



New South Wales

Racing Legislation Amendment Bill 2009

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.
This Bill is cognate with the *Greyhound Racing Bill 2009*.

Overview of Bill

The objects of this Bill are:

- (a) to repeal the *Greyhound and Harness Racing Administration Act 2004*, the *Greyhound Racing Act 2002* and the *Harness Racing Act 2002* and to make consequential amendments to various other Acts and instruments, and
- (b) to amend the *Racing Appeals Tribunal Act 1983* to provide for greyhound racing appeals and harness racing appeals to be dealt with under that Act, and
- (c) to amend the *Sporting Venues (Pitch Invasions) Act 2003* to extend the operation of that Act to specified restricted areas on licensed racecourses during race meetings and trial meetings, and
- (d) to amend the *Thoroughbred Racing Act 1996* to enable Racing NSW to make arrangements for the sharing of staff and facilities with Greyhound Racing NSW and Harness Racing NSW and to expand the functions of the Integrity Assurance Committee under that Act to include dealing with complaints against horse racing officials.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 repeals the *Greyhound and Harness Racing Administration Act 2004*, the *Greyhound Racing Act 2002* and the *Harness Racing Act 2002*.

Schedule 1 Amendment of Racing Appeals Tribunal Act 1983 No 199

Amendments relating to greyhound racing and harness racing appeals

Clause 3 of the proposed Act repeals the *Greyhound and Harness Racing Administration Act 2004* which established a Greyhound and Harness Racing Appeals Tribunal to hear appeals from certain decisions of stewards, harness racing clubs and greyhound racing clubs and the Greyhound and Harness Racing Regulatory Authority. Schedule 3 to the proposed *Greyhound Racing Act 2009* formally dissolves that Tribunal and Authority.

Schedule 1 [13] inserts proposed sections 15A and 15B into the *Racing Appeals Tribunal Act 1983 (the Act)* to provide for appeals previously dealt with under the *Greyhound and Harness Racing Administration Act 2004* to be dealt with by the Racing Appeals Tribunal.

Schedule 1 [15] inserts proposed section 17A into the Act which provides for the determination of appeals by the Racing Appeals Tribunal in relation to greyhound racing or harness racing.

Schedule 1 [16] substitutes section 20 of the Act to provide that the expenses relating to the Racing Appeals Tribunal's determination of greyhound racing appeals and harness racing appeals are to be paid by Greyhound Racing New South Wales and Harness Racing New South Wales. Proposed section 20 also provides for the expenses relating to horse racing appeals to be paid by Racing New South Wales, as is currently the case.

Schedule 1 [1], [3], [4], [12] and [14] make consequential amendments.

Schedule 1 [17]–[21] make amendments of a savings or transitional nature.

Amendments relating to assessors and expert advice

Schedule 1 [5] substitutes section 8A of the Act which currently enables the Minister to appoint assessors to assist the Racing Appeals Tribunal. Proposed section 8A will instead enable the Tribunal to seek expert advice in connection with the hearing of an appeal.

Schedule 1 [2] and [6]–[11] make consequential amendments.

Schedule 2 Amendment of Sporting Venues (Pitch Invasions) Act 2003 No 44

Schedule 2 [8] inserts section 4A into the *Sporting Venues (Pitch Invasions) Act 2003 (the Act)* to make it an offence for a person to enter or remain on a restricted area of a licensed racecourse during a race meeting or trial meeting for horse, greyhound or harness racing. Certain persons are exempted from the operation of the proposed section such as riders or harness racing drivers who are participating in the race meeting or trial meeting, persons who are authorised by the controlling body for the race meeting or trial meeting, persons engaged in the control and management of the race meeting or trial meeting and authorised officers. A restricted area of a racecourse is defined as a racetrack, course proper or other racing surface, parade ring, race day tie-up stall, kennel or swabbing area and includes any pathways connecting any of those places. The definition of restricted area may be extended by the regulations.

Schedule 2 [3] amends section 3 (1) of the Act to include certain definitions. In particular, it defines ***controlling body*** for a race meeting or trial meeting as meaning Racing New South Wales, Greyhound Racing New South Wales or Harness Racing New South Wales depending on whether the race meeting or trial meeting relates to horse racing, greyhound racing or harness racing.

