

Explanatory note

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

This Bill is cognate with the Greyhound Racing Bill 2009.

Overview of Bill

The Racing Legislation Amendment Bill 2009 will repeal the Greyhound and Harness Racing Administration Act 2004, the Greyhound Racing Act 2002 and the Harness Racing Act 2002.

The object of this Bill is to re-enact the Harness Racing Act 2002:

(a) to continue Harness Racing New South Wales (HRNSW) which was constituted under the Harness Racing Act 2002, and

(b) to provide for the transfer to HRNSW of functions relating to harness racing currently exercised by the Greyhound and Harness Racing Regulatory Authority (which is to be dissolved by the Greyhound Racing Bill 2009), and

(c) to provide for a new method of appointment of the members of HRNSW in line with recent amendments to the Thoroughbred Racing Act 1996, and

(d) to provide for the appointment of a Harness Racing Integrity Auditor to have primary oversight over functions of HRNSW relating to stewards, drug testing and control and registration and to deal with complaints about harness racing officials.

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Outline of provisions

Part 1 Preliminary

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 defines terms used in the proposed Act.

Part 2 Harness Racing New South Wales

Clause 4 constitutes Harness Racing New South Wales as a body corporate and enables it to use a different name approved by the Minister. Schedule 3 provides that HRNSW is continued as the same entity constituted under the Harness Racing Act 2002.

Clause 5 makes it clear that HRNSW and its subsidiaries do not represent the Crown and the State is not responsible for any of their debts, liabilities or obligations unless expressly provided by an Act of Parliament.

Clause 6 provides for HRNSW to consist of 5 members appointed by the Minister on the recommendation of a Selection Panel. Schedule 3 continues the term of office of the existing members of HRNSW which will expire in approximately 3 years or when members are first appointed in accordance with the procedures in the proposed Act.

Clause 7 requires the Minister to establish a Selection Panel to recommend the appointment of members of HRNSW and the term of office of members. The clause provides that the Panel is to be satisfied that persons to be recommended for appointment possess certain specified qualifications or experience and have undergone a probity check.

Clause 8 requires the Minister to review the appointments process before the beginning of February 2012.

Clause 9 specifies the functions of HRNSW. Those functions include the control, supervision and regulation of harness racing in New South Wales and the registration of harness racing clubs, harness racing horses, owners, trainers and drivers of harness racing horses, bookmakers for harness racing and other persons associated with harness racing.

Clause 10 provides that HRNSW has power to do all things that may be necessary

or convenient to be done in connection with the exercise of its functions and specifically lists certain powers of HRNSW in relation to harness racing. Clause 11 requires HRNSW to exercise its registration functions so as to ensure that persons registered are fit and proper.

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Clause 12 requires HRNSW to prepare strategic plans for its activities, to consult with harness racing industry stakeholders and to prepare strategic plans for the harness racing industry.

Clause 13 enables HRNSW to employ a chief executive officer.

Clause 14 enables HRNSW to employ other staff.

Clause 15 enables HRNSW to make arrangements for the sharing of staff and facilities with Greyhound Racing New South Wales and Racing New South Wales. Any arrangement in relation to stewards or registration requires the consent of the Minister.

Clause 16 requires HRNSW to give an annual report of its work and activities to the Minister for tabling in Parliament.

Part 3 Control and regulation of harness racing

Division 1 Registration

Clause 17 provides for HRNSW to register harness racing clubs.

Clause 18 provides for HRNSW to register harness racing horses, owners, trainers and drivers of harness racing horses, bookmakers and other persons associated with the harness racing industry.

Clause 19 provides for the determination of applications for registration as a bookmaker and sets out a number of conditions that apply to a company's registration as a bookmaker.

Clause 20 enables HRNSW to suspend or cancel the registration of harness racing clubs that are not financially viable or for other reasons that are in the best interests of the harness racing industry.

Clause 21 enables HRNSW to take disciplinary action or to take action in the interests of occupational health and safety, including the suspension or cancellation of any registration under the proposed Act or the imposition of fines.

Division 2 Rules

Clause 22 enables HRNSW to make rules, not inconsistent with the proposed Act, for or with respect to the control and regulation of harness racing and sets out a number of specific rule-making powers.

Clause 23 contains ancillary provisions relating to the making of rules.

