Category 1 framework, horseplayers in countries outside of North America may be more encouraged to wager on Ontario's racing products, as the Category 1 approach is what they are more familiar with.

Consistency in Thoroughbred Racing

The change to Category 1 in Ontario would achieve closer alignment with major Thoroughbred jurisdictions globally, but would be a departure from the approach used by our nearest neighbouring jurisdictions.

10. Regarding Thoroughbred racing, considering the impact for bettors, horsepeople and the public, what do you think is more important?

- Maintaining consistency with other North American racing jurisdictions (by staying with Category 2).
- Encouraging international horseplayers to wager here (by adopting Category 1).

Please add any comments you may have:

Consistency in Quarter Horse Racing

If, through this consultation a change is considered for Thoroughbred racing, it would be important to understand the implications for Quarter Horse racing. Currently, all major Quarter Horse racing jurisdictions are Category 2. In Ontario, Quarter Horse Racing is governed by the Thoroughbred Rules of Racing, with a few exceptions captured in the appendix to those rules.

11. Regarding Quarter Horse racing, considering the impact for bettors, horsepeople and the public, what do you think is most important?

- Maintaining consistency with other Quarter Horse jurisdictions (by staying with Category 2)
- Encouraging international horseplayers to wager in Ontario (by adopting Category 1)
- Maintaining consistency with Ontario's Thoroughbred interference approach (whether it's Category 1 or 2)

Please add any comments you may have:

Consistency in Standardbred Racing

Contrary to the Thoroughbred considerations, if a decision is made to enact a Category 1 approach in Standardbred racing in Ontario, it would be the first jurisdiction to make the change, as Australia and New Zealand have used a Category 1 approach throughout their histories.

While this may be an opportunity for Ontario to act as a leading jurisdiction and attract international attention as other jurisdictions contemplate a change on the Standardbred side, it may also deter bettors from betting on Ontario's racing products, as the system is less familiar.

12. Regarding Standardbred racing, considering the impact for bettors, horsepeople and the public, what do you think is more important?

- That Ontario adopt a Category 1 approach to become a leading jurisdiction.
- That Ontario remain consistent with the majority of the rest of the world (except Australia and New Zealand).

Please add any comments you may have:

FINAL QUESTIONS

Thank you for providing your input on the various topics that fall within the scope of interference adjudication. In this survey, we asked you to consider 4 topic areas: fairness, safety, transparency and consistency with other jurisdictions

13. Considering these topics together, please let us know their comparative importance when examining the question of interference rules.

	Not at all important	Important	Extremely Important
Fairness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transparency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consistency with other jurisdictions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. Please provide any further comments you may have regarding interference rules, and whether Ontario should consider adopting Category 1 interference rules.

Thank you for your submission. Your input is a valuable component of our consultation on this topic.

Please feel free to include your name with your submission (optional).

Name: _____

Following the close of the written consultation period, the AGCO will hold a limited number of in-person or teleconference meetings with interested stakeholders to discuss the feedback and comments received.

If you would like to have further opportunities to comment on this issue, please also provide your email address.

Email: _____