Schedule 2 [9] amends section 5 of the Act, which provides for a 12-month ban of a person from a sporting venue, if he or she is removed for pitch invasion so that it will apply to removal of a person for entering a restricted area of a racecourse under proposed section 4A.

Schedule 2 [10] and [11] amend section 6 of the Act, which provides for a life ban of a person from a sporting venue if he or she contravenes a previous ban imposed, so that it will apply to a person contravening a ban from entering a restricted area of a racecourse.

Schedule 2 [12] amends section 13 of the Act to provide for a penalty notice amount of \$500 for a contravention of proposed section 4A. That amount is the same as for the existing offences relating to pitch invasion.

Schedule 2 [1], [2] and [4]–[7] make consequential amendments.

Schedule 3 Amendment of other Acts and Regulations

Schedule 3.1–3.14, 3.15 [2] and 3.16 amend various Acts and Regulations as a consequence of the repeal of the *Greyhound and Harness Racing Administration Act 2004*, the *Greyhound Racing Act 2002* and the *Harness Racing Act 2002*.

Schedule 3.15 [3] inserts proposed section 18A into the *Thoroughbred Racing Act 1996* to enable Racing New South Wales to make arrangements for the sharing of staff and facilities with Greyhound Racing New South Wales and Harness Racing

New South Wales. Any arrangement in relation to stewards or licensing or registration requires the consent of the Minister.

Schedule 3.15 [5] inserts proposed sections 23A and 23B into the *Thoroughbred Racing Act 1996*. **Schedule 3.15 [1] and [4]** make consequential amendments.

Proposed section 23A enables a person to make a complaint to the Integrity Assurance Committee established under that Act about a horse racing official. The proposed section sets out the procedure to be followed by the Committee when dealing with complaints and provides the Committee with certain powers to facilitate investigation of complaints.

Proposed section 23B requires the Integrity Assurance Committee to provide a written report to Racing NSW and the Minister in relation to the investigation of a complaint if the Committee is satisfied that the results of the investigation indicate that there has been a contravention of the *Thoroughbred Racing Act 1996* or any other Act in relation to the conduct of horse racing or a contravention of the code of conduct adopted by Racing NSW.

First print



New South Wales

Racing Legislation Amendment Bill 2009

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New South Wales

Racing Legislation Amendment Bill 2009

No. , 2009

A Bill for

An Act to repeal the *Greyhound and Harness Racing Administration Act 2004*, the *Greyhound Racing Act 2002* and the *Harness Racing Act 2002*; to amend other Acts and instruments consequentially; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Racing Legislation Amendment Act 2009</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5
3 Repeal of Acts	6
(1) The <i>Greyhound and Harness Racing Administration Act 2004</i> is repealed.	7 8
(2) The <i>Greyhound Racing Act 2002</i> is repealed.	9
(3) The <i>Harness Racing Act 2002</i> is repealed.	10

Schedule 1	Amendment of Racing Appeals Tribunal Act 1983 No 199	1
		2
[1] Long title		3
	Insert “and appeals from certain decisions under the <i>Greyhound Racing Act 2009</i> and the <i>Harness Racing Act 2009</i> ” after “ <i>Thoroughbred Racing Act 1996</i> ”.	4
		5
		6
[2] Section 4 Definitions		7
	Omit the definition of <i>assessor</i> from section 4 (1).	8
[3] Section 4 (1)		9
	Insert in alphabetical order:	10
	<i>GRNSW</i> means Greyhound Racing New South Wales constituted under the <i>Greyhound Racing Act 2009</i> .	11
		12
	<i>HRNSW</i> means Harness Racing New South Wales constituted under the <i>Harness Racing Act 2009</i> .	13
		14
[4] Section 8 Harness Racing Appeals Tribunal may be appointed as Tribunal		15
	Omit the section.	16
		17
[5] Section 8A		18
	Omit the section. Insert instead:	19
	8A Expert advice	20
	The Tribunal may seek expert advice in connection with the hearing of an appeal from any person who, in its opinion, has special knowledge of, and experience in, the racing industry.	21
		22
		23
[6] Section 8B Functions of assessors		24
	Omit the section.	25
[7] Section 10 Term of office		26
	Omit section 10 (b).	27

