

1996 BILL 5

Fourth Session, 23rd Legislature, 45 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 5

RACING CORPORATION ACT

HON. DR. WEST

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 5

BILL 5

1996

RACING CORPORATION ACT

(Assented to , 1996)

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

Definitions

1(1) In this Act,

- (a) “board” means the board of directors of the Corporation;
- (b) “Corporation” means the Alberta Racing Corporation;
- (c) “horse race” means a horse race in any of its forms;
- (d) “licensed activity” includes the following:
 - (i) the operation of a race track;
 - (ii) the conduct of a horse race;
 - (iii) riding or driving a race horse in a horse race;
 - (iv) the operation of an off track wagering facility;
 - (v) the operation of a facility showing or otherwise operating simulcast horse racing;

- (vi) the operation of a facility at which or through which wagers may be placed in respect of simulcast horse racing;
- (vii) any activity specifically related to horse racing but not referred to in subclauses (i) to (vi) that is prescribed by the rules as a licensed activity;
- (e) “off track wagering facility” means any facility not located at a race track at which a wager on the outcome of a horse race may be placed;
- (f) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (g) “pari mutuel wagering” means a form of wagering on the outcome of a horse race under which all wagers for each race are pooled and held for distribution of the total amount, less the deductions authorized by law, to holders of tickets on the winning horses;
- (h) “race horse” means an equine of any breed that
 - (i) is owned or otherwise maintained by a racing participant for the purposes of running in a horse race,
 - (ii) is located at or on a race track or is otherwise used or maintained for the purposes of or in connection with horse racing, or
 - (iii) is designated by the Corporation as a race horse;
- (i) “race track” includes
 - (i) any location or grounds at which a horse race takes place or customarily takes place, and
 - (ii) any buildings and facilities located on that location and those grounds;
- (j) “racing officials” means stewards, harness racing judges and other race track officials and employees whose duties relate to the actual running of horse races and includes
 - (i) veterinarians and analysts who are engaged in the inspection of, or the testing of specimens taken from, race horses, and

(ii) any other persons designated by the rules as racing officials,

but does not include racing participants;

(k) “racing participants” means owners, trainers, drivers and jockeys of race horses and includes

(i) apprentice jockeys, grooms, jockeys’ agents, jockeys’ valets and exercise boys, and

(ii) any other persons designated by the rules as racing participants;

(l) “selection committee” means the selection committee referred to in section 2(2)(a);

(m) “simulcast” means the telecast or other transmission of audio and visual signals of a horse race that, for the purposes of allowing wagering to be conducted in Alberta on that horse race,

(i) is transmitted from the race track at which the horse race is being run, and

(ii) is received and shown at a location in Alberta,

at the time that the horse race is being run;

(n) “wager” means a wager placed under the system known as pari mutuel wagering.

(2) Any reference in this Act to “this Act” includes a reference to the rules made under this Act.

PART 1

ESTABLISHMENT AND OPERATION OF CORPORATION

Alberta Racing
Corporation

2(1) There is hereby established a corporation with the name “Alberta Racing Corporation” which shall consist of a board of directors made up of the following members:

(a) one person appointed by The Horsemen’s Benevolent and Protective Association of Alberta to represent the interests of that Association;

(b) one person appointed by the Alberta Standardbred Horse Association to represent the interests of that Association;

- (c) 3 persons who, in the opinion of the selection committee, represent the interests of the public;
 - (d) 2 persons, other than those who represent the interests of the associations referred to in clauses (a) and (b), who, in the opinion of the selection committee, represent the interests of the race horse breeding industry.
- (2) For the purposes of making appointments to the board with respect to the positions on the board referred to in subsection (1)(c) and (d), the following applies:
- (a) the current members of the board holding the positions referred to in subsection (1)(c) constitute a selection committee;
 - (b) where
 - (i) there is a vacancy on the board in respect of the position of a person referred to in subsection (1)(c) or (d), or
 - (ii) the term of office of one or more of the current members of the board holding positions referred to in subsection (1)(c) or (d) is about to expire,

the selection committee shall, subject to the rules, advertise for nominations of persons from which a person or persons may be appointed to that position or those positions;

- (c) on receiving nominations, the selection committee shall submit to the board the names of a sufficient number of candidates, from among the names of the persons whose nominations were received by the selection committee, to fill the positions on the board to which appointments are to be made;
- (d) on the submission of the name of a candidate to the current members of the board,
 - (i) the current members of the board shall conduct a vote of the board to determine whether the candidate is to be appointed to fill the position, and
 - (ii) if the candidate receives at least a $\frac{2}{3}$ majority of the vote in favour of the candidate's being appointed to the position,

the current members of the board shall appoint the candidate

(iii) to fill the vacancy, or

(iv) to take office on the expiry of the current board member's term of office,

as the case may be.

