

[Act 1999 No 66]



New South Wales

Thoroughbred Racing Board Further Amendment Bill 1999

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Thoroughbred Racing Board Act 1996* as follows:

- (a) to reconstitute the NSW Thoroughbred Racing Board,
 - (b) to provide for membership on the Board of a Chairperson who is to be selected by nominated members of the Board from candidates put forward by recruitment agencies,
 - (c) to allow the Board to appoint, as the need arises, additional members of the Board with relevant expertise,
 - (d) to provide for the remuneration of members of the Board,
 - (e) to make miscellaneous minor and consequential amendments.
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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 is a formal provision giving effect to the amendments to the *Thoroughbred Racing Board Act 1996* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] inserts definitions of *additional member*, *Chairperson*, *eligible industry body*, *nominated members* and *voting members* into the Act.

Schedule 1 [2] repeals and replaces section 6 of the Act. The new section provides for the reconstitution of the NSW Thoroughbred Racing Board (the Board). The Board is to consist of 4 members nominated by the Australian Jockey Club, the Sydney Turf Club, the Provincial Association of New South Wales and the Country Racing Council Limited, 2 members nominated by other eligible industry bodies (to be determined by the Board with the approval of the Minister) each of whom is to represent the interests of certain participants in the thoroughbred horse racing industry, a Chairperson (to be selected by the nominated members from candidates put forward by at least 2 recruitment agencies), the Chief Executive, and up to 2 additional members (to be appointed by the Board). All members other than the Chief Executive have the right to vote at Board meetings.

Schedule 1 [3] amends section 7 of the Act, so that certain eligibility criteria applying to the current voting members of the Board will apply to all proposed voting members of the Board.

Schedule 1 [4] amends section 7 of the Act, to impose additional eligibility criteria in relation to the offices of additional member and Chairperson of the Board. The proposed amendment also provides for the maximum number of consecutive terms or years for which voting members may hold office.

Schedule 1 [5] makes a consequential amendment.

Schedule 1 [6] and **[15]** make amendments consequential on the proposed change in the status of the office of Chairperson. (Under the amendments proposed to be made by Schedule 1 [2], the Chairperson is to be an independent member of the

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Board rather than one of the nominated members elected by the Board to be Chairperson, as is presently the case).

Schedule 1 [7] repeals and replaces section 9 of the Act. The new section provides that the term of office for each nominated member and the Chairperson of the Board is to be 4 years. The term of office for each additional member is to be determined by the Board but is not to exceed 4 years.

Schedule 1 [8] repeals and replaces section 10 of the Act. The new section provides that each voting member of the Board is entitled to be paid remuneration consisting of a base amount (determined by the Statutory and Other Offices Remuneration Tribunal) adjusted annually in line with the annual percentage increase (if any) in the Consumer Price Index. Travelling and subsistence allowances are also available to voting members.

Schedule 1 [9], [11] and [19] make amendments to the effect that provisions that apply to the current voting members of the Board relating to certain duties, vacation of office, and transaction of business outside meetings or by telephone, are to apply to all proposed voting members of the Board.

Schedule 1 [10] amends section 12 of the Act, so that protection against personal liability currently provided for in the Act extends to all members of the Board.

Schedule 1 [12] makes a consequential amendment.

Schedule 1 [13] amends section 15 of the Act, to enable the Governor, on the recommendation of the Board, to remove the Chairperson from office on the same grounds on which the Governor may remove a nominated member.

Schedule 1 [14] also amends section 15 of the Act, to provide that the Board may remove an additional member of the Board from office at any time.

Schedule 1 [16] amends section 17 of the Act, to provide for the procedure that is to apply if the office of Chairperson becomes vacant.

Schedule 1 [17] makes a consequential amendment relating to the quorum for meetings of the Board.

Schedule 1 [18] provides that a failure to nominate a person to one of the categories of nominated members of the Board does not affect the membership of persons who are properly nominated in accordance with proposed section 6 (as inserted by Schedule 1 [2]), and that if an eligible industry body fails to participate in the nomination of a member referred to in proposed section 6 (1) (e) or (f), the nomination by the other eligible industry bodies or body, as the case may be, is taken to be effective for the purposes of the relevant provision.

Schedule 1 [20] and [21] make consequential amendments.

Schedule 1 [22] amends Schedule 1 to the Act to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [23] inserts a new Part 7 into Schedule 1 which contains provisions of a savings and transitional nature consequent on the enactment of the proposed Act. In particular:

- (a) clause 25 provides that the new Board is a continuation of the old Board, and
- (b) clause 26 provides for arrangements regarding the constitution of the first membership of the new Board (These include that the Minister is to determine the criteria for nominating the first members of the Board referred to in proposed section 6 (1) (e) and (f), and the bodies that may nominate those persons, that the nominations of the first nominated members of the Board to hold office are to be made to the Minister, and that the first nominated members of the new Board are to hold a meeting to select the Chairperson as soon as practicable after the commencement of the proposed provisions relating to the reconstitution of the Board), and
- (c) clause 27 provides that the terms of office of the first members of the new Board (other than the Chairperson and any additional members) are taken to begin on the commencement of the proposed provisions relating to the reconstitution of the Board and that half of the first nominated members of the new Board are to be nominated to have a term of office of 2 years, and
- (d) clause 28 provides that members of the old Board (other than the Chief Executive) cease to hold that office on the commencement of the proposed provisions relating to the reconstitution of the Board.