[8] Section 12	1
Omit the section. Insert instead:	2
12 Remuneration	3
A person (not being a judge of any court) holding office as, or acting as, the Tribunal is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine.	4 5 6 7
[9] Section 13 Vacation of office	8
Omit “or a person holding office as an assessor” from section 13 (2).	9
[10] Section 13 (3) (b)	10
Omit the paragraph.	11
[11] Section 14 Effect of certain other Acts	12
Omit section 14 (1). Insert instead:	13
(1) The <i>Public Sector Employment and Management Act 2002</i> does not apply to or in respect of the appointment of a person as, or to act as, the Tribunal and a person holding office as, or acting as, the Tribunal is not, as the Tribunal, subject to that Act.	14 15 16 17
[12] Part 3, Division 1, heading	18
Insert before section 15:	19
Division 1 Appeals relating to thoroughbred racing	20
[13] Part 3, Division 2	21
Insert after section 15:	22
Division 2 Appeals relating to greyhound racing or harness racing	23 24
15A Appeals to Tribunal relating to greyhound racing	25
(1) Any person who is aggrieved by any of the following decisions may, in accordance with the regulations, appeal against the decision to the Tribunal:	26 27 28
(a) a decision of a greyhound racing club (within the meaning of the <i>Greyhound Racing Act 2009</i>) or a steward of a greyhound racing club,	29 30 31
(b) a decision of a steward of GRNSW.	32

(2)	Any of the following persons or bodies that are aggrieved by a decision of GRNSW may, in accordance with the regulations, appeal against the decision to the Tribunal:	1
(a)	any person,	2
(b)	a greyhound racing club (within the meaning of the <i>Greyhound Racing Act 2009</i>).	3
(a)	any person,	4
(b)	a greyhound racing club (within the meaning of the <i>Greyhound Racing Act 2009</i>).	5
(b)	a greyhound racing club (within the meaning of the <i>Greyhound Racing Act 2009</i>).	6
15B	Appeals to Tribunal relating to harness racing	7
(1)	Any person who is aggrieved by any of the following decisions may, in accordance with the regulations, appeal against the decision to the Tribunal:	8
(a)	a decision of a harness racing club (within the meaning of the <i>Harness Racing Act 2009</i>),	9
(b)	a decision of a steward of HRNSW.	10
(a)	a decision of a harness racing club (within the meaning of the <i>Harness Racing Act 2009</i>),	11
(b)	a decision of a steward of HRNSW.	12
(2)	Any of the following persons or bodies that are aggrieved by a decision of HRNSW may, in accordance with the regulations, appeal against the decision to the Tribunal:	13
(a)	any person,	14
(b)	a harness racing club (within the meaning of the <i>Harness Racing Act 2009</i>).	15
(a)	any person,	16
(b)	a harness racing club (within the meaning of the <i>Harness Racing Act 2009</i>).	17
(b)	a harness racing club (within the meaning of the <i>Harness Racing Act 2009</i>).	18
(b)	a harness racing club (within the meaning of the <i>Harness Racing Act 2009</i>).	19
Division 3	Procedure and regulations relating to appeals	20
		21
[14]	Section 17 Determination of appeals relating to thoroughbred racing	22
	Insert “under section 15” after “appeal” where firstly occurring in section 17 (1).	23
		24
[15]	Section 17A	25
	Insert after section 17:	26
17A	Determination of appeals relating to greyhound racing or harness racing	27
		28
(1)	The Tribunal may do any of the following in respect of an appeal under section 15A or 15B:	29
(a)	dismiss the appeal,	30
(b)	confirm the decision appealed against or vary the decision by substituting any decision that could have been made by the steward, club or GRNSW or HRNSW (as the case requires),	31
(a)	dismiss the appeal,	32
(b)	confirm the decision appealed against or vary the decision by substituting any decision that could have been made by the steward, club or GRNSW or HRNSW (as the case requires),	33
(b)	confirm the decision appealed against or vary the decision by substituting any decision that could have been made by the steward, club or GRNSW or HRNSW (as the case requires),	34
(b)	confirm the decision appealed against or vary the decision by substituting any decision that could have been made by the steward, club or GRNSW or HRNSW (as the case requires),	35