(3) The term of office of a member of the board is 3 years or a shorter period of time prescribed by the persons appointing the member to the board.

(4) A person who is a member of the board may be reappointed as a member of the board but

(a) that person is not eligible to serve for more than 6 consecutive years as a member of the board, and

(b) where the person has served for 6 consecutive years as a member of the board, that person is not eligible to be appointed again as a member of the board until 3 years has expired from the time that the person's last appointment to the board terminated.

(5) The board may, unless otherwise directed by the Minister, change the name of the Corporation or use a trade name that is different from the name of the Corporation.

(6) Notwithstanding subsections (1) and (2), after the coming into force of this Act,

(a) the initial appointment to each of the positions on the board shall be made by the Minister from among persons who, in the opinion of the Minister, meet the criteria with respect to the representation of the interests referred to in subsection (1), and

(b) if at any time after the initial appointments are made to the board under clause (a) a position becomes vacant on the board and an association or the board, as the case may be, is unable to make or does not make the appointment to the board in accordance with subsection (1) or (2), the Minister may make the appointment.

(7) The quorum of the board is 3 members of the board.

Chair

3(1) The chair of the board shall,

(a) during the period of 3 years from the day of the coming into force of this Act, be designated by the Minister from

among the members of the board referred to in section 2(1)(c), and

(b) on the conclusion of the period of 3 years from the day of the coming into force of this Act, be designated by a majority of the members of the board from among the members of the board referred to in section 2(1)(c).

(2) Notwithstanding subsection (1)(b), if the members of the board are unable to designate a chair, the Minister may designate a chair from among the members of the board referred to in section 2(1)(c).

Objects **4** The objects of the Corporation are to govern, direct, control, regulate, manage, market and promote horse racing in any or all of its forms in Alberta.

Powers **5** The Corporation has, for the purposes of carrying out its objects under this Act, the capacity and the rights, powers and privileges of a natural person.

By-laws **6(1)** The board may make by-laws governing the administration and management of the business and affairs of the Corporation, including the establishment and payment of remuneration and expenses to the members of the board.

(2) The *Regulations Act* does not apply to a by-law made under this section.

Financial Administration Act **7** The *Financial Administration Act* does not apply to the Corporation or any matter carried out under this Act.

Crown agency **8** The Corporation is not an agent of the Crown.

Financial matters **9(1)** All fees, costs and other revenue arising with respect to the administration of this Act or any other matter administered by the Corporation are the revenues of the Corporation.

(2) All money from any source that is received by and all money that is payable to the Corporation belongs to the Corporation.

(3) Any income earned from the money of the Corporation accrues to and belongs to the Corporation.

(4) The Corporation

(a) shall use its funds

(i) to pay for the expenses and costs incurred in carrying out the administration and management of the business and affairs of the Corporation, and

(ii) for the carrying out of the objects of the Corporation,

and

(b) shall not directly or indirectly pay any dividend or other form of profit sharing to any member of the board or to any other person.

Crown agreements

10 Without limiting the capacity or power of the Corporation to enter into agreements, the Corporation, at the request of the Minister, may on behalf of the Government enter into agreements with any other government, person or agency with respect to horse racing.

Gaming laws, etc.

11 The Corporation shall operate in accordance with the laws governing gaming and the policies and directions of the Government with respect to gaming.

Liability

12(1) No action lies against the members of the board, the members of the Appeal Tribunal, any racing official or any employee or agent of the Corporation or of the Appeal Tribunal for anything done or not done by any of them in good faith while exercising their powers or performing their duties under this Act.

(2) Nothing in this section shall be construed so as to prohibit a person from bringing any action against the Corporation.

(3) Any action, other than an application made under section 27, that is brought in respect of the Appeal Tribunal shall be brought against the Corporation.

