

Passed by both Houses



New South Wales

Racing and Gambling Legislation Amendment Bill 2022

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2022



New South Wales

Racing and Gambling Legislation Amendment Bill 2022

Act No _____, 2022

An Act to amend the *Harness Racing Act 2009* and the *Greyhound Racing Act 2017* to implement recommendations from statutory reviews of the Acts; to consequentially amend the *Racing Appeals Tribunal Act 1983*; to amend the *Betting and Racing Act 1998* in relation to responsible gambling and betting accounts; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Racing and Gambling Legislation Amendment Act 2022*.

2 Commencement

This Act commences as follows—

- (a) for Schedule 3[20] and 4[1]—on a day or days to be appointed by proclamation,
- (b) otherwise—on the date of assent to this Act.

Schedule 1 Amendment of Betting and Racing Act 1998 No 114

[1] Section 17B Sports controlling body

Insert after section 17B(3)—

- (4) The regulations may require a sports controlling body to notify the Minister of a change in the sports controlling body's circumstances.

[2] Part 4A, heading

Omit the heading. Insert instead—

Part 4A Responsible gambling

Division 1 Preliminary

[3] Section 33G(1), note

Insert after section 33G(1)—

Note— A reference to a betting service provider means the following—

- (a) a bookmaker,
- (b) a person who operates a totalizator,
- (c) a person who operates a betting exchange.

[4] Section 33G(2)

Omit “publication of gambling information”.

Insert instead “publication of a gambling advertisement”.

[5] Part 4A, Division 2, heading

Insert after section 33GA—

Division 2 Advertising and inducements

[6] Section 33H Prohibitions on gambling-related advertisements

Omit section 33H(4). Insert instead—

- (3) The regulations may prescribe an advisory statement that must be part of a gambling advertisement published—

- (a) in print, including a newspaper, magazine or poster, or
- (b) in a form prescribed by the regulations.

- (4) A person including a non-proprietary association or licensed betting service provider, must not publish, or cause to be published, a gambling advertisement unless the advertisement complies with subsection (3).

Maximum penalty—

- (a) for an individual—100 penalty units, or
- (b) for a corporation—1,000 penalty units.

[7] Part 4A, Division 3, heading

Insert after section 33JA—

Division 3 Betting accounts

[8] Sections 33JD–33JG

Insert after section 33JC—

33JD Privacy of betting accounts

- (1) A licensed betting service provider must not disclose information about a betting account except to—
 - (a) the holder of the betting account, or
 - (b) a person who is lawfully entitled to have access to the information, or
 - (c) a racing controlling body or a sports controlling body for integrity purposes, or
 - (d) a person prescribed by the regulations.
- (2) Subsection (1) does not apply to a licensed betting service provider if the *Privacy Act 1988* of the Commonwealth applies to the provider.
- (3) This section does not limit—
 - (a) section 33JE, or
 - (b) the exercise of powers under Part 4B.

33JE Records about betting account

- (1) A licensed betting service provider must keep records showing details of betting accounts held by the provider, including copies of activity statements provided under this Division.
- (2) The records must—
 - (a) be written, and
 - (b) be accurate, and
 - (c) as far as practicable, be up to date, and
 - (d) be kept in a form that can be reasonably read and copied by an inspector, and
 - (e) include any information required by the regulations to be included, and
 - (f) be kept by the licensed betting service provider for at least 7 years.
- (3) A licensed betting service provider must not fail to make the records available to an inspector if requested by the inspector to do so.

33JF Betting account activity statements

- (1) A licensed betting service provider must, in accordance with this section, give the holder of a betting account a statement each month of transactions occurring in the betting account during the previous month (the *statement period*).
- (2) The statement must be as simple as practicable and easy for the holder of the betting account to understand.
- (3) The statement must not include gambling advertisements or inducements.
- (4) The statement must be given if there have been transactions made by the holder of the betting account during the statement period.

- (5) If there are no transactions made by the holder of the betting account during the statement period, the licensed betting service provider must not give a statement unless requested to do so by the holder.
- (6) The statement must be given by sending it to an email or postal address nominated by the holder of the betting account.
- (7) The statement must be provided free of charge except for a reasonable cost for postage if the statement is to be sent to a postal address.
- (8) The licensed betting service provider must comply with other requirements in relation to statements that are specified by the Minister by order published in the Gazette, including requirements about—
 - (a) the giving of statements, and
 - (b) the matters to be included in statements, and
 - (c) the form of statements.

