



# Racing Industry (Racing Integrity Board) Regulations 2021

Patsy Reddy, Governor-General

## Order in Council

At Wellington this 24th day of May 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 128 of the Racing Industry Act 2020—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Racing.

## Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
<i>Provisions relating to Board members</i>	
4 Term of office	2
5 Removal from office	2
6 Extraordinary vacancies	3
7 Fees and expenses	3
<i>Powers of Board</i>	
8 Chief executive and other employees	3
9 Board committees	3
10 Delegation	4
11 Bank accounts	4

12	Insurance	4
13	Investment and borrowing	4
14	Method of contracting	5
	<i>Miscellaneous</i>	
15	Meetings	5
16	Procedure	5

## Regulations

### 1 Title

These regulations are the Racing Industry (Racing Integrity Board) Regulations 2021.

### 2 Commencement

These regulations come into force on 1 July 2021.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Racing Industry Act 2020

**Board** means the Racing Integrity Board established by section 42 of the Act

**Board member** means a member of the Board

**committee member** means a person appointed to a committee of the Board under regulation 9(2).

#### *Provisions relating to Board members*

### 4 Term of office

- (1) A Board member holds office for a term not exceeding 3 years and may be reappointed.
- (2) However, a Board member is ineligible for reappointment after holding office for 3 terms, whether consecutively or not.
- (3) A Board member continues in office despite the expiry of their term until—
  - (a) the member is reappointed; or
  - (b) the member's successor is appointed.
- (4) A Board member may resign from office by giving written notice to the Minister.

### 5 Removal from office

- (1) The Minister may remove a Board member from office for just cause.

- (2) The removal must be made by written notice to the Board member (with a copy provided to the Board).
- (3) The notice must state—
  - (a) the date on which the removal takes effect, which must not be earlier than the date on which the notice is received; and
  - (b) the reasons for the removal.
- (4) In subclause (1), **just cause** includes undischarged bankruptcy, misconduct, inability to perform the functions of office, or neglect of duty.

## **6 Extraordinary vacancies**

- (1) An extraordinary vacancy is created if a Board member—
  - (a) dies; or
  - (b) resigns from office; or
  - (c) is removed from office under regulation 5.
- (2) The extraordinary vacancy must be filled in the same manner in which the person whose office has become vacant was appointed to that office.
- (3) A person appointed to fill an extraordinary vacancy holds office for a period not exceeding 3 years specified in the person's notice of appointment and may be reappointed.
- (4) The powers of the Board are not affected by any vacancy in its membership.

## **7 Fees and expenses**

- (1) Each Board member must be paid, from funds of the Board, fees as determined by the Minister.
- (2) Reimbursement of Board expenses is to be determined by Board policy.

### *Powers of Board*

## **8 Chief executive and other employees**

The Board may appoint a chief executive and any other employees it considers necessary for the efficient performance of its functions.

## **9 Board committees**

- (1) The Board may, by resolution, appoint 1 or more committees—
  - (a) to advise it on any matters relating to its functions and powers that are referred to the committee by the Board; or
  - (b) to perform or exercise any of its functions or powers that are delegated to the committee.
- (2) A person may be appointed as a committee member whether or not they are a Board member.

- (3) Each committee may regulate its own procedure, subject to any direction given by the Board.

## **10 Delegation**

- (1) The Board may in writing, either generally or specifically, delegate any of its functions and powers to any of its members, committees, or employees.
- (2) The person or committee to whom a delegation is made may perform or exercise the delegated functions or powers in the same manner and with the same effect as if they had been conferred directly, and not by delegation.
- (3) Subclause (2) is subject to any general or special directions given or conditions imposed by the Board.
- (4) A person or committee purporting to act under a delegation is presumed, in the absence of proof to the contrary, to be acting in accordance with the terms of the delegation.
- (5) A delegation—
  - (a) may not include a power to further delegate any function or power:
  - (b) is revocable at will in writing:
  - (c) continues in force according to its terms until it is revoked, despite any change in the membership of the Board or of any committee:
  - (d) does not prevent the performance or exercise of any function or power by the Board.

## **11 Bank accounts**

- (1) The Board may open 1 or more bank accounts as it considers necessary for the performance of its functions.
- (2) All money received by the Board, or by any member or employee of the Board for the purposes of the Board, must be paid into a bank account (as determined by the Board) as soon as practicable after it has been received.
- (3) The Board must authorise the withdrawal or payment of money from or into its bank accounts.

## **12 Insurance**

The Board may enter into contracts of insurance that indemnify Board members and committee members and any employees of the Board in respect of the performance or exercise of its functions or powers under the Act.

## **13 Investment and borrowing**

- (1) The Board may invest any money held by, or on behalf of, the Board that is not immediately required for expenditure.
- (2) The Board may borrow funds required for the long-term sustainability and effective operation of the Board.

## **14 Method of contracting**

- (1) A contract or other enforceable obligation may be entered into by the Board as provided in this regulation.
- (2) An obligation that, if entered into by an individual, is required to be by deed may be entered into on behalf the Board in writing, signed under the name of the Board by 2 or more Board members.
- (3) An obligation that, if entered into by an individual, is required to be in writing may be entered into on behalf of the Board in writing by a person acting under the Board's express or implied authority.

### *Miscellaneous*

## **15 Meetings**

### *Frequency of meetings*

- (1) The Board must hold a meeting no later than 3 months after the date of its previous meeting, at a time and place determined at the previous meeting.

### *Form of meeting*

- (2) A meeting of the Board may be held by means of audio, audiovisual, or electronic communication, but only if—
  - (a) all of the Board members who wish to participate in the meeting have access to the technology needed to participate in the meeting; and
  - (b) a quorum of Board members can simultaneously communicate with each other throughout the meeting.

### *Quorum*

- (3) No business may be transacted at a meeting of the Board unless more than half of the Board members then holding office are present.

### *Voting*

- (4) Every question before the Board must be decided by a majority of the votes cast on it by the Board members who are present at a meeting of the Board.
- (5) The chairperson has a deliberative vote on every question and, on any question where deliberative votes for and against are equal, also has a casting vote.

## **16 Procedure**

The Board may, in consultation with the racing codes, adopt operating procedures and policies not inconsistent with the Act or any applicable racing rules made under the Act in relation to—

- (a) the performance of its functions;
- (b) the operations of any adjudicative committees or appeals tribunals appointed by the Board.

Michael Webster,  
Clerk of the Executive Council.

## Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 July 2021, relate to the administration of the Racing Integrity Board (the **Board**) established by section 42 of the Racing Industry Act 2020, and set out provisions relating to—

- the membership of the Board, including a Board member’s term of office and vacancies in Board membership; and
- the powers of the Board, including its powers to appoint a chief executive, employees, and committees and to delegate, open bank accounts, enter into contracts, and invest and borrow; and
- the procedures of the Board and any adjudicative committees and administrative tribunals appointed by the Board.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 27 May 2021.

These regulations are administered by the Department of Internal Affairs.