



New South Wales

AJC Principal Club Amendment Act 1997 No 24

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New South Wales

AJC Principal Club Amendment Act 1997 No 24

Act No 24, 1997

An Act to amend the *AJC Principal Club Act 1996* to change the name of the AJC Principal Club and to make further provision with respect to appeals, membership and other matters; to make consequential amendments to other Acts; and for other purposes. [Assented to 25 June 1997]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *AJC Principal Club Amendment Act 1997*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of AJC Principal Club Act 1996 No 37

The *AJC Principal Club Act 1996* is amended as set out in Schedule 1.

4 Consequential amendment of other Acts

Each Act specified in Schedule 2 is amended as set out in that Schedule.

Schedule 1 Amendment of AJC Principal Club Act 1996

(Section 3)

[1] Long title

Omit “AJC Principal Club”.
Insert instead “NSW Thoroughbred Racing Board”.

[2] Section 1 Name of Act

Omit “*AJC Principal Club Act 1996*”.
Insert instead “*Thoroughbred Racing Board Act 1996*”.

[3] Section 3 Definitions

Omit the definition of AJCPC from section 3 (1).

[4] Section 3 (1), definition of “Board”

Insert in alphabetical order:

Board means the NSW Thoroughbred Racing Board.

[5] Sections 3 (1) (definitions of “Chief Executive” and “Rules of Racing”), 5–15, 16 (other than 16 (4)), 18–29, 31, 34–36, 37 (1), 38 (3), 40, 42 (3), 43 (6), 44, 45, 46 (1) and 48 and any notes and headings to those sections

Omit “AJCPC” wherever occurring. Insert instead “Board”.

[6] Part 2, heading

Omit “The AJC Principal Club”.
Insert instead “NSW Thoroughbred Racing Board”.

[7] Section 4

Omit the section. Insert instead:

4 Establishment of NSW Thoroughbred Racing Board

There is established by this Act a body corporate with the corporate name of the NSW Thoroughbred Racing Board.

[8] Section 7 Certain persons not eligible for membership

Insert after section 7 (1) (b):

- (b1) is registered by or with the Greyhound Racing Authority (NSW) under the *Greyhound Racing Authority Act 1985*, or
- (b2) is registered by or with Harness Racing New South Wales under the *Harness Racing New South Wales Act 1977*, or

[9] Section 8 Deputies of members

Insert after section 8 (1):

- (1A) A person cannot be appointed as a deputy of a member if the person is not eligible to be a member of the Board or, in the case of a deputy of the member nominated by RIPAC, is not eligible to be a member nominated by RIPAC.

[10] Section 13 Functions of Board

Omit “principal club” from section 13 (1) (a).
Insert instead “the principal club for New South Wales and committee of the principal club”.

[11] Section 13 (3)

Insert “or committee of the principal club for New South Wales” after “New South Wales”.

[12] Section 16 Chairperson and Deputy Chairperson of Board

Omit section 16 (4). Insert instead:

- (4) To be elected or removed from office as Chairperson or Deputy Chairperson requires a simple majority of the members present and voting at a meeting of the Board at which a quorum is present, with that majority comprising members nominated from at least 3 of the 5 categories of nominees set out in section 6 (1) (a)–(e).

[13] Section 42 Right of appeal

Omit section 42 (1) and (2). Insert instead:

- (1) A person aggrieved by any of the following decisions of a racing authority has a right of appeal against the decision to the Appeal Panel:
 - (a) a decision to disqualify or warn off any person,
 - (b) a decision to disqualify any horse,
 - (c) a decision to revoke the licence or registration of any person or suspend (for any period) any such licence or registration,
 - (d) a decision to fine any person a sum of \$10 or more,
 - (e) a decision that the Board determines, by order published in the racing calendar published by the Board, to be a decision that may be appealed against to the Appeal Panel.
- (2) A *racing authority* means:
 - (a) the stewards of the Board,
 - (b) the Board exercising the powers of stewards under the Rules of Racing,
 - (c) the committee or stewards of any race club or race meeting registered by the Board under the Rules of Racing,
 - (d) a racing association.

[14] Section 42 (5)–(7)

Insert after section 42 (4):

- (5) A decision of a racing association on an appeal heard by the racing association by virtue of a delegation under this section, or on an appeal under the Rules of Racing, cannot be appealed against to the Appeal Panel.
- (6) If the Rules of Racing confer on a person a right of appeal against a decision to the principal club for New South Wales, or the committee of the principal club, and the person has a right of appeal against the decision under this section, the person does not have a right of

appeal to the Board (despite the provisions of the Rules of Racing). The function of hearing and determining appeals against decisions that may be appealed against under this section is to be exercised by the Appeal Panel or by a racing association to which that function is delegated under this section, and not by the Board.