33JG Offence

A licensed betting service provider who fails to comply with a requirement imposed on the provider by this Division is guilty of an offence.

Maximum penalty—

- (a) for an individual—100 penalty units, or
- (b) for a corporation—1,000 penalty units.

Division 4 Responsible gambling training

33JH Definition

In this Division—

relevant individual, for a licensed betting service provider, means an individual who—

- (a) is a director, employee or contractor of the provider, and
- (b) is involved in the provision of betting services by the provider, including being involved in decisions affecting the provision of the betting services.

33JI Provision of training

- (1) A licensed betting service provider must ensure an individual receives responsible gambling training in accordance with this section if the individual is a relevant individual for the provider.
- (2) The responsible gambling training must comprise—
 - (a) initial training within 1 month after the individual becomes a relevant individual for the licensed betting service provider, and
 - (b) refresher training within a year after—
 - (i) the initial training, or
 - (ii) for an individual who has received refresher training—the previous refresher training.
- (3) A licensed betting service provider must ensure a relevant individual for the provider does not interact with a person who holds a betting account with the provider unless the individual has received initial training.
- (4) The Minister may, by order published in the Gazette—

- (a) approve courses of responsible gambling training, or
- (b) approve persons to provide approved courses, or
- (c) specify minimum requirements for responsible gambling training, including requirements relating to the following—
 - (i) the minimum content of courses,
 - (ii) the testing of participants,
 - (iii) the conduct of audits of courses and tests.
- (5) The regulations may make provision about responsible gambling training.

33JJ Records about training

- (1) A licensed betting service provider must keep records showing details of the responsible gambling training received by relevant individuals for the provider.
- (2) The records must—
 - (a) be written, and
 - (b) be accurate, and
 - (c) as far as practicable, be up to date, and
 - (d) be kept in a form that can be reasonably read and copied by an inspector, and
 - (e) include any information required by the regulations to be included, and
 - (f) be kept by the licensed betting service provider for at least 7 years after the training to which the records relate was conducted.
- (3) A licensed betting service provider must not fail to make the records available to the following if requested to do so—
 - (a) the employee to whom the records relate,
 - (b) an inspector.
- (4) The regulations may specify the way in which the records are to be made available under this section.

33JK Offence

A licensed betting service provider who fails to comply with a requirement imposed on the provider by this Division is guilty of an offence.

Maximum penalty—

- (a) for an individual—100 penalty units, or
- (b) for a corporation—1,000 penalty units.

[9] Schedule 1 Savings and transitional provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering—

Part Provisions consequent on enactment of Racing and Gambling Legislation Amendment Act 2022

Provision of initial responsible gambling training

- (1) This clause applies to a person who is a relevant individual for a licensed betting service provider on the commencement of section 33JI.

- (2) Despite section 33JI(2)(a), the licensed betting service provider must ensure the person receives initial training within 6 months after the commencement of section 33JI.
- (3) Section 33JI(3), does not apply to the person until the earlier of—
 - (a) 6 months after the commencement of section 33JI, or
 - (b) the person no longer being a relevant individual for the betting service provider.

Schedule 2 Amendment of Greyhound Racing Act 2017 No 13

[1] Section 3 Definitions

Omit the definition of *greyhound*. Insert instead—

greyhound means a greyhound owned or kept—

- (a) in connection with greyhound racing, or
- (b) by a greyhound racing industry participant.

[2] Section 3A

Insert after section 3—

3A Objects of Act

The objects of this Act are as follows—

- (a) to provide for the efficient and effective regulation of the greyhound racing industry,
- (b) to protect the interests of the greyhound racing industry and its stakeholders,
- (c) to facilitate the development and operation of a sustainable and viable greyhound racing industry,
- (d) to ensure the integrity of greyhound racing and associated betting in the public interest,
- (e) to provide for the functions of regulatory bodies,
- (f) to provide for the protection and promotion of the welfare of greyhounds.

[3] Section 59 Disciplinary action that may be taken

Omit section 59(1)(e). Insert instead—

- (e) disqualifying a specified greyhound,

Schedule 3 Amendment of Harness Racing Act 2009 No 20

[1] Section 2A

Insert after section 2—

2A Objects of Act

The objects of this Act are as follows—

- (a) to provide for the efficient and effective regulation of the harness racing industry,
- (b) to protect the interests of the harness racing industry and its stakeholders,
- (c) to facilitate the development and operation of a sustainable and viable harness racing industry,
- (d) to ensure the integrity of harness racing and associated wagering in the public interest,
- (e) to provide for the functions and the powers of regulatory bodies,
- (f) to ensure harness racing industry stakeholder engagement and participation in the strategic development of the harness racing industry as a whole,
- (g) to protect and promote the welfare of harness racing horses.