Division 3 Harness Racing Integrity Auditor

Clause 24 requires HRNSW to appoint a Harness Racing Integrity Auditor who holds suitable legal qualifications and has undergone a probity check. The appointment has no effect unless it is approved by the Minister. The person appointed

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as Greyhound Racing Integrity Auditor under the proposed Greyhound Racing Act 2009 may be appointed to the position of Harness Racing Integrity Auditor as well.

Clause 25 sets out the functions of the Harness Racing Integrity Auditor. They include the primary oversight of those aspects of the functions of HRNSW that relate to stewards, drug testing and control and registration, providing advice to HRNSW on those matters and receiving and investigating complaints against harness racing officials.

Clause 26 sets out the procedure to be followed by the Harness Racing Integrity Auditor when dealing with complaints and provides the Integrity Auditor with

certain powers to facilitate investigation of complaints.

Clause 27 requires the Harness Racing Integrity Auditor to provide a written report to HRNSW and the Minister in relation to the investigation of a complaint if the Integrity Auditor is satisfied that the results of the investigation indicate that there has been a contravention of the proposed Act or any other Act in relation to the conduct of harness racing or a contravention of the code of conduct adopted by HRNSW.

Part 4 Directions and minimum standards

Clause 28 enables HRNSW to set minimum standards in connection with the conduct by harness racing clubs of harness races and harness racing meetings. Those standards include standards relating to racecourse design and construction, racecourse facilities and amenities, fees and charges imposed by harness racing clubs in connection with races conducted by the club and prize money.

Clause 29 gives HRNSW the power to direct a harness racing club to provide HRNSW with specified documents or information to assist HRNSW in connection with its various policy-making functions.

Clause 30 gives HRNSW power to impose various sanctions against a harness racing club that fails to comply with a minimum standard set under proposed section 28 or a direction under proposed section 29.

Part 5 Harness Racing Industry Consultation Group

Clause 31 establishes a committee called the Harness Racing Industry Consultation Group (HRICG).

Clause 32 sets out the membership of HRICG.

Clause 33 provides that certain persons are not eligible to be members of HRICG.

Clause 34 provides that HRICG has the function of consulting with and making recommendations to HRNSW on matters concerning harness racing in New South Wales.

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Part 6 Finance

Clause 35 sets out the financial year of HRNSW.

Clause 36 sets out the expenses under the proposed Act for which HRNSW is liable.

Clause 37 enables HRNSW to establish accounts.

Clause 38 enables HRNSW to determine fees and charges for registration and other business transacted under the proposed Act.

Clause 39 provides for a Harness Racing Benevolent Fund which will be a continuation of the fund established under section 52 of the Harness Racing Act 2002.

Part 7 Miscellaneous

Clause 40 requires HRNSW to keep records in relation to its functions.

Clause 41 enables HRNSW to require the production of records relating to the affairs of any harness racing club.

Clause 42 enables HRNSW to delegate certain functions.

Clause 43 protects members of HRNSW, HRICG and other specified persons, from personal liability for things done in good faith for the purpose of executing the proposed Act or any other Act.

Clause 44 provides for the authentication of certain documents by HRNSW.

Clause 45 deals with certain evidentiary matters.

Clause 46 enables HRNSW to recover money owing as a debt.

Clause 47 provides for proceedings for offences against the proposed Act to be dealt with summarily.

Clause 48 enables regulations to be made for the purposes of the proposed Act.

Clause 49 requires the Minister to review the proposed Act after the period of

5 years from the date of assent to the proposed Act.

Schedule 1 Provisions relating to members of
HRNSW

Schedule 1 contains provisions relating to the members and procedure of HRNSW, including the term of office and vacation of office of members, disclosure of pecuniary interests and preparation by HRNSW of a code of conduct for members and delegates of HRNSW.

Schedule 2 Provisions relating to HRICG

Schedule 2 contains provisions relating to members of HRICG, including vacation of office of members and procedure.

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Schedule 3 Savings, transitional and other
provisions

Schedule 3 enables savings and transitional regulations to be made consequent on the enactment of the proposed Act and contains other specific savings and transitional provisions. The proposed Schedule also contains provisions facilitating the transfer of assets, rights, liabilities and staff of the Greyhound and Harness Racing Regulatory Authority to HRNSW.