

*Bill 16*

## **BILL 16**

2002

### **RACING CORPORATION AMENDMENT ACT, 2002**

*(Assented to , 2002)*

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

**Amends RSA 2000 cR-1**

**1 The *Racing Corporation Act* is amended by this Act.**

**2 The title and chapter number of the Act are repealed and the following is substituted:**

**HORSE RACING ALBERTA ACT  
Chapter H-11.3**

**3 Section 1(1)(b) is repealed and the following is substituted:**

(b) “Corporation” means Horse Racing Alberta;

**4 Section 2 is repealed and the following is substituted:**

#### **Alberta Racing Corporation**

**2(1)** The Alberta Racing Corporation is continued under the name “Horse Racing Alberta” consisting of a board of directors made up of the following:

- (a) one person appointed as chair;
- (b) one person appointed by the Alberta Standardbred Horse Association to represent the race horse breeders in that Association;

- (c) one person appointed by the Alberta Standardbred Horse Association to represent persons in that Association other than race horse breeders;
- (d) one person appointed by the Canadian Thoroughbred Horse Society (Alberta Division);
- (e) one person appointed by The Horsemen's Benevolent and Protective Association of Alberta;
- (f) one person agreed on and appointed by all other racing breed associations in the Province recognized by the Corporation, excluding the associations referred to in clauses (b), (d) and (e);
- (g) 2 persons agreed on and appointed by the operators of race tracks licensed under the rules as "A" level race tracks;
- (h) one person agreed on and appointed by the operators of race tracks licensed under the rules as "B" level race tracks;
- (i) 3 members of the general public.

**(2)** The Minister and the Minister of Agriculture, Food and Rural Development may each appoint a person to the board but those persons do not have voting rights on the board.

**(3)** For the purposes of making appointments referred to in subsection (1)(a) and (i), the following applies:

- (a) the board shall form a selection committee from among its members;
- (b) where
  - (i) there is a vacancy on the board in respect of an appointment referred to in subsection (1)(a) or (i), or
  - (ii) the term of office of one or more of the current members of the board holding an appointment referred to in subsection (1)(a) or (i) 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, unless there is unanimous consent of the board for reappointment of the current member or members for an additional term and the current member or members are eligible for reappointment;

- (c) on receiving nominations, the selection committee shall submit to the board the name of a candidate, from among the names of the persons whose nominations were received by the selection committee, to fill each of the positions on the board to which an appointment is to be made;
- (d) on the submission to the board of the name of a candidate with respect to a position on the board,
  - (i) 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 at least a 2/3 majority of the vote is in favour of the candidate's being appointed to the position,

the board shall appoint the candidate to fill the vacancy or to take office on the expiry of the current board member's term of office, as the case may be.

**(4)** 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.

**(5)** 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 elapsed from the time that the person's last appointment to the board terminated.

**(6)** No person who within the last 5 years has been convicted of an offence under the *Gaming and Liquor Act* or this Act or has

been convicted of an indictable offence under the *Criminal Code* (Canada) may be appointed as a member of the board.

(7) The board may, with the approval of the Minister, change the name of the Corporation or use a trade name that is different from the name of the Corporation.

(8) Notwithstanding subsections (1) and (3), if at any time 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 (3), the Minister may make the appointment.

(9) The quorum of the board is 7 members of the board who have voting rights.

**5 Section 3 is repealed.**

**6 Section 10 is repealed and the following is substituted:**

**Reports**

**10(1)** The Corporation shall provide to the Minister annually the following reports, in the form and at the times acceptable to the Minister:

- (a) a multi-year business plan and the measures to be used in assessing the performance of the Corporation;
- (b) an annual report, including audited financial statements.

(2) When the Minister receives the annual report under subsection (1)(b), the Minister shall lay a copy of it before the Legislative Assembly if it is sitting and if it is not, within 15 days after the commencement of the next sitting.

(3) In addition to the reports referred to in subsection (1), the Corporation shall, at the request of the Minister, report on specific matters in the form and manner and at the times required by the Minister.

**7 Section 23(3) is repealed and the following is substituted:**

(3) A person who is a member of the Appeal Tribunal may be reappointed as a member of the Appeal Tribunal but

- (a) that person is not eligible to serve for more than 6 consecutive years as a member of the Appeal Tribunal, and
- (b) where the person has served for 6 consecutive years as a member of the Appeal Tribunal, that person is not eligible to be appointed again as a member of the Appeal Tribunal until 3 years has elapsed from the time that the person's last appointment to the Appeal Tribunal terminated.