[2] Section 3 Definitions

Omit section 3(1), definition of *racing official*. Insert instead—

racing official means the following—

- (a) a member of HRNSW,
- (b) the chief executive officer of HRNSW,
- (c) a steward appointed by HRNSW,
- (d) a member of staff of HRNSW,
- (e) a member of the HRICG.

recommended members list—see section 7(1)(a).

[3] Section 6 Membership

Insert “the chief executive officer of HRNSW and” after “is to consist of” in section 6(1).

[4] Section 6(2)(a)

Omit section 6(2)(a) and (b). Insert instead—

- (a) during the previous 12 months has been an employee, or a member of the governing body, of—
 - (i) a harness racing club, or
 - (ii) an eligible industry body, or

[5] Section 6(4A)

Insert after section 6(4)—

- (4A) The chief executive officer of HRNSW does not have a vote at meetings of HRNSW.

[6] Sections 7–8A

Omit sections 7 and 8. Insert instead—

7 Selection Panel

- (1) The Minister must establish a Selection Panel—
 - (a) to prepare and give to the Minister a list of persons recommended for appointment as members of HRNSW (a *recommended members list*), and
 - (b) to recommend the term of office for each person recommended.
- (2) A member of the Selection Panel must consider the interests of the harness racing industry as a whole when exercising the functions of a member.
- (3) The Selection Panel must consider the balance and diversity of the skills and experience of the members of HRNSW when preparing the recommended members list.
- (4) The Selection Panel must recommend more than the number of persons required to be appointed.
- (5) The Minister may appoint a person for a term of office that is different from the term of office recommended by the Selection Panel.

8 Eligibility to be included on recommended members list

- (1) The Selection Panel must not include a person in the recommended members list if—
 - (a) the person is not eligible to be a member of HRNSW, or
Note— See section 6.
 - (b) the Panel is satisfied the person has a direct or indirect pecuniary interest in a matter that gives rise, or is likely to give rise, to a conflict of interest of a nature that is incompatible with membership of HRNSW.
- (2) The Selection Panel may include a person in the recommended members list only if the Panel is satisfied—
 - (a) the person has experience in a senior administrative role, or at a senior level, in 1 or more of the following fields—
 - (i) business,
 - (ii) finance,
 - (iii) law,
 - (iv) marketing,
 - (v) technology,
 - (vi) commerce,
 - (vii) regulatory administration,
 - (viii) regulatory enforcement, and
 - (b) the person's skills and experience are relevant to the functions of HRNSW.
- (3) The Selection Panel must choose between persons for inclusion in the recommended members list on the basis of merit.
- (4) The merit of a person is to be decided on the basis of the person's abilities, qualifications, experience and personal qualities that are relevant to the exercise of the functions of HRNSW.

8A Probity checks of persons to be included on recommended members list

- (1) Before including a person in the recommended members list, the Selection Panel must conduct a probity check of the person.
- (2) The level of scrutiny of a probity check is to be decided by the Minister.
- (3) The Minister must appoint a Probity Adviser to assist the Selection Panel to conduct probity checks.

[7] Section 9 Functions of HRNSW

Insert after section 9(2)(e)—

- (f) to initiate, develop and implement policies relating to the welfare of harness racing horses.

[8] Section 12 Consultation and planning

Omit section 12(2). Insert instead—

- (2) HRNSW must prepare and publish a plan (a *stakeholder engagement plan*) setting out—
 - (a) the stakeholders to be engaged by HRNSW, and
 - (b) the nature of the engagement, and
 - (c) the times at which the engagement will occur.

[9] Section 12(4)

Omit the subsection. Insert instead—

- (4) The strategic plans under subsections (1) and (3) may be combined into a single strategic plan for HRNSW and the harness racing industry.

[10] Section 16 Annual report of HRNSW

Insert after section 16(2)—

- (2A) The report must also include the following—
 - (a) for the period to which the annual report relates—progress reports on the implementation, in accordance with section 12, of—
 - (i) the strategic plan of HRNSW and the harness racing industry, and
 - (ii) the stakeholder engagement plan under section 12,
 - (b) the report provided by the Integrity Auditor under section 27AA,
 - (c) the report provided by the Chairperson of HRICG under section 34(4).

