



New South Wales

# Harness Racing Legislation Amendment Act 1996 No 90

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New South Wales

## **Harness Racing Legislation Amendment Act 1996 No 90**

Act No 90, 1996

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An Act to amend the *Harness Racing Authority Act 1977* to increase the number of members and change the name of the Authority, to increase penalties, to repeal redundant provisions and to make miscellaneous amendments; to make consequential amendments to Acts and instruments; and for other purposes. [Assented to 25 November 1996]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Harness Racing Legislation Amendment Act 1996*.

**2 Commencement**

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

**3 Amendment of Harness Racing Authority Act 1977 No 57**

The *Harness Racing Authority Act 1977* is amended as set out in Schedule 1.

**4 Consequential amendment of Acts and instruments**

The Acts and instruments specified in Schedule 2 are amended as set out in that Schedule.

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## **Schedule 1    Amendment of Harness Racing                          Authority Act 1977**

(Section 3)

**[1]    Long title**

Omit “the Harness Racing Authority of New South Wales”.  
Insert instead “Harness Racing New South Wales”.

**[2]    Long title**

Omit “the Authority”.  
Insert instead “Harness Racing New South Wales”.

**[3]    Section 1 Name of Act**

Omit “Harness Racing Authority”.  
Insert instead “Harness Racing New South Wales”.

**[4]    Section 3 Division of Act**

Omit the section.

**[5]    Section 4 Definitions**

Omit “Authority” from the definitions of *Assistance Fund*,  
*Benevolent Fund* and *Fund* wherever occurring.

**[6]    Section 4 definition of “Authority”**

Omit the definition.

**[7]    Section 4 definition of “Chairman”**

Omit the definition. Insert instead:

*Chairperson* means the Chairperson of HRNSW.

**[8] Section 4 definition of “HRNSW”**

Insert in alphabetical order:

*HRNSW* means Harness Racing New South Wales constituted by this Act.

**[9] Section 5 Constitution of HRNSW**

Omit “the ‘Harness Racing Authority of” from section 5 (1).  
Insert instead “ ‘Harness Racing”.

**[10] Section 6 Members of HRNSW**

Omit “5” from section 6 (1). Insert instead “7”.

**[11] Section 6 (2)**

Omit “Chairman”. Insert instead “Chairperson”.

**[12] Section 7 Staff**

Omit “secretary” wherever occurring.  
Insert instead “General Manager”.

**[13] Section 8 Functions of HRNSW**

Insert after section 8 (2) (d) (ii):

(ia) to appoint, with the approval of the Minister, an administrator to conduct the affairs of a harness racing club,

**[14] Section 8 (2) (d) (viiiia)**

Insert after section 8 (2) (d) (viii):

(viiiia) to prohibit a person from attending at or taking part in a harness racing meeting,

**[15] Section 8 (2) (ix)**

Omit “20 penalty units”. Insert instead “200 penalty units”.

**[16] Section 9 HRNSW may make rules**

Omit section 9 (1) (b).

**[17] Section 9 (1) (f)**

Omit the paragraph. Insert instead:

- (f) the charges payable by a harness racing club or harness racing association for services provided by HRNSW, and

**[18] Section 11 Harness Racing Fund**

Omit “Harness Racing Authority Fund” from section 11 (1).  
Insert instead “Harness Racing Fund”.

**[19] Section 12 Affiliation fee payable by harness racing club or harness racing association to Authority**

Omit the section.

**[20] Section 13A Harness Racing Assistance Fund**

Omit “Harness Racing Authority Assistance Fund” from section 13A (1).  
Insert instead “Harness Racing Assistance Fund”.

**[21] Section 13B Harness Racing Benevolent Fund**

Omit “Harness Racing Authority Benevolent Fund” from section 13B (1).  
Insert instead “Harness Racing Benevolent Fund”.

**[22] Section 22 Authentication of process**

Omit “Chairman”. Insert instead “Chairperson”.

**[23] Section 26 Annual report**

Omit “30th September” from section 26 (1).  
Insert instead “31st October”.

**[24] Section 27 Regulations**

Omit “5 penalty units” from section 27 (3).  
Insert instead “20 penalty units”.

**[25] Section 29**

Insert after section 28:

**29 Savings and transitional provisions**

Schedule 5 has effect.

**[26] Schedule 1 Provisions relating to the members of HRNSW**

Omit “Chairman” from clauses 3 and 4 wherever occurring.  
Insert instead “Chairperson”.

**[27] Schedule 1, clause 4**

Omit “, from time to time,” from clause 4 (1) and (3) wherever occurring.

**[28] Schedule 1, clause 10**

Omit “the *Public Service Act 1979*”.  
Insert instead “Part 2 of the *Public Sector Management Act 1988*”.

