

1976 Bill 50

Second Session, 18th Legislature, 25 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 50

THE RACING COMMISSION AMENDMENT ACT, 1976

THE SOLICITOR GENERAL

First Reading

Second Reading

Third Reading

BILL 50

1976

THE RACING COMMISSION AMENDMENT ACT, 1976

(Assented to _____, 1976)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The Racing Commission Act is hereby amended.*

2. *Section 9, subsection (1) is amended*

(a) *by adding after clause (b) the following:*

(b1) to delegate in writing in whole or in part to

(i) any member or officer of the Commission,
or

(ii) a board of stewards or any member thereof, or

(iii) a board of harness racing judges or any member thereof,

any of the powers which the Commission may exercise under clauses (d), (d1), (d2), or (o),

(b) *by adding after clause (d) the following:*

(d1) to conduct an investigation into any matter where a person has or is suspected of having

(i) contravened any provision of this Act or any rules made and promulgated by the Commission, or

(ii) conducted himself in a manner which is, in the opinion of the Commission or of a steward or harness racing judge, prejudicial to the best interests of horse racing,

(d2) to conduct, on or near any grounds at which race meets are held, a search

(i) of any person who is involved in or is suspected of being involved in any matter being investigated under this Act, or

(ii) of any building, receptacle, vehicle or place which relates to any matter being investigated under this Act,

Explanatory Notes

1. This Bill will amend chapter 308 of the Revised Statutes of Alberta 1970.

2. Section 9 (1) presently reads:

9. (1) The Commission has power
- (a) to govern, direct, control and regulate horse racing in Alberta in any or all of its forms,
 - (b) to govern, control and regulate the operation of race tracks in Alberta at which any form of horse racing is carried on,
 - (c) to hold hearings relating to the carrying out of its objects or powers, and to summon any person by subpoena signed by the chairman or by any other member of the Commission, and to require such person to give evidence on oath and to produce such documents and things as the Commission deems requisite in any such hearing,
 - (d) to enforce the carrying out and observance of all regulations, rules and conditions established under this Act, by a fine or other penalty or otherwise,
 - (e) to make by-laws for the conduct of its business and for the control and direction of its work,
 - (f) to license persons to operate race tracks at which horse racing in any of its forms is carried on,
 - (g) to license owners, trainers, drivers, jockeys, apprentice jockeys, grooms, jockeys' agents, jockeys' valets, exercise boys, tradesmen and such other persons in or about race tracks at which horse racing in any of its forms is carried on, as the Commission deems expedient,
 - (h) to fix and collect fees or other charges for licences, prescribe the form thereof and the conditions under which they may be issued,
 - (i) to refuse to grant any licence or to suspend or revoke any licence for conduct that the Commission considers to be contrary to the public interest,
 - (j) to require registration with the Commission of, and to register colours, assumed names, partnerships and contracts and such other matters and things as the Commission deems expedient,
 - (k) to fix and collect fees or other charges for registration under clause (j) and to prescribe the form thereof and the conditions under which registration may be made,
 - (l) to make and promulgate rules for the conduct of horse racing in any of its forms,
 - (m) to employ stewards, veterinarians, analysts and such other persons as the Commission deems expedient to attend at race meetings on behalf of the Commission,
 - (n) to require approval by the Commission of the appointment of race track officials and employees whose duties relate to the actual running of horse races and to compel the discharge for cause of any such official or employee,
 - (o) to fix, impose and collect fines and other penalties for a contravention of any requirement of the Commission under this Act,
 - (ol) to assist in the development of horse racing in Alberta by acquiring mobile pari mutuel units, sponsoring equine research and making direct grants or loans to such persons and upon such terms as the Commission considers appropriate,
 - (p) to require persons licensed to operate race tracks to keep books of account in a manner satisfactory to the Commission, and to inspect such books at any time, and
 - (q) to do such things relating to horse racing in any or all of its forms, or to the operation of race tracks at which horse racing is carried on, as are authorized or directed by the Lieutenant Governor in Council.

and, for the purposes of that investigation, to seize any thing which relates to the matter being investigated,

- (c) *as to clause (m), by striking out the words "to employ stewards," and by substituting therefor the words "to employ or appoint stewards, harness racing judges,"*
- (d) *as to clause (n) by striking out the words "the appointment of" and by substituting the words "the appointment by a person or body other than the Commission of stewards, harness racing judges and other",*
- (e) *by striking out clause (o) and by substituting therefor the following:*
 - (o) *to fix and impose a fine or impose any sanction upon any person or suspend any licence issued to any person under this Act where that person has*
 - (i) *contravened any provision of this Act or any rules made and promulgated by the Commission, or*
 - (ii) *conducted himself in a manner which is, in the opinion of the Commission or of a steward or harness racing judge, prejudicial to the best interests of horse racing,*

3. No person has a cause of action against the Commission, any member or officer of the Commission or any steward or harness racing judge, by reason of anything done prior to the commencement of this Act that would not have given rise to a clause of action if

- (a) *section 9, subsection (1), clauses (b1), (d1), (d2) and (o) of The Racing Commission Act, (as enacted by section 2 of this Act) were in force at the time the thing was done, and*
- (b) *in the case of an action against a member or officer of the Commission or a steward or harness racing judge, the power to do the thing was lawfully delegated to him by the Commission pursuant to section 9, subsection (1), clause (b1) of The Racing Commission Act (as enacted by section 2, clause (a) of this Act) at the time the thing was done.*

4. This Act comes into force on the day upon which it is assented to.

3. Legal proceedings.