

RACING APPEALS TRIBUNAL (AMENDMENT) BILL, 1985

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Harness Racing Authority (Amendment) Bill, 1985, is cognate with this Bill.

The objects of this Bill are—

- (a) to enable the appointment as the Racing Appeals Tribunal of a judge of any court (including the Industrial Commission of New South Wales) instead of only the District Court—the existing provision which enables the appointment of a person qualified to be appointed as a Judge of the District Court is being retained (Schedule 1 (1) (c));
 - (b) to provide for the appointment of assessors to assist and advise the Racing Appeals Tribunal, but not to adjudicate on any matter before that Tribunal (Schedule 1 (3));
 - (c) to revise a reference to the Trotting Appeals Tribunal as a consequence of the change in the name of that Tribunal (Schedule 1 (2));
 - (d) to delete a provision that no longer has any application (Schedule 1 (9)); and
 - (e) to make other provisions of a minor, ancillary or consequential nature.
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RACING APPEALS TRIBUNAL (AMENDMENT) BILL, 1985

No. , 1985.

A BILL FOR

An Act to amend the Racing Appeals Tribunal Act, 1983, in relation to the persons who may be appointed as the Racing Appeals Tribunal and to the appointment of assessors to that Tribunal, and for other purposes.

See also Harness Racing Authority (Amendment) Bill, 1985.

Racing Appeals Tribunal (Amendment) 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Racing Appeals Tribunal (Amendment) Act, 1985".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence on 10 the date of assent to this Act.

(2) Schedule 1 (2), and section 3 in its application to that provision, shall commence or shall be deemed to have commenced, as the case may require, on the day on which the Trotting Authority (Change of Names) Amendment Act, 1985, commences.

15 Amendment of Act No. 199, 1983.

3. The Racing Appeals Tribunal Act, 1983, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

20 AMENDMENT TO THE RACING APPEALS TRIBUNAL ACT, 1983.

(1) (a) Section 4 (1), definition of "assessor"—

Before the definition of "Club", insert:—

"assessor" means a person appointed as an assessor of the Tribunal under section 8A;

25 (b) Section 4 (1), definition of "court"—

After the definition of "Club", insert:—

"court" includes the Industrial Commission of New South Wales;

Racing Appeals Tribunal (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENT TO THE RACING APPEALS TRIBUNAL ACT, 1983—*continued.*

(c) Section 4 (1), definition of “qualified person”—

5 Omit “Judge of the District Court” where firstly occurring,
insert instead “judge of any court”.

(2) Section 8—

Omit “Trotting Appeals Tribunal constituted by the Trotting Authority Act, 1977”, insert instead “Harness Racing Appeals Tribunal constituted by the Harness Racing Authority Act, 1977”.

10 (3) Sections 8A, 8B—

After section 8, insert:—

Appointment of assessors.

15 8A. The Minister may, for the purposes of this Act, appoint persons who, in the opinion of the Minister, have special knowledge of, and experience in, the racing industry to be assessors of the Tribunal.

Functions of assessors.

8B. (1) The Tribunal may, in hearing appeals under this Act, be assisted by one or more assessors.

20 (2) An assessor assisting the Tribunal as referred to in subsection (1) may assist and advise the Tribunal, but shall not adjudicate on any matter before the Tribunal.

(4) Sections 9, 10—

Omit the sections, insert instead:—

25 **Age of Tribunal or assessors.**

9. A person of or above the age of 70 years is not eligible to be appointed—

(a) as, or to act as, the Tribunal; or

(b) as an assessor.

Racing Appeals Tribunal (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENT TO THE RACING APPEALS TRIBUNAL ACT, 1983—*continued.*

Terms of office.

10. Subject to this Act, a person appointed as—

- 5 (a) the Tribunal; or
(b) an assessor,

shall hold office for such period, not exceeding 3 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

10 (5) (a) Section 11—

Omit “Judge of the District Court” where firstly occurring in subsections (1), (2) and (3), insert instead “judge of any court”.

(b) Section 11—

- 15 Omit “Judge of the District Court” where secondly occurring in subsections (1), (2) and (3), insert instead “judge of that court”.

(6) Section 12—

Omit the section, insert instead:—

Remuneration.

- 20 12. A person (not being a judge of any court) holding office as, or acting as, the Tribunal and an assessor are entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of each of them.

25 (7) (a) Section 13 (1)—

Omit “Judge of the District Court” where firstly occurring, insert instead “judge of any court”.

Racing Appeals Tribunal (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENT TO THE RACING APPEALS TRIBUNAL ACT, 1983—*continued.*

(b) Section 13 (1) (a)—

5 Omit “Judge of the District Court”, insert instead “judge of that court”.

(c) Section 13 (2)—

Omit “Judge of the District Court”, insert instead “judge of any court”.

