

#### 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 objects of this Bill are:

(a) to repeal the Greyhound and Harness Racing Administration Act 2004, the Greyhound Racing Act 2002 and the Harness Racing Act 2002 and to make consequential amendments to various other Acts and instruments, and

(b) to amend the Racing Appeals Tribunal Act 1983 to provide for greyhound racing appeals and harness racing appeals to be dealt with under that Act, and

(c) to amend the Sporting Venues (Pitch Invasions) Act 2003 to extend the operation of that Act to specified restricted areas on licensed racecourses during race meetings and trial meetings, and

(d) to amend the Thoroughbred Racing Act 1996 to enable Racing NSW to make arrangements for the sharing of staff and facilities with Greyhound Racing NSW and Harness Racing NSW and to expand the functions of the Integrity Assurance Committee under that Act to include dealing with complaints against horse racing officials.

#### Explanatory note page 2

#### Racing Legislation Amendment Bill 2009

#### Explanatory note

#### 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 repeals the Greyhound and Harness Racing Administration Act 2004, the Greyhound Racing Act 2002 and the Harness Racing Act 2002.

#### Schedule 1 Amendment of Racing Appeals Tribunal Act 1983 No 199

Amendments relating to greyhound racing and harness racing appeals

Clause 3 of the proposed Act repeals the Greyhound and Harness Racing Administration Act 2004 which established a Greyhound and Harness Racing Appeals Tribunal to hear appeals from certain decisions of stewards, harness racing clubs and greyhound racing clubs and the Greyhound and Harness Racing Regulatory Authority. Schedule 3 to the proposed Greyhound Racing Act 2009 formally dissolves that Tribunal and Authority.

Schedule 1 [13] inserts proposed sections 15A and 15B into the Racing Appeals Tribunal Act 1983 (the Act) to provide for appeals previously dealt with under the Greyhound and Harness Racing Administration Act 2004 to be dealt with by the Racing Appeals Tribunal.

Schedule 1 [15] inserts proposed section 17A into the Act which provides for the determination of appeals by the Racing Appeals Tribunal in relation to greyhound racing or harness racing.

Schedule 1 [16] substitutes section 20 of the Act to provide that the expenses relating to the Racing Appeals Tribunal's determination of greyhound racing appeals and harness racing appeals are to be paid by Greyhound Racing New South Wales and Harness Racing New South Wales. Proposed section 20 also provides for the expenses relating to horse racing appeals to be paid by Racing New South Wales, as is currently the case.

Schedule 1 [1], [3], [4], [12] and [14] make consequential amendments.

Schedule 1 [17]–[21] make amendments of a savings or transitional nature.

#### Amendments relating to assessors and expert advice

Schedule 1 [5] substitutes section 8A of the Act which currently enables the Minister to appoint assessors to assist the Racing Appeals Tribunal. Proposed section 8A will

instead enable the Tribunal to seek expert advice in connection with the hearing of an appeal.

Schedule 1 [2] and [6]–[11] make consequential amendments.

Explanatory note page 3

Racing Legislation Amendment Bill 2009

Explanatory note

Schedule 2 Amendment of Sporting Venues (Pitch Invasions) Act 2003 No 44

Schedule 2 [8] inserts section 4A into the Sporting Venues (Pitch Invasions) Act 2003 (the Act) to make it an offence for a person to enter or remain on a restricted area of a licensed racecourse during a race meeting or trial meeting for horse, greyhound or harness racing. Certain persons are exempted from the operation of the proposed section such as riders or harness racing drivers who are participating in the race meeting or trial meeting, persons who are authorised by the controlling body for the race meeting or trial meeting, persons engaged in the control and management of the race meeting or trial meeting and authorised officers. A restricted area of a racecourse is defined as a racetrack, course proper or other racing surface, parade ring, race day tie-up stall, kennel or swabbing area and includes any pathways connecting any of those places. The definition of restricted area may be extended by the regulations.

Schedule 2 [3] amends section 3 (1) of the Act to include certain definitions. In particular, it defines controlling body for a race meeting or trial meeting as meaning Racing New South Wales, Greyhound Racing New South Wales or Harness Racing New South Wales depending on whether the race meeting or trial meeting relates to horse racing, greyhound racing or harness racing.

Schedule 2 [9] amends section 5 of the Act, which provides for a 12-month ban of a person from a sporting venue, if he or she is removed for pitch invasion so that it will apply to removal of a person for entering a restricted area of a racecourse under proposed section 4A.

Schedule 2 [10] and [11] amend section 6 of the Act, which provides for a life ban of a person from a sporting venue if he or she contravenes a previous ban imposed, so that it will apply to a person contravening a ban from entering a restricted area of a racecourse.

Schedule 2 [12] amends section 13 of the Act to provide for a penalty notice amount of \$500 for a contravention of proposed section 4A. That amount is the same as for the existing offences relating to pitch invasion.

Schedule 2 [1], [2] and [4]–[7] make consequential amendments.

Schedule 3 Amendment of other Acts and Regulations

Schedule 3.1–3.14, 3.15 [2] and 3.16 amend various Acts and Regulations as a consequence of the repeal of the Greyhound and Harness Racing Administration Act 2004, the Greyhound Racing Act 2002 and the Harness Racing Act 2002.

Schedule 3.15 [3] inserts proposed section 18A into the Thoroughbred Racing Act 1996 to enable Racing New South Wales to make arrangements for the sharing of staff and facilities with Greyhound Racing New South Wales and Harness Racing

Explanatory note page 4

Racing Legislation Amendment Bill 2009

Explanatory note

New South Wales. Any arrangement in relation to stewards or licensing or registration requires the consent of the Minister.

Schedule 3.15 [5] inserts proposed sections 23A and 23B into the Thoroughbred Racing Act 1996. Schedule 3.15 [1] and [4] make consequential amendments.

Proposed section 23A enables a person to make a complaint to the Integrity Assurance Committee established under that Act about a horse racing official. The

proposed section sets out the procedure to be followed by the Committee when dealing with complaints and provides the Committee with certain powers to facilitate investigation of complaints.

Proposed section 23B requires the Integrity Assurance Committee to provide a written report to Racing NSW and the Minister in relation to the investigation of a complaint if the Committee is satisfied that the results of the investigation indicate that there has been a contravention of the Thoroughbred Racing Act 1996 or any other Act in relation to the conduct of horse racing or a contravention of the code of conduct adopted by Racing NSW.