

THOROUGHBRED RACING FURTHER AMENDMENT BILL 2008

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Bill introduced on motion by Mr Kevin Greene.

Agreement in Principle

Mr KEVIN GREENE (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [10.10 a.m.]: I move:

That this bill be now agreed to in principle.

The main purpose of the Thoroughbred Racing Further Amendment Bill is to amend the Thoroughbred Racing Act 1996 to replace the former Appointments Panel provisions with an independent selection panel process for members of Racing New South Wales. The other purposes of the bill are to provide for the procedure to be followed by the independent selection panel and for the Minister to undertake a review of the appointment process for membership of Racing New South Wales within three years of the commencement of the proposed amendments.

Before going into the detail of the proposed amendments, it would be appropriate to clarify some matters that have been the subject of speculation. I wish to thank the members of the Appointments Panel and its chair, Mr Ross Smyth Kirk, for agreeing to participate in an honorary capacity on the panel. I acknowledge that they have the interests of the industry at heart, and that the task of selecting an independent board is not a simple matter in an environment of competing interests. Nevertheless, I found it necessary to intervene as the process had stalled and only Government was in a position of resolving the matter.

At this time it is, in my view, unnecessary to engage in a deconstruction of the reasons for intervention other than to say that the probity adviser advised that he was not able to give probity assurance in relation to the process, which had been in train since August 2008. I wish to emphasise that there was considerable industry consultation during the development of the legislation, and bipartisan support for the provisions when they were debated on 19 June 2008. My immediate goal, therefore, is to put the process back on track and have a new board appointed as soon as possible. Most of all, I want to assure the industry that the Government is doing everything possible to ensure that the new Racing New South Wales Board—which will oversee the growth and sustainable economic development of the thoroughbred racing industry—is established in a way which will provide confidence in future leadership and governance.

I turn to the proposed amendments. The Appointments Panel provisions are to be repealed, including the setting aside of any of its nominations or purported decisions. In its place, the proposed amendments will provide for an independent selection panel to be constituted by the Minister. The independent selection panel is to recommend five persons for appointment as members of Racing New South Wales. The panel may also recommend terms of up to four years. The Minister is to give effect to those recommendations. That means this panel of three eminent people will make the decisions and I will support and endorse those decisions.

The independent selection panel is to make recommendations for appointments based on merit in accordance with the skills based criteria prescribed by the Act. A probity adviser will assist the independent selection panel. The independent selection panel will be announced in due course. I will be writing to the 57 candidates who expressed an interest in the advertisements for membership of Racing New South Wales. I will do so as a matter of courtesy, and also to advise them of developments and to invite them to resubmit, if they wish, their applications for the revised process.

The bill also provides that the independent selection panel process will be followed by a review of the appointments process in the Act within three years of the commencement of the amendments. The purpose of that review is for Government, in consultation with the industry, to identify the possible options for an appointment process for members of Racing New South Wales. The review recommendations, as appropriate, could then be reduced to legislative form. The measures I am introducing today are intended as an interim measure designed to solve the current untenable position. The Government acknowledges that the racing industry gives a very high value to its independence. It is clear from recent circumstances, and the response provided by this bill, that intervention was required in the manner proposed pending the identification of a longer-term appointments process.

The statutory requirement is for the Minister to undertake a review of appointment processes with extensive

industry consultation and within three years of the commencement of these amendments. I believe this arrangement addresses any concerns of Government interference in a substantive or ongoing way in the affairs of the racing industry. The Government's only objective is that the New South Wales thoroughbred racing industry must have the best possible Racing New South Wales Board to provide future leadership and sustainable economic development. The bill also deals with savings and transitional matters, as appropriate to the circumstances. I commend the bill to the House.