(d) Section 13 (2)—

10 After “Tribunal”, insert “or a person holding office as an assessor”.

(e) Section 13 (3)—

Omit the subsection, insert instead:—

(3) The Minister may remove from office—

15 (a) a person (not being a judge of any court) holding office as, or appointed to act as, the Tribunal; or

(b) an assessor,

(8) Section 14 (1)—

Omit the subsection, insert instead:—

20 (1) The Public Service Act, 1979, does not apply to or in respect of the appointment of—

(a) a person as, or to act as, the Tribunal; or

(b) an assessor,

25 and a person holding office as, or acting as, the Tribunal or an assessor is not, as the Tribunal or an assessor, subject to that Act.

Racing Appeals Tribunal (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENT TO THE RACING APPEALS TRIBUNAL ACT, 1983—*continued.*

(9) Section 21—

Omit the section.

5 (10) Section 22—

Omit “a court of petty sessions constituted by a stipendiary magistrate”, insert instead “a Local Court constituted by a Magistrate”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

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 - (b) to provide for the appointment of assessors to assist and advise the Racing Appeals Tribunal, but not to adjudicate on any matter before that Tribunal (Schedule 1 (3));
 - (c) to revise a reference to the Trotting Appeals Tribunal as a consequence of the change in the name of that Tribunal (Schedule 1 (2));
 - (d) to delete a provision that no longer has any application (Schedule 1 (9));
and
 - (e) to make other provisions of a minor, ancillary or consequential nature.
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Racing Appeals Tribunal (Amendment) 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Racing Appeals Tribunal (Amendment) Act, 1985".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Schedule 1 (2), and section 3 in its application to that provision, shall commence or shall be deemed to have commenced, as the case may require, on the day on which the Trotting Authority (Change of Names) Amendment Act, 1985, commences.

15 Amendment of Act No. 199, 1983.

3. The Racing Appeals Tribunal Act, 1983, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

20 **AMENDMENTS TO THE RACING APPEALS TRIBUNAL ACT, 1983.**

(1) (a) Section 4 (1), definition of "assessor"—

Before the definition of "Club", insert:—

"assessor" means a person appointed as an assessor of the Tribunal under section 8A;

25 **(b)** Section 4 (1), definition of "court"—

After the definition of "Club", insert:—

"court" includes the Industrial Commission of New South Wales;

Racing Appeals Tribunal (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE RACING APPEALS TRIBUNAL ACT, 1983—*continued.*

(c) Section 4 (1), definition of “qualified person”—

5 Omit “Judge of the District Court” where firstly occurring,
insert instead “judge of any court”.

(2) Section 8—

Omit “Trotting Appeals Tribunal constituted by the Trotting Authority Act, 1977”, insert instead “Harness Racing Appeals Tribunal constituted by the Harness Racing Authority Act, 1977”.

10 (3) Sections 8A, 8B—

After section 8, insert:—

Appointment of assessors.

15 8A. The Minister may, for the purposes of this Act, appoint persons who, in the opinion of the Minister, have special knowledge of, and experience in, the racing industry to be assessors of the Tribunal.

Functions of assessors.

8B. (1) The Tribunal may, in hearing appeals under this Act, be assisted by one or more assessors.

20 (2) An assessor assisting the Tribunal as referred to in subsection (1) may assist and advise the Tribunal, but shall not adjudicate on any matter before the Tribunal.

(4) Sections 9, 10—

Omit the sections, insert instead:—

25 **Age of Tribunal or assessors.**

9. A person of or above the age of 70 years is not eligible to be appointed—

(a) as, or to act as, the Tribunal; or

(b) as an assessor.

Racing Appeals Tribunal (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE RACING APPEALS TRIBUNAL ACT, 1983—*continued.*

Terms of office.

10. Subject to this Act, a person appointed as—

- 5 (a) the Tribunal; or
 (b) an assessor,

shall hold office for such period, not exceeding 3 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

10 (5) (a) Section 11—

Omit “Judge of the District Court” where firstly occurring in subsections (1), (2) and (3), insert instead “judge of any court”.

(b) Section 11—

15 Omit “Judge of the District Court” where secondly occurring in subsections (1), (2) and (3), insert instead “judge of that court”.

(6) Section 12—

Omit the section, insert instead:—

Remuneration.

20 12. A person (not being a judge of any court) holding office as, or acting as, the Tribunal and an assessor are entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of each of them.

25 (7) (a) Section 13 (1)—

Omit “Judge of the District Court” where firstly occurring, insert instead “judge of any court”.

*Racing Appeals Tribunal (Amendment) 1985*SCHEDULE 1—*continued.*AMENDMENTS TO THE RACING APPEALS TRIBUNAL ACT, 1983—*continued.*

(b) Section 13 (1) (a)—

5 Omit “Judge of the District Court”, insert instead “judge of that court”.

(c) Section 13 (2)—

Omit “Judge of the District Court”, insert instead “judge of any court”.

(d) Section 13 (2)—

10 After “Tribunal”, insert “or a person holding office as an assessor”.

(e) Section 13 (3)—

Omit the subsection, insert instead:—

(3) The Minister may remove from office—

- 15 (a) a person (not being a judge of any court) holding office as, or appointed to act as, the Tribunal; or
(b) an assessor,

(8) Section 14 (1)—

Omit the subsection, insert instead:—

20 (1) The Public Service Act, 1979, does not apply to or in respect of the appointment of—

- (a) a person as, or to act as, the Tribunal; or
(b) an assessor,

25 and a person holding office as, or acting as, the Tribunal or an assessor is not, as the Tribunal or an assessor, subject to that Act.