[11] Section 16(4)

Omit “at a reasonable price”. Insert instead “free of charge”.

[12] Section 27

Omit the section. Insert instead—

27 Action after investigation of complaint

- (1) The Integrity Auditor must prepare a written report of the results of the investigation of a complaint.
- (2) The Integrity Auditor must give a copy of the report to the following—
 - (a) the racing official who was the subject of the investigation,

- (b) HRNSW,
 - (c) the Minister.
- (3) The Integrity Auditor must inform the person who made the complaint that the report has been prepared and provided as required by this section.

[13] Section 27AA

Insert after section 27—

27AA Summary of investigations undertaken

The Integrity Auditor must provide a report for inclusion in the annual report of HRNSW that summarises the outcomes of investigations undertaken by the Integrity Auditor during the period to which the annual report relates.

[14] Section 32 Membership

Omit “one” from section 32(1)(a). Insert instead “1”.

[15] Section 32(1)(b) and (c)

Omit the paragraphs. Insert instead—

- (b) 1 person nominated by harness racing clubs that conduct more than 6 meetings in a calendar year,
- (c) 1 person nominated by harness racing clubs that conduct 6 or fewer meetings in a calendar year,

[16] Section 32(2)

Omit the subsection. Insert instead—

- (2) The Minister must decide, following consultation with HRNSW, which industry bodies (*eligible industry bodies*) may nominate members for the purposes of subsection (1)(d).

[17] Section 32(8)

Insert after section 32(7)—

- (8) In this section—
industry body means a body representing 1 or more of the following—
- (a) breeders of harness racing horses,
 - (b) owners of harness racing horses,
 - (c) trainers of harness racing horses,
 - (d) harness racing drivers,
 - (e) stablehands for harness racing horses.

[18] Section 33 Eligibility for membership

Omit section 33(1)(a). Insert instead—

- (a) resides outside New South Wales, or

[19] Section 33A

Insert after section 33—

33A Code of conduct

- (1) HRICG must prepare a code of conduct for its members.

- (2) HRICG must make the code of conduct publicly available.

[20] Part 5A

Insert after Part 5—

Part 5A Appeal Panel

34A Definitions

In this Part—

convenor, of the Appeal Panel for an appeal, means the principal member or other member appointed as convenor under section 34G.

principal member means the principal member appointed under section 34F.

racing authority means—

- (a) HRNSW, or
- (b) a racing official, or
- (c) a harness racing club.

34B Right of appeal

- (1) A person aggrieved by any of the following decisions of a racing authority may appeal against the decision to the Appeal Panel—
 - (a) a decision to disqualify or warn off a person,
 - (b) a decision to disqualify a harness racing horse,
 - (c) a decision to revoke or suspend the registration of a person,
 - (d) a decision to fine a person a sum of \$200 or more,
 - (e) a decision specified in the rules for the purposes of this section.
- (2) HRNSW has a right of appeal to the Appeal Panel against the following decisions of a racing authority—
 - (a) a decision referred to in subsection (1)(a)–(d),
 - (b) a decision to dismiss a charge against a person for contravention of the rules.

34C Procedure on an appeal

- (1) An appeal to the Appeal Panel is to be conducted as a new hearing.
- (2) Fresh evidence, or evidence in addition to or in substitution for the evidence on which the decision appealed against was made, may be given on the appeal.
- (3) The Appeal Panel may, subject to this Act and the rules, decide its own procedure.
- (4) On an appeal, the Appeal Panel—
 - (a) is not required to act formally, and
 - (b) may inform itself on a matter in a way it considers to be just and is not bound by the rules of evidence, and
 - (c) must make its decision on the merits and justice of the case and is not required to follow legal precedent.
- (5) The Appeal Panel is to sit as in open court when hearing the appeal but may sit in private if the Appeal Panel considers it necessary to do so in the public interest or to protect the safety of a person.

- (6) In the exercise of the Appeal Panel's functions on an appeal—
 - (a) the convener of the Appeal Panel has the powers, authorities, protections and immunities conferred by the *Royal Commissions Act 1923* on a Commissioner appointed under that Act, Part 2, Division 1, and
 - (b) the *Royal Commissions Act 1923*, except section 13 and Part 2, Division 2, applies, with any necessary modifications, to a witness summoned by, or appearing before, the Appeal Panel.

