



New South Wales

# Thoroughbred Racing Board Amendment Act 1998 No 66

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New South Wales

## **Thoroughbred Racing Board Amendment Act 1998 No 66**

Act No 66, 1998

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An Act to amend the *Thoroughbred Racing Board Act 1996* in relation to the conduct of inquiries by the NSW Thoroughbred Racing Board; to amend that Act and the *Racing Appeals Tribunal Act 1983* in relation to appeals from certain decisions of the Board; to amend the *Defamation Act 1974* in relation to defences for a publication with respect to proceedings or reports of inquiries conducted by the Board; and for related purposes. [Assented to 30 June 1998]

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

**1 Name of Act**

This Act is the *Thoroughbred Racing Board Amendment Act 1998*.

**2 Commencement**

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

**3 Amendment of Thoroughbred Racing Board Act 1996 No 37**

The *Thoroughbred Racing Board Act 1996* is amended as set out in Schedule 1.

**4 Amendment of Racing Appeals Tribunal Act 1983 No 199**

The *Racing Appeals Tribunal Act 1983* is amended as set out in Schedule 2.

**5 Amendment of Defamation Act 1974 No 18**

The *Defamation Act 1974* is amended as set out in Schedule 3.

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## **Schedule 1    Amendment of Thoroughbred Racing Board Act 1996**

(Section 3)

### **[1]    Section 19 Procedure**

Insert after subsection (1):

- (1A) Proceedings in respect of an inquiry conducted by the Board may be conducted in public or in private, or partly in public and partly in private, as the Board may decide.
- (1B) In conducting an inquiry, the Board may examine any witness on oath or affirmation, or by use of a statutory declaration.

### **[2]    Section 42 Right of appeal**

Omit section 42 (2) (b).

### **[3]    Schedule 1 Savings and transitional provisions**

Insert at the end of clause 3 (1):

*Thoroughbred Racing Board Amendment Act 1998*

### **[4]    Schedule 1, Part 6**

Insert after clause 22:

#### **Part 6    Provision consequent on enactment of Thoroughbred Racing Board Amendment Act 1998**

##### **23 Pending appeals**

An appeal from a decision of the Board that is pending immediately before the commencement of Schedule 1 [2] to the *Thoroughbred Racing Board Amendment Act 1998* is to continue to be heard and determined, and the decision on the appeal given effect to, as if that Act had not been enacted.

## **Schedule 2 Amendment of Racing Appeals Tribunal Act 1983**

(Section 4)

### **[1] Section 15 Appeals to Tribunal**

Insert at the end of section 15 (b):

, or

(c) a decision of the Board,

### **[2] Section 24**

Insert after section 23:

#### **24 Savings and transitional provisions**

Schedule 1 has effect.

### **[3] Schedule 1**

Insert at the end of the Act:

#### **Schedule 1 Savings and transitional provisions**

(Section 24)

##### **1 Savings and transitional regulations**

- (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the *Thoroughbred Racing Board Amendment Act 1998*.
- (2) A provision of a regulation authorised by this clause may, if the regulations so provide, take effect on the date of assent to that Act or a later date.

- (3) To the extent to which a provision of a regulation authorised by this clause takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate:
- (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.

## **2 Pending appeals**

The amendment made by Schedule 2 [1] to the *Thoroughbred Racing Board Amendment Act 1998* applies to decisions that the Board makes before or after the commencement of that amendment, other than those in respect of which an appeal is pending immediately before the commencement.

### **Schedule 3 Amendment of Defamation Act 1974**

(Section 5)

#### **[1] Section 17DB**

Insert after section 17DA:

#### **17DB Matters arising under the Thoroughbred Racing Board Act 1996**

There is a defence of absolute privilege:

- (a) for a publication in the course of proceedings in respect of an inquiry conducted by the NSW Thoroughbred Racing Board, and
- (b) for the publication by the Board of a report it makes in respect of such an inquiry.

#### **[2] Schedule 2 Proceedings of public concern and official and public documents and records**

Insert after clause 2 (13):

(13A) without limiting the operation of any other subclause, proceedings at an inquiry conducted by the NSW Thoroughbred Racing Board under the *Thoroughbred Racing Board Act 1996*,

[Minister's second reading speech made in—  
Legislative Assembly on 26 May 1998  
Legislative Council on 24 June 1998]