

## **Greyhound and Harness Racing Administration Bill 2004**

### **Explanatory note**

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

#### Overview of Bill

The objects of this Bill are:

- (a) to constitute the Greyhound and Harness Racing Regulatory Authority (**the Authority**), which is to take over the functions of the Greyhound Racing Authority and the Harness Racing Authority, and
- (b) to constitute the Greyhound and Harness Racing Appeals Tribunal (**the Tribunal**), which is to take over the functions of the Greyhound Racing Appeals Tribunal and the Harness Racing Appeals Tribunal, and
- (c) to give the Authority certain powers in relation to the control and regulation of greyhound racing and harness racing, and
- (d) to update the process and procedures in relation to an appeal to the Authority or the Tribunal, and
- (e) to make consequential amendments to certain Acts.

#### 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 except for Parts 1 and 2 and Schedule 1 which commence on the date of assent.

**Clause 3** defines certain words and expressions used in the proposed Act.

##### **Part 2 Greyhound and Harness Racing Regulatory Authority**

**Clause 4** constitutes the Greyhound and Harness Racing Regulatory Authority as a body corporate that represents the Crown.

**Clause 5** sets out the membership of the Authority.

**Clause 6** provides for the appointment of a chairperson and deputy chairperson of the Authority.

**Clause 7** sets out the functions of the Authority.

**Clause 8** enables the Authority to accept, hold and administer property on trust or subject to a condition that it be applied towards certain purposes relating to the greyhound racing industry or harness racing industry and associated persons.

**Clause 9** requires the Authority to obtain the consent of the Minister to any dealings with land.

**Clause 10** enables the Authority to appoint a chief executive officer.

**Clause 11** enables the Authority to appoint other staff.

##### **Part 3 Control and regulation of greyhound and harness racing**

###### **Division 1 Registration**

**Clause 12** permits the Authority to register greyhounds, horses and persons associated with greyhound or harness racing in accordance with the rules made under proposed Division 2.

**Clause 13** permits the Authority to register bookmakers in relation to greyhound racing or harness racing or both and sets out a number of conditions in relation to a company's registration as a bookmaker under the proposed section.

**Clause 14** enables the Authority 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 15** enables the Authority to make rules for or with respect to the control and regulation of greyhound racing and sets out a number of specific rulemaking powers. The clause also provides that certain rules with respect to functions to be exercised by Greyhound Racing New South Wales (**GRNSW**) must be made on the recommendation of GRNSW.

**Clause 16** enables the Authority to make rules for or with respect to the control and regulation of harness racing and sets out a number of specific rule-making powers. The clause also provides that certain rules with respect to functions to be exercised by Harness Racing New South Wales (**HRNSW**) may only be made on the recommendation of HRNSW.

**Clause 17** permits a rule made under the proposed Division to apply generally or be limited, to apply differently according to different factors or to authorise matters determined by a specified person. However, a rule may not be made for or with respect to any of the matters for or with respect to which regulations may be made.

## **Part 4 Appeals and disciplinary inquiries**

### **Division 1 Interpretation**

**Clause 18** defines certain words and expressions used in the proposed Part.

### **Division 2 Rights and procedures concerning appeals and inquiries**

**Clause 19** provides a right of appeal to the Authority or the Tribunal, as determined by the regulations, against a decision of a steward or a greyhound or harness racing club. The proposed section also provides a right of appeal to the Tribunal against decisions of the Authority.

**Clause 20** provides for matters of procedure concerning disciplinary inquiries and appeals to the Authority under proposed section 19 (1).

**Clause 21** provides for matters of procedure concerning appeals to the Tribunal under proposed section 19 and provides that any such appeal is to be by way of a new hearing.

**Clause 22** permits the Tribunal to compel persons to give evidence or to produce any document relating to an appeal to the Tribunal.

**Clause 23** sets out the powers of the Tribunal with respect to the determination of appeals. The proposed section makes it clear that the Tribunal may vary the decision appealed against by substituting any decision that could have been made by the person or body that made the decision appealed against.

**Clause 24** provides that the Authority may conduct a special inquiry into a matter decided by the Tribunal on appeal if the Authority receives new information that may have resulted in a substantially different decision had it been given in evidence at the hearing of the appeal. After holding the special inquiry the Authority may decide to take no further action or it may decide the matter differently from the Tribunal. If the latter, the Authority's decision replaces the Tribunal's decision and is not to be the subject of an appeal.

