

[Act 1997 No 24]



New South Wales

AJC Principal Club Amendment Bill 1997

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 *AJC Principal Club Act 1996*:

- (a) to change the name of the AJC Principal Club to the NSW Thoroughbred Racing Board (*the Board*), and
- (b) to make further provision with respect to membership of the Board, the appointment of deputies and the election and removal of the Chairperson and the Deputy Chairperson of the Board, and
- (c) to extend the jurisdiction of the Appeal Panel under the Act and make further provision with respect to appeals, and
- (d) to clarify the functions of the Board, and
- (e) to make consequential changes and amendments of a savings and transitional nature.

The Bill also makes consequential amendments to other Acts.

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 the date of assent.

Clause 3 is a formal provision giving effect to the amendments to the *AJC Principal Club Act 1996* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to other Acts set out in Schedule 2.

Schedule 1 Amendment of AJC Principal Club Act 1996

Change of name of AJC Principal Club

The name of the AJC Principal Club (or AJCPC) is changed to the NSW Thoroughbred Racing Board (Schedule 1 [7]). The name of the *AJC Principal Club Act 1996* is changed consequentially to the *Thoroughbred Racing Board Act 1996*. (Schedule 1 [2])

Schedule 1 [1], [3]-[6], [23] and [24] make consequential amendments.

Membership of Board, appointment of deputies and election and removal of Chairperson and Deputy Chairperson

Schedule 1 [8] adds to the list of persons who are not eligible to be members of the Board. A person who is registered by or with the Greyhound Racing Authority (NSW) or Harness Racing New South Wales (for example, a person registered as a trainer) will not be eligible for membership of the Board. Schedule 1 [23] makes a transitional amendment.

Schedule 1 [9] amends a provision of the Act that allows members of the Board to appoint deputies to ensure that deputies are subject to the same eligibility criteria as the members who appoint them.

Schedule 1 [12] changes the method in which the Chairperson and Deputy Chairperson of the Board are elected and removed. At present, a simple majority of members present and voting at a meeting of the Board at which a quorum is present may elect or remove the Chairperson or Deputy Chairperson. An additional requirement is inserted so that a Chairperson or Deputy Chairperson cannot be elected or removed without the support of nominees from at least 3 of the groups which are entitled to nominate members of the Board (that is, the AJC, the Sydney Turf Club, the Provincial Association of New South Wales, the Board of Directors of the Country Racing Council Limited and the Racing Industry Participants Advisory Committee).

Appeals

Section 42 of the Act is amended by adding to the list of decisions that may be appealed against to the Appeal Panel under the Act. Decisions that may be appealed against under the amendments include decisions of the Board exercising the powers of the stewards and decisions of a racing association (other than a decision on an appeal). The Board will be able to determine other types of decisions that may be appealed against to the Appeal Panel, by order published in the racing calendar that is published by the Board. (Schedule 1 [13], [14] and [16])

The requirement that a person exercise his or her appeal rights under the Rules of Racing before appealing to the Appeal Panel is removed. (Schedule 1 [13])

Schedule 1 [14] also makes it clear that the Rules of Racing do not confer on any person a right to appeal to the Board against a decision, if the person has a right of appeal against the decision to the Appeal Panel under the Act. In such a case the appeal is to be heard and determined by the Appeal Panel, and not by the Board.

Schedule 1[17], [18] and [19] amend section 47 of the Act to transfer the functions of establishing an Appeal Panel to hear an appeal and appointing a substitute convenor of an Appeal Panel from the Chief Executive of the Board to the Principal Member of the Appeal Panel. Those functions are to be exercised in consultation with the Chief Executive. The Chief Executive is given the power to exercise those functions if the Principal Member is unavailable (for example, because of absence or incapacity).

A transitional provision is inserted to make it clear that appeals made to the Australian Jockey Club or the Racing Appeals Tribunal before the Board assumes its functions under Part 4 of the Act are to be determined on the basis of the law applicable to those appeals before the principal Act commenced. (Schedule [23])

Amendments made by Schedule 1 [14], [15] and [20] give the Board power to make rules with respect to appeals, including the manner in which an appeal is to be made and the procedure for hearing and determining an appeal.

Functions of Board

At present, section 13 of the Act provides that the AJC Principal Club is to have all the functions of the principal club for New South Wales under the Australian Rules of Racing. The Australian Rules of Racing also confer functions on the committee of the principal club. The Act is amended to make it clear that the Board is also to exercise those functions. (Schedule 1 [10], [11] and [23])

Savings and transitional provisions

Schedule 1 [21], [22] and [23] insert savings and transitional provisions, including provision to enable the making of savings and transitional regulations consequent on the enactment of the proposed Act.

Schedule 2 Consequential amendment of other Acts

Schedule 2 contains amendments to other Acts that are consequential to the alteration of the names of the AJC Principal Club and the *AJC Principal Club Act 1996*.