



New South Wales

Racing and Gambling Legislation Amendment Bill 2022

Explanatory note

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

Overview of Bill

This Bill—

- (a) amends the *Harness Racing Act 2009* and *Greyhound Racing Act 2017* to implement recommendations from statutory reviews of those Acts
- (b) makes consequential amendments to the *Racing Appeals Tribunal Act 1983*
- (c) amends the *Betting and Racing Act 1998* to implement the National Consumer Protection Framework for Online Wagering
- (d) makes other minor amendments.

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.

Schedule 1 **Amendment of Betting and Racing Act 1998 No 114**

Schedule 1[1] enables the regulations to require a sports controlling body, prescribed under the *Betting and Racing Act 1998* (the *principal Act*), section 17B, to notify the Minister of a change in the sports controlling body's circumstances.

Schedule 1[2], [5] and [7] introduces a new Part 4A into the principal Act to gather responsible gambling provisions into a single Part.

Schedule 1[3] inserts a note about who is a licensed betting service provider.

Schedule 1[4] corrects an incorrect reference.

Schedule 1[6] permits the regulations under the principal Act to require gambling advertisements, other than printed advertisements, to contain an advisory statement.

Schedule 1[8] introduces new requirements for betting accounts, including requiring a licensed betting service provider to keep accounts private, keep records in relation to betting accounts and to provide statements to account holders. Failure to comply with the provisions is an offence with a maximum penalty of \$11,000 for an individual and \$110,000 for a corporation.

Schedule 1[8] also requires a licensed betting service provider to ensure certain individuals receive responsible gambling training and to keep records about the training. Failure to comply with the provisions is an offence with a maximum penalty of \$11,000 for an individual and \$110,000 for a corporation.

Schedule 1[9] inserts savings provisions consequent on the enactment of the proposed Act.

Schedule 2 Amendment of Greyhound Racing Act 2017 No 13

Schedule 2[1] updates the definition of *greyhound* for the *Greyhound Racing Act 2017*.

Schedule 2[2] sets out the objects of the *Greyhound Racing Act 2017*.

Schedule 2[3] updates a provision to provide that the Greyhound Welfare and Integrity Commission (the *Commission*) may, against or in relation to a relevant person, disqualify a specified greyhound, rather than disqualify and warn off a specified greyhound.

Schedule 3 Amendment of Harness Racing Act 2009 No 20

Schedule 3[1] sets out the objects of the *Harness Racing Act 2009* (the *principal Act*).

Schedule 3[2] replaces the definition of *racing official* and includes a definition of *recommended members list*.

Schedule 3[3] provides for Harness Racing New South Wales (*HRNSW*) to consist of the chief executive officer of HRNSW as well as 5 members appointed under the principal Act, section 6.

Schedule 3[4] provides for a time limit of 12 months on certain circumstances which currently prevent a person from being eligible to be a member of HRNSW.

Schedule 3[5] provides that the chief executive officer of HRNSW does not have a vote at meetings of HRNSW.

Schedule 3[6] updates provisions relating to a Selection Panel whose function is—

- (a) to prepare and provide 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.

Schedule 3[6] also omits a redundant provision.

Schedule 3[7] inserts a function of HRNSW.

Schedule 3[8] requires HRNSW to prepare and publish a stakeholder engagement plan setting out certain matters.

Schedule 3[9] allows strategic plans prepared under the principal Act, section 12 to be combined into a single strategic plan for HRNSW and the harness racing industry.

Schedule 3[10] requires the annual report of HRNSW to include certain additional matters, including the strategic plan.

Schedule 3[11] requires HRNSW to make copies of the annual report available to the public free of charge rather than at a reasonable price.

Schedule 3[12] updates a provision relating to actions the Integrity Auditor must take after the investigation of a complaint.

Schedule 3[13] requires the Integrity Auditor to provide a report summarising the outcomes of investigations undertaken by the Integrity Auditor for inclusion in the annual report.

Schedule 3[15] updates certain membership requirements for the Harness Racing Industry Consultation Group (*HRICG*).

Schedule 3[17] sets out the persons an industry body must represent to be an industry body that may nominate a member of HRICG.

Schedule 3[18] prevents a person from being eligible to be a member of HRICG if the person resides outside New South Wales, and removes a provision preventing a person from being eligible to be a member of HRICG if the person is a member of the Selection Panel.

Schedule 3[19] requires HRICG to prepare a code of conduct for its members and to make the code of conduct publicly available.

Schedule 3[20] inserts proposed Part 5A into the principal Act which provides for a person aggrieved by certain decisions of a racing authority to appeal against the decision to the Appeal Panel. The proposed Part provides for the following matters in relation to the Appeal Panel—

- (a) the procedure on appeal,
- (b) the actions the Appeal Panel may take in relation to an appeal,
- (c) the membership and constitution of the Appeal Panel, including the appointment of a principal member and the remuneration of members,
- (d) the way in which the Appeal Panel makes decisions,
- (e) the power for rules to make provision about appeals under the proposed Act.

Schedule 3[22] provides for further circumstances in which the Minister may remove a member of HRNSW from office.

Schedule 3[23] removes an ability for HRNSW to otherwise determine a prohibition on a member, who has disclosed the nature of a pecuniary interest in a matter, from being present during deliberations of HRNSW, or taking part in a decision of HRNSW, in relation to the matter.

Schedule 3[24] removes a subclause prohibiting a member who has a pecuniary interest in a matter to which a disclosure relates, for the purpose of the making of a determination by HRNSW, from being present during deliberations of HRNSW in relation to the determination or the making of the determination.

Schedule 3[25] provides that the requirement for members of HRNSW to disclose pecuniary interests 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.

Schedule 3[26] requires HRNSW to make the code of conduct adopted by HRNSW to be made publicly available on its website.

Schedule 3[27] provides for HRICG to transact business outside meetings or by telecommunication.

Schedule 3[28] inserts savings provisions consequent on the enactment of the proposed Act.

Schedule 3[14], [16] and [21] make minor amendments.

Schedule 4 Amendment of Racing Appeals Tribunal Act 1983 No 199

Schedule 4[1] updates a provision relating to appeals under the *Harness Racing Act 2009* to take account of the Appeal Panel proposed by Schedule 3[20].

Schedule 4[2] expands a provision to provide that the Greyhound Welfare and Integrity Commission is to meet the expenses incurred by the Tribunal in the exercise of its functions in an appeal to the Tribunal under the *Racing Appeals Tribunal Act 1983*, section 15A about a decision of the Commission.

Schedule 4[3] inserts savings provisions consequent on the enactment of the proposed Act.