- (7) An appeal is to be made in accordance with the local rules of racing of the Board.

[15] Section 43 Procedure on an appeal

Insert “and the local rules of racing of the Board” after “this Act” in section 43 (2).

[16] Section 44

Omit the section. Insert instead:

44 Decision on appeal to be given effect to

The decision of the Appeal Panel on an appeal is to be given effect to.

[17] Section 47 How Appeal Panel is constituted for particular appeal

Omit “the Chief Executive” from section 47 (1).
Insert instead “the Principal Member”.

[18] Section 47 (3)

Omit “Chief Executive”. Insert instead “Principal Member”.

[19] Section 47 (5) and (6)

Insert after section 47 (4):

- (5) The Principal Member must, if practicable, consult with the Chief Executive before establishing an Appeal Panel under this section, or appointing a Convenor when the Principal Member is unavailable to act.

- (6) The Chief Executive may exercise the functions of the Principal Member under this section of establishing an Appeal Panel and appointing a Convenor during any period in which the Principal Member is unavailable to exercise those functions (for example, because of absence or incapacity).

[20] Section 49A

Insert after section 49:

49A Local rules of racing may provide for appeals

The local rules of racing of the Board may make provision for or with respect to appeals under this Part, including the manner of making an appeal and the procedure for hearing and determining an appeal.

[21] Schedule 1, clause 3

Omit “this Act.” from clause 3 (1). Insert instead:

this Act

AJC Principal Club Amendment Act 1997

[22] Schedule 1, clause 3 (3)

Omit “from the commencement of this clause or from”.

Insert instead “on the date of assent to the Act concerned or”.

[23] Schedule 1, Part 5

Insert after Part 4:

**Part 5 Provisions consequent on enactment of
AJC Principal Club Amendment Act 1997**

17 Commencement of certain amendments

- (1) The amendments made to section 13 (1) (a) and 13 (3) by the *AJC Principal Club Amendment Act 1997* are taken to have commenced on the date of assent to this Act.

- (2) Clauses 21 and 22 of this Schedule are taken to have commenced on the date of assent to this Act.
- (3) Anything done before the commencement of this clause that could have been validly done had the amendments made by the *AJC Principal Club Amendment Act 1997* been in force at the time that it was done is taken to have been validly done.

18 Change of name of AJC Principal Club

- (1) The substitution of section 4 by the *AJC Principal Club Amendment Act 1997* effects the alteration of the name of the AJC Principal Club in terms of section 53 of the *Interpretation Act 1987* and accordingly that section applies.
- (2) A reference in Parts 1 to 4 of this Schedule to the AJCPC is to be read as a reference to the Board, except in relation to matters that occurred before that alteration took place.

Note. Section 53 of the *Interpretation Act 1987* provides that if an Act alters the name of a body or office:

- (a) the body or office continues in existence under its new name so that its identity is not affected, and
- (b) a reference in any Act or instrument, or in any other document, to the body or office under its former name is to be read as a reference to the body or office under its new name (except in relation to matters that occurred before the alteration took place).

19 Change in eligibility criteria for nominated members

- (1) Section 7 (1) (b1) and (b2) (as inserted by the *AJC Principal Club Amendment Act 1997*) apply only to nominations of members of the Board that are made on or after the commencement of those provisions.
- (2) A member of the Board who holds office under a nomination made before the commencement of section 7 (1) (b1) or (b2) does not cease to hold office by reason of becoming a person who is not eligible to be a member because of those provisions.

20 Change in method of electing and removing Chairperson and Deputy Chairperson

Section 16 (4) (as substituted by the *AJC Principal Club Amendment Act 1997*) applies only in respect of an election or removal from office as Chairperson or Deputy Chairperson on or after its substitution.

21 Functions of committee of AJC

A reference in clauses 2, 14 and 16 of this Schedule to the AJC includes a reference to the committee of the AJC.

22 Appeals

- (1) The reference in clause 15 of this Schedule to any appeal pending under section 32 of the *Australian Jockey Club Act 1873* includes a reference to any appeal pending under the Rules of Racing.
- (2) The *Racing Appeals Tribunal Act 1983* continues to apply to and in respect of a decision referred to in section 15 of that Act (as in force immediately before its amendment by Schedule 2 of this Act), whether made before or after the date of assent to this Act.

[24] Schedule 2 Amendment of Acts and instruments

Omit Schedule 2.12 (Amendment of the *Workers Compensation Act 1987 No 70*).