Racing Appeals Tribunal (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE RACING APPEALS TRIBUNAL ACT, 1983—*continued.*

(9) Section 21—

Omit the section.

5 (10) Section 22—

Omit “a court of petty sessions constituted by a stipendiary magistrate”, insert instead “a Local Court constituted by a Magistrate”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

**RACING APPEALS TRIBUNAL (AMENDMENT) ACT,
1985, No. 35**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 35, 1985.

An Act to amend the Racing Appeals Tribunal Act, 1983, in relation to the persons who may be appointed as the Racing Appeals Tribunal and to the appointment of assessors to that Tribunal, and for other purposes. [Assented to, 26th April, 1985.]

See also Harness Racing Authority (Amendment) Act, 1985.

Racing Appeals Tribunal (Amendment) 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Racing Appeals Tribunal (Amendment) Act, 1985".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Schedule 1 (2), and section 3 in its application to that provision, shall commence or shall be deemed to have commenced, as the case may require, on the day on which the Trotting Authority (Change of Names) Amendment Act, 1985, commences.

Amendment of Act No. 199, 1983.

3. The Racing Appeals Tribunal Act, 1983, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE RACING APPEALS TRIBUNAL ACT, 1983.

(1) (a) Section 4 (1), definition of "assessor"—

Before the definition of "Club", insert:—

"assessor" means a person appointed as an assessor of the Tribunal under section 8A;

(b) Section 4 (1), definition of "court"—

After the definition of "Club", insert:—

"court" includes the Industrial Commission of New South Wales;

Racing Appeals Tribunal (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE RACING APPEALS TRIBUNAL ACT, 1983—*continued.*

(c) Section 4 (1), definition of “qualified person”—

Omit “Judge of the District Court” where firstly occurring, insert instead “judge of any court”.

(2) Section 8—

Omit “Trotting Appeals Tribunal constituted by the Trotting Authority Act, 1977”, insert instead “Harness Racing Appeals Tribunal constituted by the Harness Racing Authority Act, 1977”.

(3) Sections 8A, 8B—

After section 8, insert:—

Appointment of assessors.

8A. The Minister may, for the purposes of this Act, appoint persons who, in the opinion of the Minister, have special knowledge of, and experience in, the racing industry to be assessors of the Tribunal.

Functions of assessors.

8B. (1) The Tribunal may, in hearing appeals under this Act, be assisted by one or more assessors.

(2) An assessor assisting the Tribunal as referred to in subsection (1) may assist and advise the Tribunal, but shall not adjudicate on any matter before the Tribunal.

(4) Sections 9, 10—

Omit the sections, insert instead:—

Age of Tribunal or assessors.

9. A person of or above the age of 70 years is not eligible to be appointed—

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Racing Appeals Tribunal (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE RACING APPEALS TRIBUNAL ACT, 1983—*continued.*

Terms of office.

10. Subject to this Act, a person appointed as—

- (a) the Tribunal; or
- (b) an assessor,

shall hold office for such period, not exceeding 3 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

(5) (a) Section 11—

Omit “Judge of the District Court” where firstly occurring in subsections (1), (2) and (3), insert instead “judge of any court”.

(b) Section 11—

Omit “Judge of the District Court” where secondly occurring in subsections (1), (2) and (3), insert instead “judge of that court”.

(6) Section 12—

Omit the section, insert instead:—

Remuneration.

12. A person (not being a judge of any court) holding office as, or acting as, the Tribunal and an assessor are entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of each of them.

(7) (a) Section 13 (1)—

Omit “Judge of the District Court” where firstly occurring, insert instead “judge of any court”.

Racing Appeals Tribunal (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE RACING APPEALS TRIBUNAL ACT, 1983—*continued.*

(b) Section 13 (1) (a)—

Omit “Judge of the District Court”, insert instead “judge of that court”.

(c) Section 13 (2)—

Omit “Judge of the District Court”, insert instead “judge of any court”.

(d) Section 13 (2)—

After “Tribunal”, insert “or a person holding office as an assessor”.

(e) Section 13 (3)—

Omit the subsection, insert instead:—

(3) The Minister may remove from office—

(a) a person (not being a judge of any court) holding office as, or appointed to act as, the Tribunal; or

(b) an assessor,

(8) Section 14 (1)—

Omit the subsection, insert instead:—

(1) The Public Service Act, 1979, does not apply to or in respect of the appointment of—

(a) a person as, or to act as, the Tribunal; or

(b) an assessor,

and a person holding office as, or acting as, the Tribunal or an assessor is not, as the Tribunal or an assessor, subject to that Act.

Racing Appeals Tribunal (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE RACING APPEALS TRIBUNAL ACT, 1983—*continued.*

(9) Section 21—

Omit the section.

(10) Section 22—

Omit “a court of petty sessions constituted by a stipendiary magistrate”, insert instead “a Local Court constituted by a Magistrate”.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 26th April, 1985.*