**[29] Schedule 2 Provisions relating to the procedure of HRNSW**

Omit “Three” from clause 2 (Quorum).  
Insert instead “Four”.

**[30] Schedule 2, clause 3 (1)**

Omit clause 3 (1). Insert instead:

- (1) The Chairperson or, if the Chairperson is not present, the person appointed to act in the office of the Chairperson under clause 4 of Schedule 1 is to preside at a meeting of the Authority.
- (2) If neither the Chairperson nor a person so appointed are present, another member elected as chairperson for the meeting by the members present is to preside at the meeting.

**[31] Schedule 2, clause 3 (2)**

Re-number existing clause 3 (2) as clause 3 (3).

**[32] Schedule 2, clause 3 (3) (as so renumbered)**

Omit “chairman”. Insert instead “chairperson”.

**[33] Schedule 5**

Insert after Schedule 4:

**Schedule 5 Savings and transitional provisions**

**Part 1 Preliminary**

**1 Savings and transitional regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

*Harness Racing Legislation Amendment Act 1996*



- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or from a later date.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

## **Part 2 Harness Racing Legislation Amendment Act 1996**

### **2 Meaning of “1996 Amending Act”**

In this Part:

*1996 Amending Act* means the *Harness Racing Legislation Amendment Act 1996*.

### **3 Current members of Authority not affected**

The amendments made to section 6 by the 1996 Amending Act do not affect the appointment or term of office of members of the Authority holding office as at the commencement of the amendments.

### **4 Change of name of Authority and Funds**

- (1) The change of name by the 1996 Amending Act of the corporation constituted by this Act does not affect the identity or continuity of status of that corporation.
- (2) The change of name by the 1996 Amending Act of the Assistance Fund, the Benevolent Fund and the Fund does not affect the identity or continuity of those funds.

- (3) A reference in any other Act, in any instrument made under an Act or in any document of any other kind to the Harness Racing Authority is (to the extent that it relates to acts, matters or things occurring after the change of name of that Authority) to be read as a reference to Harness Racing New South Wales constituted by this Act.

### **5 Change of “Chairman” to “Chairperson”**

The amendments made by the 1996 Amending Act to change “Chairman” to “Chairperson” do not affect the continuity of appointment of the person holding office as Chairman at the commencement of the amendments.

### **6 Penalty increase**

The amendment of section 8 (2) (d) (ix) by the 1996 Amending Act to increase the maximum fine that can be imposed by HRNSW under the rules does not extend to acts or omissions occurring before the commencement of the amendment.

### **7 Annual report**

The amendment of section 26 by the 1996 Amending Act extends to the report under that section for the 12 months preceding 30 June that occurs immediately before the commencement of the amendment.

### **[34] Whole Act**

Omit “The Authority”, “the Authority” and “THE AUTHORITY” wherever occurring (except where being otherwise amended by this Act).

Insert instead “HRNSW”.

## **Schedule 2 Consequential amendment of Acts and instruments**

(Section 4)

### **2.1 Bookmakers (Taxation) Act 1917 No 15**

#### **Section 2 Definitions**

Omit “the Harness Racing Authority of New South Wales” from the definition of *Registration authority*.

Insert instead “Harness Racing New South Wales”.

### **2.2 First State Superannuation Act 1992 No 100**

#### **Schedule 1 Employers**

Omit “Harness Racing Authority” from Part 1 (The Crown and other employers).

Insert instead “Harness Racing New South Wales”.

### **2.3 Gaming and Betting Act 1912 No 25**

#### **[1] Section 57F Certain persons prohibited from entering racecourses**

Omit “the Harness Racing Authority” from section 57F (3).

Insert instead “Harness Racing New South Wales”.

#### **[2] Section 57I Harness racing on showgrounds**

Omit “the Harness Racing Authority” from section 57I (1).

Insert instead “Harness Racing New South Wales”.

## **2.4 Harness Racing Authority (Appeals) Regulation 1994**

### **[1] Clause 1 Citation**

Omit “Authority”. Insert instead “New South Wales”.

### **[2] Clause 4 Definitions**

Omit “the Authority” from the definition of *General Manager*.  
Insert instead “Harness Racing New South Wales”.

### **[3] Clause 4**

Omit “Authority” from the definition of *the Act*.  
Insert instead “New South Wales”.

### **[4] Part 2, heading**

Omit “AUTHORITY”.  
Insert instead “HARNESS RACING NEW SOUTH WALES”.

### **[5] Clauses 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 22, 27, 29**

Omit “The Authority” and “the Authority” wherever occurring.  
Insert instead “HRNSW”.