PART 2
HORSE RACING

- Licensing** **13** The Corporation may require that the following persons be licensed by the Corporation:
- (a) persons who operate race tracks;
 - (b) persons who carry out licensed activities other than the operation of race tracks;
 - (c) racing officials;
 - (d) racing participants.
- Prohibition** **14(1)** A person shall not carry out, attempt to carry out or purport to carry out a licensed activity in respect of which a licence is required under this Act unless that person is licensed under this Act to carry out that licensed activity.
- (2)** A person shall not carry out, attempt to carry out or purport to carry out an activity of a racing official unless that person is appointed by the Corporation as a racing official.
- (3)** A person shall not carry out, attempt to carry out or purport to carry out an activity of a racing participant in respect of which a licence is required under this Act unless that person is licensed under this Act as a racing participant for the purposes of carrying out that activity.
- (4)** Where a person is licensed under this Act to carry out an activity in respect of which a licence is required under this Act, that person shall not carry out, attempt to carry out or purport to carry out that activity during the time that the person's licence is suspended or otherwise not in force.
- Trainer of record** **15(1)** The Corporation may require that the owner of a race horse register with the Corporation the name of a person who is the trainer of record for that race horse.
- (2)** The Corporation may prohibit the racing of a race horse if no trainer of record has been registered with the Corporation for that race horse.
- (3)** Subject to the rules, the trainer of record for a race horse is deemed to be responsible in respect of that race horse for any matter prescribed under the rules.

(4) Subject to the rules, where a contravention of this Act occurs with respect to a race horse, the trainer of record for that race horse is liable for that contravention and is subject to any penalty, sanction or direction that may be made in respect of that contravention.

(5) Nothing in subsection (3) or (4) shall be construed so as to remove or limit the liability of any other person who may be liable for a contravention of this Act with respect to a race horse.

On-going
inspections,
etc.

16(1) For the purposes of

- (a) administering this Act,
- (b) fostering compliance with this Act,
- (c) fostering the safety and health of race horses and persons engaged in horse racing, and
- (d) fostering the fair and proper conduct of horse racing and the protection of the public,

a racing official designated under subsection (2) may, during any hours that are reasonable in the circumstances, from time to time or at any specific time

- (e) on, at or near a race track carry out inspections of
 - (i) race horses,
 - (ii) buildings, areas, receptacles or facilities,
 - (iii) vehicles,
 - (iv) racing participants,
 - (v) veterinarians, analysts and other persons employed or carrying out work at a race track, and
 - (vi) any documents, records, objects and things used in respect of race horses or the conduct of horse racing;
- (f) on, at or near a race track, on demand, take samples of fluids, material, substances and objects from or used in respect of race horses;
- (g) on, at or near a race track, on demand, take samples of breath and body fluids from racing participants;

- (h) carry out inspections of
 - (i) off track wagering facilities,
 - (ii) facilities at which the simulcast of horse racing takes place, and
 - (iii) any documents, records, objects and things used in respect of off track wagering facilities or the simulcast of horse racing.

(2) The Corporation may designate those racing officials who may carry out inspections and other functions and duties under subsection (1).

Searches, etc. **17(1)** Where a racing official designated under subsection (2) suspects that

- (a) the safety or health of a race horse is in jeopardy,
- (b) a substance that is prohibited under the rules or any enactment has been administered to a race horse,
- (c) a race horse has been fitted with or had implanted on or in the race horse a device of any nature that is prohibited under the rules or any enactment,
- (d) a horse race has been conducted in a manner not authorized under the rules,
- (e) any object or equipment has been used in respect of a race horse or a horse race that is prohibited under the rules or does not comply with the rules,
- (f) any improper activity has taken place in respect of the handling of a race horse or the conduct of a horse race, or
- (g) any person has engaged in any other activity for which a person's licence may be suspended or revoked or a sanction or penalty may be imposed under this Act,

a racing official, during any hours that are reasonable in the circumstances, may on, at or near a race track do one or more of the following:

- (h) conduct a search
 - (i) of any building, area, receptacle, facility or vehicle that relates to any matter referred to in clauses (a) to (g), and

(ii) of any person who may have been involved in any matter referred to in clauses (a) to (g);

(i) conduct a search of or in respect of any race horse;

(j) seize any document, record, object or thing that relates to any matter referred to in clauses (a) to (g) or that is used in respect of a race horse or a horse race.

(2) The Corporation may designate those racing officials who may carry out searches and seizures under subsection (1).

Investigations,
etc.

18(1) A racing official designated under subsection (3) may conduct an investigation and hearing into any matter where the racing official or an employee or agent of the Corporation is of the opinion that a person has or is suspected by that racing official, employee or agent of having

(a) failed to comply with or contravened this Act, or

(b) carried out an activity or acted in a manner that is prejudicial to the best interests of horse racing,

for which a licence may be suspended or revoked or other penalties or sanctions may be imposed under the rules.