	(c) make such other order in relation to the disposal of the appeal as the Tribunal thinks fit.	1 2
	(2) The decision of the Tribunal is final and is taken to be a decision of the person or body whose decision is the subject of the appeal.	3 4
[16]	Section 20	5
	Omit the section. Insert instead:	6
	20 Expenses of Tribunal	7
	(1) Unless the Minister otherwise determines, the expenses (including remuneration payable to an expert under section 8A or payable under section 12) incurred by the Tribunal in the exercise of the functions of the Tribunal under this Act are to be met:	8 9 10 11
	(a) by Racing NSW in relation to an appeal to the Tribunal under section 15, or	12 13
	(b) by GRNSW in relation to an appeal to the Tribunal under section 15A, or	14 15
	(c) by HRNSW in relation to an appeal to the Tribunal under section 15B.	16 17
	(2) If Racing NSW, GRNSW or HRNSW fails to meet any expenses it is required to meet under subsection (1), the Minister may recover the amount of those expenses from Racing NSW, GRNSW or HRNSW (as the case may be) as a debt in any court of competent jurisdiction.	18 19 20 21 22
[17]	Schedule 1 Savings and transitional provisions	23
	Insert before clause 1:	24
	Part 1 General	25
[18]	Schedule 1, clause 1	26
	Insert at the end of clause 1 (1):	27
	<i>Racing Legislation Amendment Act 2009</i>	28
[19]	Schedule 1, Part 2, heading	29
	Insert before clause 2:	30
	Part 2 Provisions consequent on enactment of Thoroughbred Racing Board Amendment Act 1998	31 32 33

[20]	Schedule 1, Part 3, heading	1
	Insert before clause 3:	2
	Part 3 Provisions consequent on enactment of Thoroughbred Racing Legislation Amendment Act 2004	3 4 5
[21]	Schedule 1, Part 4	6
	Insert after clause 3:	7
	Part 4 Provisions consequent on enactment of Racing Legislation Amendment Act 2009	8 9
	4 Definitions	10
	In this Part:	11
	<i>former Act</i> means the <i>Greyhound and Harness Racing Administration Act 2004</i> .	12 13
	<i>former Authority</i> means the Greyhound and Harness Racing Regulatory Authority constituted by the former Act.	14 15
	<i>former Tribunal</i> means the Greyhound and Harness Racing Appeals Tribunal constituted by the former Act.	16 17
	5 Pending proceedings before former Tribunal	18
	(1) If proceedings were commenced but not heard by the former Tribunal before its dissolution, the proceedings are taken to have been duly commenced in the Racing Appeals Tribunal.	19 20 21
	(2) If the former Tribunal had commenced to hear (but had not determined) a matter before its dissolution, the person or persons hearing the matter:	22 23 24
	(a) are to continue to hear the matter, and to determine the matter, sitting as the Racing Appeals Tribunal, and	25 26
	(b) have and may exercise, while sitting as the Racing Appeals Tribunal under this clause, all the functions that the former Tribunal had immediately before its dissolution.	27 28 29
	(3) A reference in section 20:	30
	(a) to an appeal to the Tribunal under section 15A includes a reference to proceedings dealt with in accordance with this clause that relate to greyhound racing, and	31 32 33

