

[Act 1996 No 37]



New South Wales

AJC Principal Club Bill 1996

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows:

- (a) to establish the AJC Principal Club (“the AJCPC”) as a representative body to exercise the functions of Principal Club for thoroughbred horse racing in New South Wales (being the functions currently exercised by the Australian Jockey Club (“the AJC”) as Principal Club for New South Wales),
- (b) to establish a Racing Industry Participants Advisory Committee to nominate one member of the AJCPC and to give advice to the AJCPC on industry policy and strategic direction,
- (c) to provide for the establishment by the AJCPC of an Appeal Panel to hear and determine appeals from decisions of race stewards and race club committees,

* Amended in committee—see table at end of volume.

- (d) to enact transitional provisions for the transfer of the relevant functions, assets, rights, liabilities and employees from the AJC to the AJCPC (consistent with the functions of the AJC that are becoming functions of the AJCPC).

The Bill also makes consequential amendments to various Acts and instruments.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be appointed by proclamation.

Clause 3 contains definitions for the purposes of the proposed Act.

Part 2 The AJC Principal Club

Clause 4 establishes the AJC Principal Club as a body corporate and provides that it may be referred to as the AJCPC.

Clause 5 provides that the AJCPC is independent of Government.

Clause 6 provides for the nomination of 10 members of the AJCPC (with the Chief Executive being an ex officio member).

Clause 7 sets out the grounds on which a person is not eligible to be nominated as a member of the AJCPC.

Clause 8 permits a member to appoint a deputy to exercise the member's functions when the member is absent.

Clause 9 provides that the term of office of the nominated members of the AJCPC is 4 years. A transitional provision for the first members provides for half the original members to hold office for 2 years.

Clause 10 provides that membership of the AJCPC is honorary and no remuneration is payable to nominated members.

Clause 11 provides that each member of the AJCPC is to act in the public interest and in the interests of the horse racing industry as a whole, rather than in the interests of the body that nominated the member.

Clause 12 protects the members of the AJCPC and others from personal liability arising in connection with the exercise of the AJCPC's functions.

Clause 13 lists the functions of the AJCPC. A key function is that of principal club for horse racing in the State.

Clause 14 confers on the AJCPC power to do all things that may be necessary or convenient to be done for or in connection with the exercise of its functions and gives examples of its powers.

Clause 15 provides for the circumstances in which a nominated member of the AJCPC vacates office.

Clause 16 provides for the AJCPC to elect a Chairperson and Deputy Chairperson from among its nominated members.

Clause 17 requires vacancies on the AJCPC to be filled.

Clause 18 provides for the employment by the AJCPC of a Chief Executive and other staff.

Clause 19 provides for the procedure at meetings of the AJCPC.

Clause 20 provides a means by which the AJCPC can transact business outside meetings (by telephone or fax, for example).

Clause 21 requires a member of the AJCPC or any of its committees to disclose any pecuniary interest that the member has that appears to raise a conflict with the proper performance of the member's duties.

Clause 22 allows the AJCPC to establish committees to assist it in connection with the exercise of any of its functions.

Clause 23 requires the AJCPC to establish an Integrity Assurance Committee to have primary oversight of those aspects of the AJCPC's functions that relate to race stewards, drug testing and control, licensing, handicapping and horse racing appeals.

Clause 24 gives the AJCPC power to delegate functions.

Clause 25 provides for the custody and affixing of the seal of the AJCPC.

Clause 26 allows the Chairperson to authenticate documents.

Clause 27 provides for the recovery of money owed to the AJCPC by action in a court of competent jurisdiction.

Clause 28 requires the AJCPC to distribute all of its profits (if any) to the Racecourse Development Fund under the *Totalizator Act 1916*.

Clause 29 requires the AJCPC to prepare and furnish to the Minister an annual report of its work and activities. The report is to include independently audited financial statements and is required to be tabled in Parliament and be made available to the public.

Part 3 Racing Industry Participants Advisory Committee

Clause 30 establishes RIPAC, the Racing Industry Participants Advisory Committee.

Clause 31 provides for the nomination of the 7 members of RIPAC.

Clause 32 sets out the grounds on which a person is not eligible to be a member of RIPAC.

Clause 33 provides that the term of office of the members of RIPAC is 2 years.

Clause 34 provides that membership of RIPAC is honorary and no remuneration is payable to members.

Clause 35 sets out the functions of RIPAC. Its chief function is to provide advice to the AJCPC on industry policy and strategic direction. RIPAC also serves as a channel for communication between the industry stakeholders that it represents and the AJCPC, provides a forum for discussion of issues of concern and the making of recommendations to the AJCPC and nominates one member of the AJCPC.

Clause 36 sets out the procedure for the nomination by RIPAC of a member of the AJCPC.

Clause 37 provides for the circumstances in which a member of RIPAC vacates office.

Clause 38 provides for the election of a Chairperson and Deputy Chairperson of RIPAC.

Clause 39 requires vacancies in RIPAC's membership to be filled.

Clause 40 provides for the procedure to apply at meetings of RIPAC.

Clause 41 protects members of RIPAC and persons acting under the direction of RIPAC from personal liability.

Part 4 Appeal Panel

Clause 42 gives a person who is aggrieved by certain decisions of race stewards and committees a right of appeal to the proposed new Appeal Panel. The functions of the Appeal Panel can be delegated by the AJCPC to any racing association.

Clause 43 provides for the procedure to be followed on an appeal.

Clause 44 requires decisions on an appeal to be given effect to by the stewards or committee concerned.

Clause 45 provides for the AJCPC to appoint suitably qualified persons to be members of the Appeal Panel.

Clause 46 provides for the appointment of a legal practitioner of at least 7 years standing as Principal Member of the Appeal Panel. The Principal Member presides at hearings of the Appeal Panel.

Clause 47 provides for how the Appeal Panel is constituted for a particular appeal. A minimum of 3 members constitute the Appeal Panel with a presiding Convenor who is the Principal Member or (if the Principal Member is unavailable) another member who is a legal practitioner of at least 7 years standing.

Clause 48 provides for the members of the Appeal Panel to be paid fees and expenses.

Clause 49 provides for decisions of the Appeal Panel to be by majority decision with the Convenor having a casting vote if there is no majority decision.

Part 5 General

Clause 50 gives effect to Schedule 1 which is the Schedule of savings and transitional provisions.

Clause 51 gives effect to Schedule 2 which is the Schedule of consequential amendments to Acts and instruments.

Clause 52 is a standard regulation making power.

Clause 53 provides for the Act to be reviewed by the Minister in 5 years.

Schedules

Schedule 1 enacts savings and transitional provisions, including provisions for:

- (a) the transfer of assets, rights, liabilities and employees from the AJC to the AJCPC, and
- (b) the transfer of functions from the AJC to the AJCPC in stages.

Schedule 2 makes consequential amendments to Acts and instruments.