(2) For the purposes of conducting an investigation and hearing, a racing official may exercise, in respect of the investigation and hearing, the same powers as may be exercised by the Appeal Tribunal under section 28 when conducting an appeal.

(3) The Corporation may designate those racing officials who may conduct investigations and hearings under subsection (1).

Hindering of
officials

19 No person shall hinder the Corporation, a racing official or any employee or agent of the Corporation from carrying out any functions or duties permitted or required under this Act.

Non-
compliance

20(1) Any contravention of or failure to comply with this Act by a person does not constitute an offence.

(2) Where, in the opinion of a racing official, a person

(a) has failed to comply with or has contravened this Part or a rule made under this Part, or

(b) has carried out an activity or acted in a manner that is prejudicial to the best interests of horse racing,

that non-compliance, contravention, activity or act is grounds on which, subject to the rules,

- (c) a licence issued to that person under this Act may be suspended or revoked;
- (d) a sanction may be imposed on that person;
- (e) a monetary penalty may be imposed on that person.

(3) Any monetary penalty imposed under this Act is a debt owing to the Corporation.

Court order

21(1) If a person

- (a) when not licensed, carries on a licensed activity for which a licence is required under this Act,
- (b) carries on a licensed activity while that person's licence is suspended or otherwise not in force,
- (c) in any manner hinders the Corporation, a racing official or any employee or agent of the Corporation from carrying out any activity or duty permitted or required under this Act, or
- (d) fails to comply with a sanction or penalty imposed under this Act,

the Corporation may by an originating notice apply to the Court of Queen's Bench for an order doing one or more of the following:

- (e) directing the person to stop carrying out the licensed activity;
- (f) directing the person to stop hindering the carrying out of the activity or duty by the Corporation, racing official, employee or agent;
- (g) directing the person to comply with the sanction or penalty;
- (h) giving any other direction, including the payment of costs, that the Court considers appropriate.

(2) On the filing of an originating notice with the clerk of the Court of Queen's Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on 2 days' notice and make an interim order granting such relief as the Court considers appropriate pending the determination of the application.

(3) An interim order under subsection (2) may be made ex parte if the Court considers it appropriate to do so in the circumstances.

Rules

22(1) The Corporation may make rules

- (a) defining, for the purposes of this Act, any term that is not otherwise defined by this Act;
- (b) prescribing activities, in addition to those referred to in section 1(1)(d), as licensed activities;
- (c) designating persons, in addition to those specified in section 1(1)(j), as racing officials;
- (d) designating persons, in addition to those specified in section 1(1)(k), as racing participants;
- (e) governing the licensing of persons under this Act and the suspension, revocation and reinstatement of licences and designating the persons or class of persons who may issue, suspend, revoke or reinstate licences;
- (f) governing the imposing of conditions under which a licence is issued, including the right to search the licensee and property of the licensee;
- (g) establishing, in any amounts considered appropriate by the Corporation, fees or other charges
 - (i) for any licences issued under this Act,
 - (ii) for any services provided by the Corporation,
 - (iii) in respect of horse racing,
 - (iv) in respect of any activities carried out by the Corporation, and
 - (v) in respect of any matter that relates to the administration of this Act or the carrying out of the objects of the Corporation;
- (h) governing the fees and charges referred to in clause (g);
- (i) governing the allocation of racing days for the conduct of horse racing and the simulcast of horse racing;
- (j) governing the conduct of horse races;
- (k) governing the simulcast of horse racing;

- (l) governing the operation of race tracks;
- (m) prescribing or restricting any matter in respect of a race horse or the racing of a race horse for which the trainer of record is responsible;
- (n) requiring horse breed registries to make rules establishing the qualifications for accredited race horses bred in Alberta for the purposes of promoting, developing and improving the breeding of race horses in Alberta;
- (o) governing the criteria that must be met by rules made by horse breed registries under clause (n);
- (p) governing substances that may be administered to a race horse;
- (q) prohibiting the administering of substances to a race horse;
- (r) governing devices that may be fitted to or implanted in a race horse;
- (s) prohibiting the fitting to or the implanting of a device in a race horse;
- (t) governing veterinary practices in respect of race horses;
- (u) governing the taking of samples under section 16 and the analysis of those samples;
- (v) establishing and governing the imposition and enforcement of sanctions and penalties under this Act;
- (w) subject to this Act, governing the conduct of inspections, searches and seizures carried out under this Act;
- (x) governing the conduct of investigations and hearings carried out under section 18 by racing officials including, for the purposes of conducting an investigation and hearing,
 - (i) making, with all necessary modifications, rules with respect to the same subject-matter for which rules may be made under section 28, and
 - (ii) empowering a racing official to exercise, in respect of an investigation and hearing, the same powers as may be exercised by the Appeal Tribunal under the rules when conducting an appeal under section 28;

