

## Racing Legislation Amendment (Probity) Bill 2000

### 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 *Greyhound Racing Authority Act 1985*, the *Harness Racing New South Wales Act 1977* and the *Thoroughbred Racing Board Act 1996* (**the racing legislation**) to provide for probity checks to be carried out on certain persons involved in the control and regulation of racing. There are two classes of persons who will be subject to probity checks:

- (a) **executive officers**—members or directors of the Greyhound Racing Authority (**GRA**), Harness Racing New South Wales (**HRNSW**) and the Thoroughbred Racing Board (**TRB**), the chief executives of those bodies and the Chief Stewards for those bodies, and
- (b) **key employees**—employees who hold certain responsible positions (to be identified by regulations) with GRA, HRNSW or TRB, or with racing clubs or associations.

#### Probity checks

The Bill provides that the Minister administering the racing legislation is responsible for carrying out probity checks on executive officers of GRA, HRNSW and TRB.

GRA, HRNSW and TRB are responsible for carrying out probity checks on key employees in greyhound racing, harness racing and thoroughbred racing respectively.

Probity checks may be carried out on persons who are proposing to take up a position as an executive officer or key employee, and on persons who hold such positions, to determine their suitability for the position. The Bill provides that a person is not eligible to be appointed as an executive officer or a key employee unless the Minister or the relevant controlling body (that is, GRA, HRNSW or TRB) is satisfied that the person is suitable to be an executive officer or key employee. The Minister or controlling body may also conduct ongoing probity checks of executive officers or key employees to determine their continuing suitability.

In carrying out a probity check, the Minister or the relevant controlling body may require the person being checked to do a number of things, including:

- consenting to having his or her photograph, fingerprints and palm prints taken,
- providing specified information or documents,
- attending before the Minister or controlling body for examination and to answer questions,
- furnishing authorities and consents that the Minister or controlling body may require for the purpose of obtaining further information from other persons and institutions.

It is an offence for an executive officer or key employee to knowingly provide false or misleading information when purporting to comply with a probity check.

#### Misconduct

The proposed Bill requires executive officers to report certain changes in their affairs to the Minister, and key employees to report certain changes in their affairs to the relevant controlling body.

An executive officer or key employee engages in misconduct if he or she fails to report such a change as required, or fails to comply with the requirements of a probity check.

#### Action against executive officers or key employees who are unsuitable or who engage in misconduct

The Bill provides that the Minister administering the racing legislation has responsibility for taking disciplinary action against members of the Board of GRA or HRNSW. If the Minister is of the opinion that the chief executive or Chief Steward for GRA or HRNSW is not or may not be a suitable person to be an executive officer, or has or may have engaged in misconduct, the Minister may make a report to the relevant controlling body. Those bodies are responsible for taking disciplinary action against the chief executive or Chief Steward for those bodies, and against key employees in greyhound racing and harness racing.

The action that the Minister, GRA or HRNSW may take against an executive officer or key employee who is unsuitable or who has engaged in misconduct includes:

- (a) in relation to an executive officer who is a director of GRA or HRNSW—admonition, suspension for up to 3 months, or recommendation to the Governor that the executive officer be removed from office,
- (b) in relation to a key employee or an executive officer who is a member of staff of GRA or HRNSW—admonition, temporary suspension, or termination of employment.

An executive officer or key employee may be temporarily suspended pending the taking of action against him or her.

TRB has responsibility for taking disciplinary action against executive officers of TRB and key employees in thoroughbred racing. If the Minister is of the opinion that an executive officer of TRB is not or may not be suitable to be an executive officer, or has or may have engaged in misconduct, the Minister may make a report to TRB.

The disciplinary actions that TRB may take against an executive officer or key employee are similar to those that may be taken against executive officers and key employees by GRA, HRNSW and the Minister. However, TRB may not suspend or recommend the removal of a member of TRB unless a majority of three-quarters of the Board votes in favour of the suspension or recommendation.

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.

**Clause 3** is a formal provision giving effect to the amendments to the *Greyhound Racing Authority Act 1985* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the amendments to the *Harness Racing New South Wales Act 1977* set out in Schedule 2.

**Clause 5** is a formal provision giving effect to the amendments to the *Thoroughbred Racing Board Act 1996* set out in Schedule 3.

#### **Schedule 1 Amendment of Greyhound Racing Act 1985**

**Schedule 1 [2]** makes the amendments described in the Overview of this Bill. **Schedule 1 [1], [3], [4] and [7]** make consequential amendments.

**Schedule 1 [5]** inserts a power to make regulations for or with respect to the method or manner in which a person is to comply with a requirement or direction by the Minister or the GRA relating to probity checks or reports of changes in a person's state of affairs.

**Schedule 1 [6]** gives the Governor the power to remove a director from the office of chairperson or deputy chairperson of GRA, and provides for the vacation of office of the chairperson or deputy chairperson.

**Schedule 1 [8]** inserts savings and transitional provisions. These provisions exclude current executive officers and key employees from the requirements dealing with initial assessment of suitability to be an executive officer or key employee. The provisions dealing with ongoing probity checks and reports of changes in a person's state of affairs are to apply to current executive officers and key employees.

#### **Schedule 2 Amendment of Harness Racing New South Wales Act 1977**

**Schedule 1 [2]** makes the amendments described in the Overview of this Bill. **Schedule 1 [1], [3], [4] and [7]** make consequential amendments.

**Schedule 1 [5]** inserts a power to make regulations for or with respect to the method or manner in which a person is to comply with a requirement or direction by the Minister or HRNSW relating to probity checks or reports of changes in a person's state of affairs.

**Schedule 1 [6]** gives the Governor the power to remove a director from the office of deputy chairperson of HRNSW, and provides for the vacation of office of the deputy chairperson.

**Schedule 1 [8]** inserts savings and transitional provisions. These provisions exclude current executive officers and key employees from the requirements dealing with initial assessment of suitability to be an executive officer or key employee. The provisions dealing with on-going

probity checks and reports of changes in a person's state of affairs are to apply to current executive officers and key employees.

**Schedule 3 Amendment of Thoroughbred Racing Board Act 1996**

**Schedule 1 [7]** makes the amendments described in the Overview of this Bill. **Schedule 1 [1]–[6]** and **[8]** make consequential amendments.

**Schedule 1 [9]** inserts a power to make regulations for or with respect to the method or manner in which a person is to comply with a requirement or direction by the Minister or the TRB relating to probity checks or reports of changes in a person's state of affairs.

**Schedule 1 [10]** inserts savings and transitional provisions. These provisions exclude current executive officers and key employees from the requirements dealing with initial assessment of suitability to be an executive officer or key employee. The provisions dealing with ongoing probity checks and reports of changes in a person's state of affairs are to apply to current executive officers and key employees.