34D Decisions on appeal

- (1) The Appeal Panel may do any of the following in relation to an appeal—
 - (a) dismiss the appeal,
 - (b) confirm the decision appealed against,
 - (c) vary the decision by substituting a decision that could have been made by the racing authority,
 - (d) refer a matter relating to the decision to the racing authority for rehearing in accordance with directions given by the Appeal Panel,
 - (e) make another order in relation to the disposal of the appeal as the Appeal Panel thinks appropriate.
- (2) A decision of the Appeal Panel must be given effect.

34E Membership of Appeal Panel

- (1) HRNSW must appoint suitably qualified persons to be members of the Appeal Panel.
- (2) A member of HRNSW cannot be a member of the Appeal Panel.
- (3) HRNSW must, subject to this section, decide the qualifications and disqualifications for membership of the Appeal Panel.
- (4) In making its decision, HRNSW must consider the need to minimise conflicts of interest, including conflicts arising from a person's—
 - (a) ownership of a harness racing horse, or
 - (b) professional involvement in race preparation, or
 - (c) professional or commercial dealings with a person who holds a registration under this Act.
- (5) At least 1 member of the Appeal Panel must be an Australian lawyer of at least 7 years standing.
- (6) A person is not eligible to be appointed as a member of the Appeal Panel if the person—
 - (a) holds a registration under this Act, or
 - (b) is currently warned off or disqualified, or
 - (c) is a person whose name is currently on the Unpaid Forfeits List, under the Australian Harness Racing Rules, or
 - (d) during the previous 10 years has been convicted—
 - (i) in New South Wales of an offence which is punishable by imprisonment for 12 months or more, or
 - (ii) in another jurisdiction of an offence which, if committed in New South Wales, would be an offence punishable by imprisonment for 12 months or more, or

- (e) is an undischarged bankrupt or is taking advantage of the laws in force for the time being relating to bankruptcy, or
 - (f) is a mentally incapacitated person.
- (7) A member of the Appeal Panel holds office for 4 years from appointment and is eligible, if otherwise qualified, to be reappointed.
- (8) The office of a member of the Appeal Panel becomes vacant if the member—
- (a) dies, or
 - (b) completes a term of office and is not reappointed, or
 - (c) resigns the office by written instrument addressed to HRNSW, or
 - (d) is removed from office under subsection (9), or
 - (e) becomes a person who is not eligible to be a member of the Appeal Panel.
- (9) The Minister may, on the recommendation of HRNSW, remove a member of the Appeal Panel from office for incapacity, incompetence or misbehaviour.

34F Appointment of principal member

- (1) HRNSW must appoint a member of the Appeal Panel as the principal member.
- (2) The person appointed must be an Australian lawyer of at least 7 years standing.
- (3) The person appointed holds office as principal member for a period of 2 years and is eligible, if otherwise qualified, to be reappointed.
- (4) A person ceases to hold office as principal member if the person ceases to hold office as a member of the Appeal Panel.

34G Constitution of Appeal Panel

- (1) If the Appeal Panel is required to hear an appeal, the principal member must constitute the Appeal Panel in accordance with this section.
- (2) More than 1 Appeal Panel may be constituted at the same time.
- (3) The Appeal Panel must comprise—
 - (a) the convenor of the Appeal Panel, and
 - (b) at least 2 other members.
- (4) The convenor must be—
 - (a) the principal member, or
 - (b) if the principal member is not available—a member who is—
 - (i) appointed by the principal member, and
 - (ii) an Australian lawyer of at least 7 years standing.
- (5) The convenor must preside at the hearing of an appeal.
- (6) The principal member must, if practicable, consult with the chief executive officer of HRNSW before—
 - (a) convening an Appeal Panel, or
 - (b) appointing a convenor.
- (7) The chief executive officer of HRNSW may, if the principal member is not available—
 - (a) convene the Appeal Panel, or

- (b) appoint a convenor.

34H Remuneration of members

- (1) The members of the Appeal Panel are entitled to be paid fees and expenses for hearing and deciding appeals.
- (2) The amount of the fees and expenses must be decided by HRNSW.

34I How Appeal Panel makes decisions

- (1) A decision supported by a majority of the members of the Appeal Panel hearing an appeal is the decision of the Panel.
- (2) If the members of the Appeal Panel are evenly split on a question, the decision of the convenor of the Panel is the decision of the Panel.

34J Rules may provide for appeals

The rules may make provision about appeals under this Part, including—

- (a) the way to make an appeal, and
- (b) the procedure for hearing and determining an appeal.

[21] Schedule 1 Provisions relating to members of HRNSW

Omit “subclause (2)” from clause 5(1)(f). Insert instead “this clause”.

