

# Thoroughbred Racing Amendment Act 2011 No 47

[2011-47]



New South Wales

## Status Information

### Currency of version

Repealed version for 20 October 2011 to 19 December 2011 (accessed 22 December 2024 at 22:18)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 20.12.2011.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Thoroughbred Racing Amendment Act 2011 No 47



New South Wales

An Act to amend the *Thoroughbred Racing Act 1996* to make further provision with respect to the membership of Racing New South Wales.

## 1 Name of Act

This Act is the *Thoroughbred Racing Amendment Act 2011*.

## 2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).
- (2) Schedule 1 [11] and [12] commence on the date of assent to this Act.

## Schedule 1 Amendment of *Thoroughbred Racing Act 1996 No 37*

### [1] Section 6 Membership

Omit section 6 (1). Insert instead:

- (1) Racing NSW is to consist of the Chief Executive and 7 other members appointed by the Minister from time to time.
  - (1A) The Minister is to appoint members as follows:
    - (a) except as provided by paragraph (b)—each person appointed must be selected from a recommended members list that is provided to the Minister by the Selection Panel under section 7 in relation to the vacancy or vacancies concerned,
    - (b) in the case of any casual vacancy (a vacancy in the office of an appointed member occurring other than by reason of the completion of the member's term of office)—each person appointed must be selected from a list of persons recommended for appointment to fill the vacancy or vacancies concerned that is provided to the Minister by Racing NSW.

(1B) The number of persons listed in a list of persons recommended for appointment to fill any casual vacancy or vacancies must be more than the number of persons required to fill the vacancy or vacancies concerned.

**Note—**

See section 7 (2) (c) for a comparable requirement in relation to lists provided by the Selection Panel.

**[2] Section 6 (2) (a) and (b)**

Omit the paragraphs. Insert instead:

- (a) is currently, or during the previous 12 months has been, an employee of a race club, racing association or eligible industry body, or
- (b) is currently, or during the previous 12 months has been, a member of the governing body of a race club, racing association or eligible industry body, or

**[3] Section 7**

Omit the section. Insert instead:

**7 Selection Panel**

- (1) The Minister is to establish a Selection Panel:
  - (a) to prepare and provide to the Minister a list of persons recommended for appointment as members of Racing NSW when any vacancies arise (a ***recommended members list***), and
  - (b) to prepare and provide to the Minister a list of persons recommended for appointment as the Chairperson or Deputy Chairperson of Racing NSW when any vacancies arise, and
  - (c) to recommend the terms of office for persons included in any such list.
- (2) A list provided to the Minister under this section:
  - (a) must list the persons recommended for appointment and recommend terms of office for the persons listed, and
  - (b) may list persons as being recommended for appointment both as members of Racing NSW and as the Chairperson or Deputy Chairperson of Racing NSW, and
  - (c) must list more persons than the number of persons required to fill the vacancy or vacancies concerned.
- (3) The Selection Panel must not include a person in a recommended members list

unless the Panel is satisfied that the person has experience in a senior administrative role or experience at a senior level in one or more of the fields of business, finance, law, marketing, technology, commerce, regulatory administration or regulatory enforcement.

- (4) Before including a person in a recommended members list, the Selection Panel must conduct a probity check of the person (with the level of scrutiny as determined by the Minister). The Minister is to appoint a Probity Adviser to assist the Selection Panel to conduct probity checks.
- (5) The Selection Panel is to choose between candidates for inclusion in a list to be provided under this section on the basis of merit, with merit to be determined on the basis of a candidate's abilities, qualifications, experience and personal qualities that are relevant to the performance of the duties of membership of Racing NSW or the duties of the Chairperson or Deputy Chairperson (as the case requires).
- (6) The Selection Panel must not include a person in a recommended members list if the Panel is satisfied that the person has a direct or indirect pecuniary interest in any matter that gives rise (or is likely to give rise) to a conflict of interest of a nature that is incompatible with membership of Racing NSW.
- (7) The term of office for which the Minister may appoint a person selected from a list provided under this section may (but need not) be the term of office recommended by the Selection Panel.

**[4] Section 8 Term of office of members**

Omit "recommended by the Selection Panel under section 7" from section 8 (1).

**[5] Section 9 Review of appointments process**

Omit the section.

**[6] Section 15 Vacation of office**

Insert "or (3)" after "subsection (2)" in section 15 (1) (f).

**[7] Section 15 (3) and (4)**

Insert after section 15 (2):

- (3) The Minister may also remove an appointed member from office if the Minister is satisfied that the member has:
  - (a) contravened section 21 (Disclosure of pecuniary interests by members), or
  - (b) a direct or indirect pecuniary interest in any matter that gives rise (or is likely to

give rise) to a conflict of interest of a nature that is incompatible with continued membership of Racing NSW.

- (4) The Minister may not remove a member from office under subsection (3) unless the Minister has first given the member an opportunity to show cause why the member should not be removed from office.

**[8] Section 16**

Omit the section. Insert instead:

**16 Chairperson and Deputy Chairperson of Racing NSW**

- (1) The Minister is to appoint one of the appointed members of Racing NSW as the Chairperson of Racing NSW and another appointed member as the Deputy Chairperson of Racing NSW.
- (2) The Minister must select persons for appointment as the Chairperson or Deputy Chairperson to a vacancy in any of those offices from a list of persons recommended for appointment as such that is provided to the Minister by the Selection Panel under section 7 in relation to the vacancy concerned.
- (3) The appointment of a person as the Chairperson or Deputy Chairperson may be made by the relevant instrument of appointment of the person as an appointed member or by another instrument executed by the Minister.
- (4) The Chairperson or Deputy Chairperson is to be appointed to hold office (subject to this Act) for a period of up to 4 years, unless the Chairperson or Deputy Chairperson sooner vacates office as such.
- (5) The Minister may remove a person from office as the Chairperson or Deputy Chairperson at any time.
- (6) A person ceases to hold office as Chairperson or Deputy Chairperson if he or she:
  - (a) resigns the office by instrument in writing addressed to the Minister, or
  - (b) is removed from that office by the Minister, or
  - (c) ceases to hold office as a member of Racing NSW.
- (7) The Chairperson or Deputy Chairperson does not cease to be a member of Racing NSW merely because he or she ceases to be Chairperson or Deputy Chairperson.

**[9] Section 21 Disclosure of pecuniary interests by members**

Omit “must not, unless Racing NSW otherwise determines” from section 21 (4).

Insert “must not”.

**[10] Section 21 (5)**

Omit the subsection.

**[11], [12] (Repealed)**