- (y) governing the records, accounts and documentation to be maintained by persons licensed under this Act;
 - (z) prescribing the duties of racing officials and governing the carrying out of those duties;
 - (aa) governing the activities of racing participants in respect of matters governed by this Act;
 - (bb) governing, subject to section 2, the nomination and appointment of persons as members of the board.
- (2) The *Regulations Act* does not apply to rules made under this section.

PART 3

APPEALS

Appeal
Tribunal

23(1) The Minister shall

- (a) appoint an Appeal Tribunal consisting of not more than 3 persons to hear appeals under this Act, and
- (b) designate one of the members of the Appeal Tribunal as the chair of the Appeal Tribunal.

(2) The term of office of a member of the Appeal Tribunal shall not exceed 3 years.

(3) A person who is a member of the Appeal Tribunal may be reappointed for one additional term of office but is then not eligible to be appointed again as a member of the Appeal Tribunal until 3 years has expired from the time that the person's last appointment to the Appeal Tribunal terminated.

(4) A person shall not at any one time be a member of both the board and the Appeal Tribunal.

(5) The Minister shall prescribe the remuneration and expenses payable to the chair and members of the Appeal Tribunal.

(6) The amount of the remuneration and expenses prescribed under subsection (5) and the expenses and costs incurred in the operation of the Appeal Tribunal shall be paid by the Corporation.

(7) The Corporation shall not give any directions to the Appeal Tribunal with respect to the conduct of appeals or the operation of the Appeal Tribunal.

(8) Notwithstanding subsection (7), the Corporation is entitled to appear as a party before the Appeal Tribunal and to present evidence and make submissions to the Appeal Tribunal.

(9) The quorum of the Appeal Tribunal is 2 members of the Appeal Tribunal.

(10) Notwithstanding subsection (1), the Minister may appoint persons as acting members of the Appeal Tribunal to act when the Appeal Tribunal is unable to establish a quorum.

Right to
appeal

24 Where a racing official makes a ruling or gives a direction, a person affected by that ruling or direction may appeal that ruling or direction to the Appeal Tribunal.

Commence-
ment of appeal

25(1) A person who has a right of appeal may commence an appeal by serving on the Corporation, or on a person designated by the Corporation, a notice of appeal within 30 days from the day that the person receives written notification of the ruling or direction being appealed.

(2) On being served with a notice of appeal, the Corporation shall, within 10 days from the day of being served with the notice of appeal, deliver the notice of appeal to the chair of the Appeal Tribunal.

Decision of
Appeal
Tribunal

26(1) When the Appeal Tribunal hears an appeal, the Appeal Tribunal may, by order, do one or more of the following:

- (a) dismiss the appeal;
- (b) allow the appeal and give such directions, if any, that the Appeal Tribunal considers appropriate in the circumstances;
- (c) vary the decision;
- (d) prescribe terms and conditions to which its order is subject;
- (e) make any other decision that in the opinion of the Appeal Tribunal is in the best interests of horse racing;
- (f) award costs.

(2) The Appeal Tribunal shall notify the parties to the appeal and the Corporation in writing of the Appeal Tribunal's decision.

(3) Notwithstanding subsection (1), the Appeal Tribunal does not have the authority to order that a rule made under this Act be repealed, amended or otherwise varied.

Judicial review

27(1) Subject to subsection (2), no decision, order, directive, ruling or proceeding of the Appeal Tribunal shall be questioned or reviewed in any court by way of an application for judicial review or otherwise, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, prohibition, quo warranto or otherwise, to question, review, prohibit or restrain the Appeal Tribunal or any of its proceedings.

(2) A decision, order, directive, ruling or proceeding of the Appeal Tribunal may be questioned or reviewed by way of an application for judicial review seeking an order in the nature of certiorari or mandamus if the originating notice is filed with the Court of Queen's Bench and served on the Appeal Tribunal no later than 30 days after the date of the decision, order, directive, ruling or proceeding, or reasons in respect thereof, whichever is later.

(3) The Court of Queen's Bench may, in respect of any application under subsection (2),

- (a) determine the issues to be resolved on the application, and
- (b) limit the contents of the return from the Appeal Tribunal to those materials necessary for the disposition of those issues.