[22] Schedule 1, clause 5(3) and (4)

Insert after clause 5(2)—

- (3) The Minister may also remove a member from office if the Minister is satisfied the member has—
 - (a) contravened clause 10, or
 - (b) a pecuniary interest that is incompatible with continued membership.
- (4) The Minister may not remove a member from office under subclause (3) unless the Minister has first given the member an opportunity to show cause why the member should not be removed from office.

[23] Schedule 1, clause 10(4)

Omit “, unless HRNSW otherwise determines”.

[24] Schedule 1, clause 10(5)

Omit the subclause.

[25] Schedule 1, clause 10(7)

Insert after clause 10(6)—

- (7) This clause applies to a member of a committee of HRNSW in relation to a meeting of the committee in the same way it applies to a member of HRNSW in relation to a meeting of HRNSW.

[26] Schedule 1, clause 16(4)

Insert after clause 16(3)—

- (4) HRNSW must make the code of conduct publicly available on its website.

[27] Schedule 2 Provisions relating to HRICG

Insert after clause 5—

5A Transaction of business outside meetings or by telecommunication

- (1) HRICG may transact business by the circulation of papers among all its members.
- (2) The papers may be circulated by email or by other means of transmission of the information in the papers.
- (3) If business is transacted by the circulation of papers, a written resolution approved in writing by a majority of the voting members is taken to be a decision of HRICG.
- (4) The resolution must be recorded in the minutes of the meetings of HRICG.
- (5) HRICG may transact business at a meeting at which members, or some members, participate by telephone or by other means but not if a member who speaks on a matter at the meeting cannot be heard by the other members.
- (6) The Chairperson and each other member have the same voting rights as they have at an ordinary meeting of HRICG for—
 - (a) the approval of a resolution under subclause (3), or
 - (b) a meeting held in accordance with subclause (5).

[28] Schedule 3 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering—

Part Provisions consequent on enactment of Racing and Gambling Legislation Amendment Act 2022

Definition

In this Part—

amending Act means the *Racing and Gambling Legislation Amendment Act 2022*.

Action after investigation of complaint

Section 27, as substituted by the amending Act, extends to an investigation commenced but not completed before the substitution.

Harness Racing Industry Consultation Group

- (1) A person who, immediately before the commencement of the amending Act, was a member of the Harness Racing Industry Consultation Group appointed under—
 - (a) section 32(1)(b)—is taken to be have been nominated by harness racing clubs that conduct more than 6 meetings in a calendar year, or
 - (b) section 32(1)(c)—is taken to have been nominated by harness racing clubs that conduct 6 or fewer meetings in a calendar year.
- (2) The person continues to hold office as a member, despite the amendments made to section 32 by the amending Act, until the office of the member becomes vacant.

Note— See Schedule 2, clause 2 for when an office of a member becomes vacant.

Appeal Panel

Part 5A does not apply in relation to a decision made before the commencement of the Part.

Schedule 4 Amendment of Racing Appeals Tribunal Act 1983 No 199

[1] Section 15B

Omit the section. Insert instead—

15B Appeals to Tribunal relating to harness racing

- (1) A person who is aggrieved by any of the following decisions may, in accordance with the regulations, appeal against the decision to the Tribunal—
 - (a) a decision of the Appeal Panel on an appeal under the *Harness Racing Act 2009*,
 - (b) a decision for which an appeal is properly made to the Appeal Panel under the *Harness Racing Act 2009* if the Appeal Panel—
 - (i) neglects or refuses to hear the appeal or
 - (ii) fails to make a decision on the appeal,
 - (c) a decision of HRNSW.
- (2) HRNSW may, in accordance with the regulations, appeal to the Tribunal against a decision referred to in subsection (1)(a) or (b).

[2] Section 20 Expenses of Tribunal

Omit section 20(1)(b). Insert instead—

- (b) for an appeal to the Tribunal under section 15A about a decision—
 - (i) of Greyhound Racing New South Wales—by Greyhound Racing New South Wales, or
 - (ii) of the Greyhound Welfare and Integrity Commission—by the Commission, or

[3] Schedule 1 Savings and transitional provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering—

Part Provisions consequent on enactment of Racing and Gambling Legislation Amendment Act 2022

Definition

In this Part—

amending Act means the *Racing and Gambling Legislation Amendment Act 2022*.

Appeals to Tribunal relating to harness racing

For a decision made before the substitution of section 15B by the amending Act, section 15B as in force immediately before the substitution continues to apply as if it had not been substituted.