**Clause 25** contains a regulation-making power in relation to appeals and special inquiries.

### **Division 3 Greyhound and Harness Racing Appeals Tribunal**

**Clause 26** provides for the constitution of the Greyhound and Harness Racing Appeals Tribunal.

**Clause 27** deals with the appointment of a qualified person as the Tribunal. A qualified person is a judge of any court in New South Wales (including a judicial member of the Industrial Relations Commission), a retired judge of any court or a person qualified to be appointed as a Judge of the District Court.

**Clause 28** deals with the appointment of a qualified person to act as the Tribunal.

**Clause 29** deals with the appointment of greyhound racing assessors and harness racing assessors.

**Clause 30** sets out the functions of greyhound racing assessors and harness racing assessors.

**Clause 31** gives effect to Schedule 2, which contains other provisions relating to the Tribunal.

#### **Part 5 Administration**

**Clause 32** requires the Authority to keep records for the purposes of the proposed Act, the *Greyhound Racing Act 2002* and the *Harness Racing Act 2002* in relation to its own functions and the registration functions of GRNSW and HRNSW.

**Clause 33** requires GRNSW and the Authority and HRNSW and the Authority to meet at least twice a year to co-ordinate the carrying out of their functions.

#### **Part 6 Finance**

**Clause 34** provides for the financial year of the Authority.

**Clause 35** sets out the expenses under the proposed Act for which the Authority is liable.

**Clause 36** enables the Authority to establish accounts.

**Clause 37** provides that the Authority may charge a greyhound racing club or a harness racing club for the services of a steward appointed by the Authority and allows the Authority to determine the fees and charges payable for registration or for the transaction of other business with the Authority under the proposed Act or any other Act.

**Clause 38** requires the Authority to prepare, and submit to the Minister for approval, an annual budget that identifies the proportion of the budget that relates to greyhound racing and the proportion that relates to harness racing. The funding is to be provided to the Authority by GRNSW and HRNSW in those proportions.

**Clause 39** provides that the Authority is to provide financial reports to the Minister at such times as the Minister may determine.

#### **Part 7 Miscellaneous**

**Clause 40** provides that the Authority must investigate, and provide a report on, any matter relevant to greyhound or harness racing when directed by the Minister and may investigate and report on any such matter on its own motion.

**Clause 41** enables the Authority to require the production of records relating to the affairs of any greyhound racing club, greyhound trial track or harness racing club.

**Clause 42** makes it an offence to disclose information obtained in connection with the administration of the proposed Act, the *Greyhound Racing Act 2002* or the *Harness Racing Act 2002*, except in certain circumstances or to certain persons.

**Clause 43** enables the Authority to delegate certain functions.

**Clause 44** protects members of the Authority and other specified persons from personal liability for things done or omitted to be done in good faith for the purposes of executing the proposed Act or any other Act.

**Clause 45** provides for the authentication of certain documents by the Authority.

**Clause 46** deals with certain evidentiary matters.

**Clause 47** provides for the service of instruments under the proposed Act.

**Clause 48** enables the Authority to recover money owing as a debt.

**Clause 49** provides for proceedings for offences against the proposed Act to be dealt with summarily before a Local Court.

**Clause 50** enables regulations to be made for the purposes of the proposed Act.

**Clause 51** repeals the *Greyhound Racing (Appeals) Regulation 1999* and the

*Harness Racing (Appeals) Regulation 1999.*

**Clause 52** gives effect to Schedule 3, which amends various other Acts consequentially.

**Clause 53** gives effect to Schedule 4, which contains savings and transitional provisions.

**Clause 54** provides for the Minister to review the proposed Act as soon as possible after 5 years from the date of assent and to report to Parliament on the review.

**Schedule 1 Provisions relating to Authority**

**Schedule 1** contains provisions relating to the members and procedure of the Authority, including terms of office and vacation of office of members, disclosure of pecuniary interests and preparation by the Authority of a code of conduct for members, deputy members and staff of the Authority.

**Schedule 2 Provisions relating to Tribunal**

**Schedule 2** contains provisions relating to persons appointed as the Tribunal and greyhound racing assessors and harness racing assessors, including terms of office and vacation of office.

**Schedule 3 Amendment of Acts**

**Schedule 3** contains consequential amendments to other Acts.

**Schedule 4 Savings, transitional and other provisions**

**Schedule 4** enables savings and transitional regulations to be made consequent on the enactment of the proposed Act and contains other specific savings and transitional provisions.