(b)	to an appeal to the Tribunal under section 15B includes a reference to proceedings dealt with in accordance with this clause that relate to harness racing.	1 2 3
(4)	This clause applies despite any contrary provision of this Act.	4
6	Pending proceedings before Greyhound and Harness Racing Regulatory Authority	5 6
	If an appeal was made to the former Authority under section 19 of the former Act before the repeal of that section and was not determined by that Authority before its dissolution, the appeal is taken to have been made to the Racing Appeals Tribunal under this Act and is to be determined by that Tribunal in accordance with this Act.	7 8 9 10 11 12
7	Regulations relating to greyhound racing and harness racing appeals	13 14
(1)	The provisions of the <i>Greyhound and Harness Racing Administration (Appeals) Regulation 2004</i> (as in force immediately before the repeal of section 19 of the former Act) are taken to apply to appeals relating to greyhound racing and harness racing dealt with by the Tribunal under this Act until regulations are made under this Act in relation to those appeals.	15 16 17 18 19 20
(2)	Despite subclause (1), those provisions apply with the following modifications:	21 22
(a)	clause 6 of that Regulation is taken to provide for an appeal to the Tribunal in relation to a decision specified in that clause,	23 24 25
(b)	a reference to the Tribunal is taken to be a reference to the Racing Appeals Tribunal,	26 27
(c)	a reference to a provision of the former Act is taken to be a reference to the corresponding provision of this Act (if any),	28 29 30
(d)	such other modifications as the Tribunal considers necessary.	31 32
(3)	This clause extends to proceedings referred to in clause 5.	33
8	Special inquiries under former Act	34
	A special inquiry that was commenced under section 24 of the former Act but was not completed before the repeal of that section is not to be continued after that repeal.	35 36 37

9	Orders	1
(1)	An order made under the former Act by the former Tribunal, being an order having effect immediately before the dissolution of the former Tribunal, is taken to be an order made by the Racing Appeals Tribunal under the corresponding provision of this Act.	2 3 4 5
(2)	Any application for an order made to the former Tribunal under the former Act and not determined before the dissolution of the former Tribunal is to continue to be dealt with as if made under this Act (but only if there is a corresponding provision of this Act under which the order could be made).	6 7 8 9 10
10	General savings	11
	If anything done or commenced under the former Act in relation to the former Tribunal before its dissolution and still having effect or not completed immediately before that dissolution is something that could be done or commenced under this Act:	12 13 14 15
	(a) the thing done continues to have effect, or	16
	(b) the thing commenced may be completed, as if it had been done or commenced under this Act.	17 18
11	Assessors	19
	On the repeal of section 8A by the <i>Racing Legislation Amendment Act 2009</i> , any person who immediately before that repeal held the position of assessor ceases to hold that position. No remuneration or compensation is payable to any such person as a result of the operation of this clause.	20 21 22 23 24

Schedule 2	Amendment of Sporting Venues (Pitch Invasions) Act 2003 No 44	1
		2
[1] Long title		3
	Insert “and racecourses” after “playing fields”.	4
[2] Section 1 Name of Act		5
	Omit “ <i>Pitch</i> ”.	6
[3] Section 3 Interpretation		7
	Insert in alphabetical order in section 3 (1):	8
	<i>controlling body</i> for a race meeting or trial meeting means:	9
	(a) in the case of a race meeting or trial meeting for horse racing, Racing New South Wales constituted under the <i>Thoroughbred Racing Act 1996</i> , or	10 11 12
	(b) in the case of a race meeting or trial meeting for harness racing, Harness Racing New South Wales constituted under the <i>Harness Racing Act 2009</i> , or	13 14 15
	(c) in the case of a race meeting or trial meeting for greyhound racing, Greyhound Racing New South Wales constituted under the <i>Greyhound Racing Act 2009</i> .	16 17 18
	<i>race meeting</i> has the same meaning as in the <i>Racing Administration Act 1998</i> .	19 20
	<i>racecourse</i> means a racecourse licensed under the <i>Racing Administration Act 1998</i> .	21 22
	<i>sporting venue</i> means a designated sporting venue or a racecourse.	23 24
	<i>trial meeting</i> has the same meaning as in the <i>Racing Administration Act 1998</i> .	25 26
[4] Section 3 (1), definition of “designated sporting venue”		27
	Omit “sporting” where firstly occurring.	28
[5] Section 3 (1), definition of “designated sporting venue”		29
	Omit “sporting venue” from paragraph (c) of the definition.	30
	Insert instead “venue for sporting activities”.	31