Insert instead:

2.12 Workers Compensation Act 1987 No 70

Section 3 Definitions

Omit “Australian Jockey Club” from the definition of *specialised insurer* in section 3 (1).

Insert instead “NSW Thoroughbred Racing Board”.

Schedule 2 Consequential amendment of other Acts

(Section 4)

2.1 Bookmakers (Taxation) Act 1917 No 15

[1] Section 2 Definitions

Omit “AJC Principal Club” from the definition of *Registration authority*.

Insert instead “NSW Thoroughbred Racing Board”.

[2] Section 35 Constitution of Committee

Omit “AJC Principal Club” from section 35 (1).

Insert instead “NSW Thoroughbred Racing Board”.

[3] Section 37 Minister may furnish information

Omit “AJC Principal Club”.

Insert instead “NSW Thoroughbred Racing Board”.

2.2 Defamation Act 1974 No 18

Schedule 2 Proceedings of public concern and official and public documents and records

Omit “AJC Principal Club Act 1996” from clause 2 (8).

Insert instead “*Thoroughbred Racing Board Act 1996*”.

2.3 Lotteries and Art Unions Act 1901 No 34

Section 4D Sweepstakes in relation to the Melbourne Cup and other events

Omit “AJC Principal Club” from paragraph (e) of the definition of *prescribed organisation* in section 4D (1).

Insert instead “NSW Thoroughbred Racing Board”.

2.4 Racing Appeals Tribunal Act 1983 No 199

[1] Long title

Omit “*AJC Principal Club Act 1996*”.
Insert instead “*Thoroughbred Racing Board Act 1996*”.

[2] Section 4 Definitions

Omit “*AJC Principal Club Act 1996*” from the definition of *Appeal Panel* in section 4 (1).
Insert instead “*Thoroughbred Racing Board Act 1996*”.

[3] Section 4 (1), definition of “Board”

Insert in alphabetical order:

Board means the NSW Thoroughbred Racing Board.

[4] Section 4 (1), definition of “Club”

Omit the definition.

[5] Section 15 Appeals to Tribunal

Omit “*AJC Principal Club Act 1996*” from section 15 (a) (i).
Insert instead “*Thoroughbred Racing Board Act 1996*”.

[6] Section 15 (a) (ii)

Omit the subparagraph.

[7] Section 15 (b)

Omit “that Committee”. Insert instead “the Appeal Panel”.

[8] Sections 19 and 20

Omit “Club” wherever occurring. Insert instead “Board”.

2.5 Sydney Turf Club Act 1943 No 22

[1] Section 7 Objects and functions of Club

Omit “AJC Principal Club” from section 7 (2).
Insert instead “NSW Thoroughbred Racing Board”.

[2] Section 25 Exclusion of undesirable persons

Omit “AJC Principal Club” wherever occurring in section 25 (1).
Insert instead “NSW Thoroughbred Racing Board”.

[3] First Schedule Regulations for the Sydney Turf Club

Omit “AJC Principal Club” from the definition of *Rules of Racing* in clause 1 (a).
Insert instead “NSW Thoroughbred Racing Board”.

[4] First Schedule, clause 16

Omit “AJC Principal Club or its stewards or any other club”.
Insert instead “NSW Thoroughbred Racing Board or its stewards or any club”.

2.6 Totalizator Act 1916 No 75

[1] Section 19A Racecourse Development Fund

Omit “AJC Principal Club Act 1996 as profits of the AJC Principal Club” from section 19A (3) (a1).
Insert instead “*Thoroughbred Racing Board Act 1996* as profits of the NSW Thoroughbred Racing Board”.

[2] Section 19A (5) (e)

Omit “AJC Principal Club”.

Insert instead “NSW Thoroughbred Racing Board”.

2.7 Totalizator (Off-course Betting) Act 1964 No 1

[1] Section 14 Application of Totalizator Act 1916 to payments by and to Board

Omit “AJC Principal Club” from section 14 (3) (c).

Insert instead “NSW Thoroughbred Racing Board”.

[2] Section 14B Financial scheme for distribution of surplus commission

Omit “AJC Principal Club” from section 14B (1).

Insert instead “NSW Thoroughbred Racing Board”.

[3] Section 16 Board to hold residue in trust

Omit “AJC Principal Club”.

Insert instead “NSW Thoroughbred Racing Board”.

[4] Section 16

Omit “Club,”.

[Minister’s second reading speech made in—

Legislative Assembly on 21 May 1997

Legislative Council on 16 June 1997]