Procedure
before Appeal
Tribunal

28(1) For the purposes of conducting appeals before the Appeal Tribunal,

- (a) the chair and the other members of the Appeal Tribunal have the same power as is vested in the Court of Queen's Bench for the trial of civil actions
 - (i) to summon and enforce the attendance of witnesses,
 - (ii) to compel witnesses to give evidence on oath or otherwise,
 - (iii) to compel witnesses to give evidence in person or otherwise, and
 - (iv) to compel witnesses to produce any record, object or thing that relates to the matter being heard;
- (b) the Appeal Tribunal may take evidence under oath;

- (c) any member of the Appeal Tribunal may administer oaths for the purpose of taking evidence;
 - (d) the Appeal Tribunal may grant interim relief and stays in respect of the proceedings before the Appeal Tribunal;
 - (e) the Appeal Tribunal may reconsider a previous decision made by the Appeal Tribunal.
- (2) With respect to appeals before the Appeal Tribunal, the Appeal Tribunal may make rules
- (a) governing notices of appeal;
 - (b) governing the procedure before the Appeal Tribunal;
 - (c) governing adjournments of matters before the Appeal Tribunal;
 - (d) governing the attendance of witnesses;
 - (e) governing the applicability of the rules of evidence in judicial proceedings to hearings before the Appeal Tribunal;
 - (f) governing the receiving and recording of evidence;
 - (g) empowering the Appeal Tribunal to proceed when a party to the appeal fails to appear at or attend a hearing;
 - (h) governing the interim relief and stays that may be granted;
 - (i) providing for majority and minority decisions;
 - (j) empowering the Appeal Tribunal to consider an appeal without holding a hearing and governing the procedure to be used in those circumstances;
 - (k) governing the applicability of the *Alberta Rules of Court*;
 - (l) providing for the issuing and publication of decisions of the Appeal Tribunal;
 - (m) empowering the Appeal Tribunal to require the production of any record, object or thing;
 - (n) governing the reconsideration of decisions made by the Appeal Tribunal;
 - (o) governing costs.

(3) The *Regulations Act* does not apply to rules made under this section.

PART 4

TRANSITIONAL, REPEALS AND COMMENCEMENT

Corporation
members

29 *Any persons who were members of the Alberta Racing Commission on the coming into force of this Act continue as members of the Corporation until either*

(a) *their terms expire, or*

(b) *they are replaced by members appointed under this Act,*

whichever occurs first.

Existing
appeals

30(1) *In this section,*

(a) *“existing appeal” means an appeal under the previous Act that was commenced but not completed before the coming into force of this Act;*

(b) *“previous Act” means the Racing Commission Act, RSA 1980 cR-1.*

(2) *An existing appeal shall be handled and dealt with under the previous Act as if the previous Act had not been repealed.*

(3) *Notwithstanding subsection (2), an existing appeal may, with the consent of the Corporation and the parties to the existing appeal, be heard by the Appeal Tribunal under this Act.*

Existing
regulations
and rules

31 *Any regulations and rules made under the Racing Commission Act that are in force immediately before the coming into force of this Act remain in force, with all necessary modifications, until replaced by rules made under this Act.*

Transfer of
assets, etc.

32(1) *All assets and property of the Alberta Racing Commission are hereby transferred to the Corporation.*

(2) *All liabilities and obligations of the Alberta Racing Commission are hereby assumed by the Crown in right of Alberta.*

(3) *Subject to subsection (4), any action or proceeding commenced against the Alberta Racing Commission and not concluded before the coming into force of this Act shall not be continued against the*

Corporation but may be continued against the Crown in right of Alberta.

(4) Any action or proceeding commenced against the Alberta Racing Commission with respect to matters relating to the actual conduct of a horse race or the conduct of a racing participant as it relates to horse racing and not concluded before the coming into force of this Act may be continued only against the Corporation.

Transitional **33** *Subject to section 32(2) and (3), any reference to the Alberta Racing Commission in any enactment, order, by-law, agreement or document is deemed to be a reference to the Corporation.*

Consequential **34** *The Conflicts of Interest Act is amended in Part 3 of the Schedule by striking out “Alberta Racing Commission” and substituting “Alberta Racing Corporation”.*

Repeals **35** *The following enactments are repealed on Proclamation:*
(a) the Racing Commission Act;
(b) the Pari Mutuel Tax Act.

Coming into force **36** *This Act comes into force on Proclamation.*