[6] Section 3 (1), definition of “venue director”	1
Omit the definition. Insert instead:	2
<i>venue director</i> means:	3
(a) in the case of a designated sporting venue, the occupier of the venue and includes, in respect of a match at the venue, any person authorised by the occupier of the venue to be the venue director in respect of the match, or	4 5 6 7
(b) in the case of a racecourse, the controlling body for the race meeting or trial meeting taking place at the racecourse.	8 9 10
[7] Part 2, heading	11
Omit the heading. Insert instead:	12
 Part 2 Invasions at sporting venues	 13
[8] Section 4A	14
Insert after section 4:	15
4A Racecourse invasions prohibited	16
(1) A person must not enter or remain in or on a restricted area of a racecourse during a race meeting or trial meeting unless the person:	17 18 19
(a) is a rider or harness racing driver participating in the race meeting or trial meeting, or	20 21
(b) is authorised to do so by the controlling body for the race meeting or trial meeting or an authorised officer, or	22 23
(c) is engaged in the control or management of the race meeting or trial meeting, or	24 25
(d) is an authorised officer.	26
Maximum penalty: 50 penalty units.	27
(2) In this section, <i>restricted area of a racecourse</i> means:	28
(a) any racetrack, course proper or other racing surface, parade ring, race day tie-up stall, kennel or swabbing area, including any pathways connecting any of those places, or	29 30 31
(b) any other area of a racecourse that is prescribed by the regulations as a restricted area for the purposes of this section.	32 33 34

Racing Legislation Amendment Bill 2009

Schedule 2 Amendment of Sporting Venues (Pitch Invasions) Act 2003 No 44

[9] Section 5 12-month ban for invasion of sporting venue	1
Omit “designated sporting venue for a contravention of section 4”.	2
Insert instead “sporting venue for a contravention of section 4 or 4A”.	3
[10] Section 6 Life ban for further invasion or entry of sporting venue when banned	4
Omit “designated” from section 6 (1).	5
[11] Section 6 (1) (a)	6
Insert “or 4A” after “section 4”.	7
[12] Section 13 Penalty notice amounts	8
Insert “or 4A” after “section 4” in section 13 (a).	9
	10

Schedule 3	Amendment of other Acts and Regulations	1
		2
3.1	Companion Animals Regulation 2008	3
	Clause 16 Exemptions from registration requirement	4
	Omit “ <i>Greyhound and Harness Racing Administration Act 2004</i> ”.	5
	Insert instead “ <i>Greyhound Racing Act 2009</i> ”.	6
3.2	Defamation Act 2005 No 77	7
[1]	Schedule 1 Additional publications to which absolute privilege applies	8
	Insert at the end of clause 11 (b):	9
	, or	10
	(c) in the course of proceedings in respect of an investigation conducted by the Integrity Assurance Committee under the <i>Thoroughbred Racing Act 1996</i> or by that Committee in a report that it makes in respect of such an investigation.	11
		12
		13
		14
[2]	Schedule 1, clause 12	15
	Omit the clause. Insert instead:	16
	12 Matters relating to GRNSW and HRNSW	17
	Without limiting section 27 (2) (a)–(c), matter that is published:	18
	(a) by Greyhound Racing New South Wales in an official report of its decision in respect of any appeal relating to greyhound racing under the <i>Racing Appeals Tribunal Act 1983</i> or of the reasons for its decision, or	19
		20
		21
		22
	(b) by Harness Racing New South Wales in an official report of its decision in respect of any appeal relating to harness racing under the <i>Racing Appeals Tribunal Act 1983</i> or of the reasons for its decision, or	23
		24
		25
		26
	(c) in the course of proceedings in respect of an investigation conducted by the Greyhound Racing Integrity Auditor under the <i>Greyhound Racing Act 2009</i> or the Harness Racing Integrity Auditor under the <i>Harness Racing Act 2009</i> or by the Integrity Auditor in a report that he or she makes in respect of such an investigation.	27
		28
		29
		30
		31
		32
[3]	Schedule 3 Additional proceedings of public concern	33
	Omit clause 4.	34

