

**HARNESS RACING AUTHORITY (APPEALS) AMENDMENT
ACT 1991 No. 78**

NEW SOUTH WALES



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**HARNESS RACING AUTHORITY (APPEALS) AMENDMENT
ACT 1991 No. 78**

NEW SOUTH WALES



Act No. 78, 1991

An Act to amend the Harness Racing Authority Act 1977 to enable an inquiry to be conducted, in certain circumstances, into a matter decided on appeal to the Harness Racing Appeals Tribunal; and for other purposes. [Assented to 17 December 1991]

Harness Racing Authority (Appeals) Amendment 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Harness Racing Authority (Appeals) Amendment Act 1991.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Harness Racing Authority Act 1977 No. 57

3. The Harness Racing Authority Act 1977 is amended as set out in Schedules 1 and 2.

SCHEDULE 1—AMENDMENTS RELATING TO APPEALS

(Sec. 3)

(1) Section 19 (Appeals to Tribunal):

After section 19 (3), insert:

(4) This section does not preclude the operation of section 19A.

(2) Section 19A:

After section 19, insert:

Special inquiry following appeal to Tribunal

19A. (1) The Authority may institute a special inquiry into a matter decided on appeal to the Tribunal under section 19 if the Authority:

- (a) receives information that was not available as evidence at the hearing of the appeal; and
- (b) is satisfied that the information may have resulted in a substantially different decision if it had been given in evidence at the hearing of the appeal.

(2) In instituting a special inquiry, the Authority is to determine whether the inquiry is to be held by the Authority, by stewards of the Authority or by a person appointed by the Authority for the purpose, and the inquiry is to be held in accordance with the determination.

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*continued***

(3) If a special inquiry is held by the stewards or a person appointed by the Authority, the result of the inquiry is to be reported in writing to the Authority by the stewards or appointed person.

(4) After considering the result of a special inquiry, the Authority may:

- (a) decide to take no further action; or
- (b) make a decision that differs from the decision of the Tribunal on the matter the subject of the inquiry, in which case the different decision has effect instead of the decision of the Tribunal.

(5) Section 19 does not apply to a decision made under this section.

(3) Section 20 (Regulations respecting appeals and inquiries):

- (a) After section 20 (1) (b), insert:
 - (b1) special inquiries instituted by the Authority under section 19A;
- (b) After “thisAct” wherever occurring in section 20 (1) (c), (d) and (e), insert “and special inquiries under section 19A”.
- (c) After “this Act” in section 20 (1) (c1), insert “, or the subject of a special inquiry under section 19A,”.
- (d) After “appeal” in section 20 (1) (c1), insert “or inquiry”.

**SCHEDULE 2—AMENDMENTS RELATING TO
DELEGATIONS**

(Sec. 3)

(1) Section 13C:

Omit the section, insert instead:

Delegation by Minister

13C. The Minister may delegate to the Authority the power of the Minister to give an approval or direction under section 13A (4) (a) or 13B (4) (a).

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SCHEDULE 2—AMENDMENTS RELATING TO DELEGATIONS
continued

(2) Section 21:

Omit the section, insert instead:

Delegation by Authority

21. The Authority may delegate to a person any of its functions, other than:

- (a) this power of delegation; and
- (b) a function exercisable under section 8 (2) (d); and
- (c) a function delegated to the Authority by the Minister under section 13C; and
- (d) a function exercisable under section 19A.

*[Minister's second reading speech made in—
Legislative Assembly on 14 November 1991
Legislative Council on 10 December 1991]*