**(3.1)** Subsection (3) applies to members holding office on the coming into force of this subsection.

**8 The following is added after section 28:**

**Part 4  
Transitional Provisions**

**Definition**

**29** In this Part, “former provisions” means the provisions of this Act in force immediately before the coming into force of the *Racing Corporation Amendment Act, 2002*.

**Membership**

**30(1)** Persons who were members of the Alberta Racing Corporation immediately before the coming into force of the *Racing Corporation Amendment Act, 2002* continue as members of Horse Racing Alberta until

- (a) in the case of the chair designated under section 3 of the former provisions, a chair is appointed under section 2(3) or (8);
- (b) in the case of a person appointed under section 2(1)(a) of the former provisions, the appointment expires or the person is replaced by a person appointed under section 2(1)(e) or (8),
- (c) in the case of a person appointed under section 2(1)(b) of the former provisions, the appointment expires or the person is replaced by a person appointed under section 2(1)(c) or (8),
- (d) in the case of persons appointed under section 2(1)(c) of the former provisions, the appointments expire or the

persons are replaced by persons appointed under section 2(1)(i) or (8), and

- (e) in the case of persons appointed under section 2(1)(d) of the former provisions, the appointments expire or the persons are replaced by persons appointed under section 2(1)(b) and (d) or (8).

(2) In determining the 6 consecutive years of service on the board of Horse Racing Alberta for the purpose of section 2(5), service while being a member of the Alberta Racing Corporation under section 2 of the former provisions shall not be taken into account.

**Deemed references**

**31** Any references to the Alberta Racing Corporation in any enactment, order, bylaw, agreement, instrument or document is deemed to be a reference to Horse Racing Alberta.

**9 The *Conflicts of Interest Act* is amended in Part 3 of the Schedule**

- (a) **by striking out** “Alberta Racing Corporation”;
- (b) **by adding** “Horse Racing Alberta” **after** “Health Disciplines Board”.

**10 This Act comes into force on Proclamation.**

**Explanatory Notes**

**1** Amends chapter R-1 of the Revised Statutes of Alberta 2000.

**2** The title and chapter number presently read:

*RACING CORPORATION ACT*

*Chapter R-1*

**3** Section 1 presently reads in part:

*1(1) In this Act,*

(b) *“Corporation” means the Alberta Racing Corporation;*

**4** Section 2 presently reads:

*2(1) There is hereby established a corporation with the name “Alberta Racing Corporation” that consists 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 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 to fill the vacancy or 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) No person who has been convicted of an indictable offence within the last 5 years shall be appointed as a member of the board.*

*(6) 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.*

*(7) Notwithstanding subsections (1) and (2), if 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.*

*(8) The quorum of the board is 3 members of the board.*

**5** Section 3 presently reads:

*3(1) The chair of the board shall 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), 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).*

**6** Section 10 presently reads:

*10(1) The Corporation shall annually, after the end of its fiscal year, prepare and submit to the Minister a report summarizing its affairs during its last fiscal year and showing its revenue and the application of its expenditures during that period together with an audited balance sheet for its accounts and financial transactions during that period.*

*(2) When the Minister receives the report under subsection (1), the Minister shall lay a copy of it before the Legislative Assembly if it is*

*sitting and if it is not, within 15 days after the commencement of the next ensuing sitting.*

*(3) In addition to the report referred to in subsection (1), the Corporation shall, at the request of the Minister, report on specific matters in the manner and at the times required by the Minister.*

**7** Section 23(3) presently reads:

*(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.*

**8** Adds Part 4 – Transitional Provisions.

**9** Amends chapter C-23 of the Revised Statutes of Alberta 2000. Part 3 of the Schedule presently reads in part:

*Part 3*

*Other Disqualifying Offices*

*The office of chair or member of any of the following:*

*Agriculture Financial Services Corporation  
Alberta Agricultural Products Marketing Council  
Alberta Apprenticeship and Industry Training  
Board under the Apprenticeship and Industry  
Training Act  
Alberta Automobile Insurance Board  
Alberta Building Standards Council  
Alberta Cancer Board  
Alberta Dairy Control Board  
Alberta Electric Energy Marketing Agency  
Alberta Sport Council  
Alberta Gaming Commission appointed under  
section 207 of the Criminal Code (Canada)  
The Alberta Government Telephones Commission  
Alberta Human Rights and Citizenship  
Commission  
Board of the Alberta Gaming and Liquor  
Commission  
Alberta Social Housing Corporation  
Alberta Motor Transport Board  
Alberta Municipal Financing Corporation  
Alberta Order of Excellence Council  
Alberta Petroleum Marketing Commission  
Alberta Racing Corporation*

**10** Coming into force.

Explanatory Notes