3.3 Fines Act 1996 No 99	1
Schedule 1 Statutory provisions under which penalty notices issued	2
Omit “ <i>Sporting Venues (Pitch Invasions) Act 2003</i> ”.	3
Insert instead “ <i>Sporting Venues (Invasions) Act 2003</i> ”.	4
3.4 First State Superannuation Act 1992 No 100	5
Schedule 1 Employers	6
Omit “Greyhound and Harness Racing Regulatory Authority”.	7
3.5 Government and Related Employees Appeal Tribunal Act 1980 No 39	8
Schedule 4 Employing authorities	9
Omit “Greyhound and Harness Racing Regulatory Authority.”.	10
3.6 New South Wales Retirement Benefits Act 1972 No 70	11
Schedule 2	12
Omit the matter relating to the Greyhound and Harness Racing Regulatory Authority.	13
3.7 Public Authorities Superannuation Act 1985 No 41	14
Schedule 3 Employers	15
Omit “The Greyhound and Harness Racing Regulatory Authority.” from Part 2.	16
3.8 Public Finance and Audit Act 1983 No 152	17
Schedule 2 Statutory bodies	18
Omit “Greyhound and Harness Racing Regulatory Authority”.	19
3.9 Public Sector Employment and Management Act 2002 No 43	20
Schedule 1 Divisions of the Government Service	21
Omit the matter relating to the Greyhound and Harness Racing Regulatory Authority Division in Part 2.	22
	23
	24
	25
	26

3.10 Racing Administration Act 1998 No 114	1
[1] Section 4 Definitions	2
Omit the definition of <i>controlling body</i> from section 4 (1).	3
Insert instead:	4
<i>controlling body</i> means:	5
(a) in relation to horse racing other than harness racing— Racing New South Wales, and	6 7
(b) in relation to harness racing—Harness Racing New South Wales, and	8 9
(c) in relation to greyhound racing—Greyhound Racing New South Wales.	10 11
[2] Section 4 (2)	12
Omit the subsection.	13
[3] Section 15 Harness racing on showgrounds	14
Omit “the Greyhound and Harness Racing Regulatory Authority” from section 15 (1).	15 16
Insert instead “Harness Racing New South Wales”.	17
[4] Section 26C Bookmakers Revision Committee	18
Omit section 26C (1) (c). Insert instead:	19
(c) the chief executive officer of Greyhound Racing New South Wales,	20 21
[5] Schedule 1 Savings and transitional provisions	22
Insert after Part 6:	23
Part 7 Provisions consequent on enactment of Racing Legislation Amendment Act 2009	24 25
13 Existing approvals under section 15	26
An approval given for the purposes of section 15 (1) by the Greyhound and Harness Racing Regulatory Authority constituted under the <i>Greyhound and Harness Racing Administration Act 2004</i> before its dissolution is taken to have been given by Harness Racing New South Wales under that subsection.	27 28 29 30 31 32

3.11 Sporting Venues (Pitch Invasions) Regulation 2006	1
[1] Clause 1 Name of Regulation	2
Omit “Pitch”.	3
[2] Clause 2 Definition	4
Omit “Pitch”.	5
3.12 State Authorities Non-contributory Superannuation Act 1987 No 212	6
	7
Schedule 1 Employers	8
Omit “Greyhound and Harness Racing Regulatory Authority” from Part 1.	9
3.13 State Authorities Superannuation Act 1987 No 211	10
Schedule 1 Employers	11
Omit “Greyhound and Harness Racing Regulatory Authority” from Part 1.	12
3.14 Superannuation Act 1916 No 28	13
Schedule 3 List of employers	14
Omit “Greyhound and Harness Racing Regulatory Authority” from Part 1.	15
3.15 Thoroughbred Racing Act 1996 No 37	16
[1] Section 3 Definitions	17
Insert in alphabetical order in section 3 (1):	18
<i>GRNSW</i> means Greyhound Racing New South Wales constituted under the <i>Greyhound Racing Act 2009</i> .	19
	20
<i>HRNSW</i> means Harness Racing New South Wales constituted under the <i>Harness Racing Act 2009</i> .	21
	22
<i>IA Committee</i> means the Integrity Assurance Committee established under this Act.	23
	24
<i>racings official</i> means a member of Racing NSW, the Chief Executive or a steward appointed by Racing NSW or other member of staff of Racing NSW.	25
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	27