### **[6] Clause 30 Persons required to attend hearings or produce documents**

Omit “The Authority or” and “the Authority or” wherever occurring.  
Insert instead “HRNSW or the”.

### **[7] Clause 31 False statements**

Omit “the Authority or”. Insert instead “HRNSW or the”.

## **2.5 Lotteries and Art Unions Act 1901 No 34**

### **Section 4D Sweepstakes in relation to the Melbourne Cup and other events**

Omit “Harness Racing Authority Act” from paragraph (g) of the definition of *prescribed organisation* in section 4D (1).  
Insert instead “Harness Racing New South Wales Act”.

## **2.6 Public Authorities (Financial Arrangements) Act 1987 No 33**

### **Schedule 1 Authorities**

Omit “Harness Racing Authority of New South Wales”.  
Insert instead “Harness Racing New South Wales”.

## **2.7 Public Authorities (Financial Arrangements) Regulation 1995**

### **Schedule 1 Part 1 investment powers**

Omit “Harness Racing Authority”.  
Insert instead “Harness Racing New South Wales”.

## **2.8 Public Authorities Superannuation Act 1985 No 41**

### **Schedule 3 Employers**

Omit “The Harness Racing Authority of New South Wales” from Part 2.  
Insert instead “Harness Racing New South Wales”.

## **2.9 Public Finance and Audit Act 1983 No 152**

### **Schedule 2 Statutory bodies**

Omit “Harness Racing Authority of New South Wales”.  
Insert instead “Harness Racing New South Wales”.

## **2.10 Public Sector Management Act 1988 No 33**

### **[1] Schedule 3 Declared authorities**

Omit “Harness Racing Authority of New South Wales”.  
Insert instead “Harness Racing New South Wales”.

### **[2] Schedule 3A Chief executive positions**

Omit “the Harness Racing Authority of New South Wales” from  
Part 3.  
Insert instead “Harness Racing New South Wales”.

## **2.11 Racing Appeals Tribunal Act 1983 No 199**

### **Section 8 Harness Racing Appeals Tribunal may be appointed as Tribunal**

Omit “Harness Racing Authority Act”.  
Insert instead “Harness Racing New South Wales Act”.

## **2.12 State Authorities Non-contributory Superannuation Act 1987No212**

### **Schedule 1 Employers**

Omit “Harness Racing Authority of New South Wales” from Part 1.  
Insert instead “Harness Racing New South Wales”.

**2.13 State Authorities Superannuation Act 1987 No 211**

**Schedule 1 Employers**

Omit “Harness Racing Authority of New South Wales” from Part 1.  
Insert instead “Harness Racing New South Wales”.

**2.14 Superannuation Act 1916 No 28**

**Schedule 3 List of Employers**

Omit “Harness Racing Authority of New South Wales” from Part 1.  
Insert instead “Harness Racing New South Wales”.

**2.15 Totalizator Act 1916 No 75**

**Section 19A Racecourse Development Fund**

Omit “the Harness Racing Authority of New South Wales” from section 19A (5).  
Insert instead “Harness Racing New South Wales”.

**2.16 Totalizator (Off-course Betting) Act 1964 No 1**

**[ 1 ] Section 3 Constitution of Board**

Omit “the Harness Racing Authority of New South Wales nominated by that Authority” from section 3 (2) (d).  
Insert instead “Harness Racing New South Wales nominated by that body”.

**[ 2 ] Section 3 (6) (i)**

Omit “the Harness Racing Authority of New South Wales”.  
Insert instead “Harness Racing New South Wales”.

**[3] Section 14 Application of Totalizator Act 1916 to payments by and to the Board**

Omit “the Harness Racing Authority of New South Wales” from section 14 (3) (c).

Insert instead “Harness Racing New South Wales”.

**[4] Section 14B Financial scheme for distribution of surplus commission**

Omit “the Harness Racing Authority of New South Wales” from section 14B (1).

Insert instead “Harness Racing New South Wales”.

**[5] Section 16 Board to hold residue in trust**

Omit “the Harness Racing Authority of New South Wales”.

Insert instead “Harness Racing New South Wales”.

**[6] Section 16**

Omit “Authority” where secondly occurring. Insert instead “body”.

**2.17 Totalizator Rule 1993**

**[1] Clause 3 Definitions**

Omit “the Harness Racing Authority of New South Wales” from the definition of *Rules of Racing*.

Insert instead “Harness Racing New South Wales”.



**[2] Clause 3 (1), definition of “Stewards”**

Omit “the Harness Racing Authority of New South Wales”.

Insert instead “Harness Racing New South Wales”.

[Minister’s second reading speech made in—  
Legislative Assembly on 30 October 1996  
Legislative Council on 13 November 1996]