

Terms of Reference

Racing Regulation Act 2004

Background

Probity and integrity are critically important in the racing industry and underpins confidence in racing across all three codes in the state – thoroughbred, harness and greyhounds.

Integrity functions are defined in the *Racing Regulation Act 2004* (the Act), which has not been substantively reviewed since its inception.

The Government has appointed an independent expert to undertake a review of the Act, with the aim of ensuring that the governance and integrity model in Tasmania is effective in delivering probity and integrity to support the sustainability of the racing industry in Tasmania.

The separation of integrity functions between the Director of Racing as supported by the Office of Racing Integrity and Tasracing Pty Ltd is an important characteristic of the current model, and the Government's position is that this separation should be maintained in modernising of the Act. Otherwise, all options for improvement to the governance and integrity model will be considered.

Current Legislative Arrangements

The *Racing Regulation Act 2004* provides the general powers and functions of the Director of Racing (Part 2) and Tasracing Pty Ltd (Part 3) and outlines the respective roles of Tasracing and the Director of Racing.

The *Racing (Tasracing Pty Ltd) Act 2009* also provides that the objectives of the Company are to “perform its functions and exercise its powers so as to be a successful business by operating in accordance with sound commercial practice as efficiently and effectively as possible; and to perform any functions conferred by the *Racing Regulation Act 2004* and any other Act.”

The Scope of the Review

The scope of the Review by the independent expert is to:

1. Consider submissions and feedback on the *Review of the Racing Regulation Act 2004: Discussion Paper*;
2. Review the *Racing Regulation Act 2004* (the Act), considering best practice integrity approaches in other jurisdictions;
3. Consider the governance, powers and functions of Tasracing Pty Ltd and the Director of Racing/ORI
4. Report to the Minister for Racing with recommendations aimed at modernising the Act, including, but not limited to:
 - a. the appropriate model for separation of integrity powers and functions between the integrity body (currently the Director of Racing) and Tasracing Pty Ltd;
 - b. improvements to the governance of the integrity body and Tasracing Pty Ltd to support integrity in racing;

- c. whether the integrity body or Tasracing Pty Ltd should deliver non-integrity functions (e.g. – harness, thoroughbred, and greyhound race day management);
- d. what additional integrity powers and functions may need to be included in the Act, such as those relating to animal welfare, and the respective role of the integrity body and Tasracing Pty Ltd; and
- e. any other matters relevant to the above matters.

The Report to the Minister for Racing to be delivered by no later than 25 February 2022.

Issues not within the scope of the review

The Review will not consider funding for the racing industry.

The Review will not consider the management of gaming under the *Gaming Control Act 1993*.

Next Steps

The Government will respond to the Independent Expert Review Report in early 2022.

The Review may result in amendments to the Act, and potentially consequently amendments to the *Racing (Tasracing Pty Ltd) Act 2009*.

There will be subsequent consultation on any legislative changes.