[2] Section 6 Membership	1
Omit section 6 (2) (d). Insert instead:	2
(d) is registered by or with GRNSW under the <i>Greyhound Racing Act 2009</i> or HRNSW under the <i>Harness Racing Act 2009</i> , or	3 4 5
[3] Section 18A	6
Insert after section 18:	7
18A Arrangements for use of staff and facilities of HRNSW or GRNSW	8
(1) Racing NSW may arrange for the use of the services of any staff or facilities of HRNSW or GRNSW.	9 10
(2) For the purposes of this Act, a person whose services are utilised by Racing NSW under this section is taken to be a member of staff of Racing NSW in the exercise of functions by the person under this Act.	11 12 13 14
(3) Without limiting subsection (1), Racing NSW may arrange for a steward appointed by HRNSW or GRNSW to perform the functions of a steward under this Act. Any such person is taken to have been appointed by Racing NSW as a steward for the purposes of this Act while exercising functions under this Act in accordance with those arrangements.	15 16 17 18 19 20
(4) Without limiting subsection (1), Racing NSW may arrange to share with HRNSW or GRNSW any equipment, information technology (such as computer software) or office, or any administrative system relating to licensing or registration.	21 22 23 24
(5) Racing NSW is not authorised to enter into an arrangement under this section in relation to stewards, licensing or registration without the consent of the Minister.	25 26 27
(6) The consent of the Minister under subsection (5):	28
(a) may be given in relation to a particular arrangement or a class of arrangements, and	29 30
(b) may be subject to conditions, and	31
(c) may be amended from time to time.	32
[4] Section 23 Integrity Assurance Committee	33
Insert “or as are conferred on it by this Act” after “confer on it” in section 23 (1).	34 35

[5] Sections 23A and 23B	1
Insert after section 23:	2
23A Inquiries and investigations by Integrity Assurance Committee in relation to complaint	3
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(1) A person may make a complaint to the IA Committee in respect of the exercise of functions by a racing official relating to horse racing.	5
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(2) On receiving a complaint from a person under this section, the IA Committee must investigate the complaint with due diligence unless the Committee considers that the complaint:	8
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	10
(a) is frivolous, vexatious or not made in good faith, or	11
(b) is trivial, or	12
(c) does not relate to the exercise of functions by a racing official in a corrupt, improper or unethical manner.	13
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(3) If the IA Committee decides to investigate a complaint, the Committee must inform the racing official concerned of the substance of the complaint and give the racing official a reasonable opportunity to respond to it.	15
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(4) The IA Committee may, by notice in writing, require a racing official who is the subject of an investigation under this section to do one or more of the following things:	19
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(a) provide, in accordance with directions in the notice, such information verified by statutory declaration as, in the opinion of the Committee, is relevant to the investigation and is specified in the notice,	22
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(b) produce, in accordance with directions in the notice, such records as, in the opinion of the Committee, are relevant to the investigation and permit examination of the records, the taking of extracts from them and the making of copies of them,	26
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(c) authorise a person described in the notice to comply with a requirement of the kind referred to in paragraph (a) or (b),	31
	32
(d) furnish to the Committee such authorisations and consents as the Committee requires for the purpose of enabling the Committee to obtain information (including financial and other confidential information) from other persons concerning the person under investigation.	33
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(5)	A person who complies with a requirement of a notice under subsection (4) does not on that account incur a liability to another person.	1 2 3
(6)	A person must not fail to comply with a requirement of the IA Committee contained in a notice under subsection (4). Maximum penalty (subsection (6)): 20 penalty units.	4 5 6
23B	Action after investigation of complaint	7
(1)	The IA Committee must provide a report in writing of the results of the investigation of a complaint to Racing NSW and the Minister if satisfied that those results indicate that there has been a contravention of this or any other Act in relation to the conduct of horse racing or a contravention of the code of conduct adopted by Racing NSW under section 11A.	8 9 10 11 12 13
(2)	If such a report identifies any racing official in an adverse manner, the IA Committee must also give a copy of the report to the racing official.	14 15 16
(3)	The IA Committee must inform the person who made the complaint of whether a report has been made under this section or whether the Committee considers that the complaint does not warrant such a report being made.	17 18 19 20
3.16	Totalizator Act 1997 No 45	21
[1]	Section 105 Secrecy	22
	Omit “the Greyhound and Harness Racing Regulatory Authority,” from section 105 (2) (c).	23 24
[2]	Schedule 2 Savings, transitional and other provisions	25
	Omit “the Greyhound and Harness Racing Regulatory Authority,” from clause 11 (5) (e).	26 27