

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the Thoroughbred Racing Act 1996 (the Principal Act) and the Thoroughbred Racing Amendment Act 2008 (the earlier amending Act):

- (a) to require the 5 appointed members of Racing NSW to be persons recommended for appointment by a Selection Panel established by the Minister (instead of being appointed on the nomination of the Appointments Panel currently provided for by the earlier amending Act), and
- (b) to require the Minister to review the new appointments process within 3 years of the date of assent to the proposed Act, and
- (c) to require the Selection Panel to make its recommendations based on the merit of candidates for appointment and on the basis of skills-based criteria (as currently required for appointments by the Appointments Panel under the earlier amending Act), and
- (d) to continue the requirement under the earlier amending Act for the conduct of a probity check of candidates for appointment with the assistance of a Probity Adviser, and

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- (e) to repeal the requirement of the earlier amending Act for a recruitment consultant in connection with the appointment of members of Racing NSW, and
- (f) to dissolve the Appointments Panel established under the earlier amending Act and set aside any decisions or nominations made by it, and
- (g) to enact consequential savings and transitional provisions (including provisions for the establishment of the Selection Panel to enable the making of recommendations and appointments for reconstituting Racing NSW pursuant to the new appointment process).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation with the exception of transitional provisions and the amendments made to the earlier amending Act, which are to commence on the date of assent.

Clause 3 is a formal provision that gives effect to the amendments to the Thoroughbred Racing Act 1996 set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the Thoroughbred Racing Amendment Act 2008 set out in Schedule 2.

Clause 5 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the Interpretation Act 1987 provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendment of Thoroughbred Racing Act 1996

Schedule 1 [1] carries forward definitions from the earlier amending Act with changes to reflect the proposed new appointment process provided for by Schedule 1 [2].

Schedule 1 [2] provides a new appointment process for the appointment of members of Racing NSW to replace the existing appointment process provided for by the earlier amending Act. Under the existing appointment process, appointed members of Racing NSW were to have been appointed on the nomination of an Appointments Panel consisting of representatives of industry participants. Under the new

appointment process, appointments will be made on the recommendation of a Selection Panel established by the Minister. The new appointment process provides for the Selection Panel's recommendations to be made on the basis of merit and in accordance with the skills-based criteria currently provided for under the existing appointment process. The new appointment process provides for the term of an appointment to be for a period of up to 4 years as recommended by the Selection Panel (rather than for the period recommended by the Appointments Panel under the existing appointment process). The requirement under the existing appointment process for the Appointments Panel to engage a recruitment consultant is repealed. The amendment also provides for the Minister to review the new appointment process after 3 years and for a report on the review to be tabled in Parliament. Schedule 1 [3] makes a consequential amendment.

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Panel (rather than for the period recommended by the Appointments Panel under the existing appointment process). The requirement under the existing appointment process for the Appointments Panel to engage a recruitment consultant is repealed.

The amendment also provides for the Minister to review the new appointment process after 3 years and for a report on the review to be tabled in Parliament.

Schedule 1 [3] makes a consequential amendment.

Schedule 1 [4] and [5] carry forward amendments made by the earlier amending Act (with consequential changes resulting from the repeal of provisions for the fresh recruitment process provided for by the earlier amending Act).

Schedule 1 [6] inserts a savings and transitional regulation-making power.

Schedule 1 [7] carries forward the transitional arrangements made by the earlier amending Act, subject to the following:

(a) provisions for convening the Appointments Panel under the earlier amending Act are replaced with provisions for establishing the Selection Panel, to facilitate the reconstitution of the membership of Racing NSW in accordance with the amendments,

(b) the Appointments Panel provided for under the earlier amending Act will be dissolved and the exercise of any function of the Appointments Panel (including any nomination of a person for appointment as a member of Racing NSW) is declared to be of no effect.

Schedule 2 Amendment of Thoroughbred Racing

Amendment Act 2008

Schedule 2 makes consequential amendments to the earlier amending Act.