

# Atlantic Provinces Harness Racing Commission Act

CHAPTER 8 OF THE ACTS OF 1993

*as amended by*

1994, c. 40; 2002, c. 35; 2010, c. 2, s. 116; 2014, c. 52



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CHAPTER 8 OF THE ACTS OF 1993  
amended 1994, c. 40; 2002, c. 35; 2010, c. 2, s. 116; 2014, c. 52

**An Act Respecting the Atlantic Provinces  
Harness Racing Commission**

title amended 2014, c. 52, s. 1.

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(The table of contents is not part of the statute)

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**Short title**

**1** This Act may be cited as the *Atlantic Provinces Harness Racing Commission Act*. 1993, c. 8, s. 1; 2014, c. 52, s. 2.

**Purpose of Act**

**2** The purpose of this Act is to establish a harness-racing authority with jurisdiction to govern, regulate and ensure the integrity of harness racing in the Atlantic Provinces. 1993, c. 8, s. 2; 2002, c. 35, s. 1; 2014, c. 52, s. 3.

**Interpretation**

- 3** (1) In this Act,
- (a) “account” means an account under a telephone account betting system or under an on-track account betting system, as the case may be;

(aa) “Atlantic Provinces” means the Province of Nova Scotia, the Province of New Brunswick, the Province of Prince Edward Island and the Province of Newfoundland and Labrador;

(ab) “betting theatre” means an enclosed structure that is used for theatre betting, that is affixed to land and that contains seating for at least seventy-five per cent of the number of persons permitted by the appropriate municipal authority to occupy the structure;

(ac) “Board” means the Provincial Board established or designated pursuant to Section 17;

(b) “Commission” means the Atlantic Provinces Harness Racing Commission established pursuant to Section 4;

(ba) “conduct detrimental to harness racing” means any one or more of the following:

(i) the fraudulent or corrupt influencing of the outcome of any harness race,

(ii) the making of a false registration, or

(iii) the doing of any other act injurious to the reputation of the sport of harness racing;

(c) “Council” means the Council of Atlantic Premiers established by a memorandum of understanding dated May 15, 2000;

(d) “Director of Racing” means the person appointed pursuant to Section 7;

(da) “foreign-race inter-track betting” means pari-mutuel betting at one or more satellite tracks on a foreign race, where the money bet on each pool at each satellite track is combined with the money bet on the corresponding pool that is operated by the organization holding the foreign race to form one pool, from which the payout price is calculated and distributed;

(db) “foreign-race separate-pool betting” means separate-pool betting in Canada on a foreign race;

(e) “harness racing” means racing in which horses participate and on which pari-mutuel wagering is conducted;

(ea) “home-market area” means a geographical area that is assigned to an association in respect of a race-course within which the association is authorized to conduct telephone-account betting or theatre betting, as the case may be;

(eb) “inter-track betting” means pari-mutuel betting at one or more satellite tracks or in one or more places in one or more foreign countries on a race that is held at a host track, where the money bet on each pool at each satellite track or place is combined with the money bet on the corresponding pool at the host track to form one pool from which the pay-out price is calculated and distributed;

(f) *repealed 2014, c. 52, s. 4.*

(g) “Minister” means the member of the Executive Council charged with the administration of this Act;

(ga) “pari-mutuel betting” means a system of betting in which the winners divide the total amount of the bet, after deducting management expenses, in proportion to the sums individually wagered;

(h) “person” includes a partnership or association;

(i) “race track” means any place where harness racing is carried on and includes the track, grounds, stables, grandstands, parking areas, offices and adjacent places used in connection with harness racing;

(ia) “revenue” includes financial assistance received and fees, fines, penalties and other charges received or collected;

(j) “rules” means rules for the conduct of harness racing made, adopted or incorporated by reference pursuant to Section 10;

(ja) “separate-pool betting” means pari-mutuel betting at one or more satellite tracks or in one or more places in one or more foreign countries on a race that is held at a host track, where the money bet on each pool at each satellite track is retained at that satellite track or is combined with the money bet on the corresponding pool at another satellite track or tracks or at a place or places to form one pool from which the pay-out price is calculated and distributed;

(jb) “telephone-account betting” means pari-mutuel betting conducted by means of a telephone call by an account holder to an association;

(jc) “theatre betting” means pari-mutuel betting that is conducted in a betting theatre in accordance with the *Pari-Mutuel Betting Supervision Regulations* made pursuant to the *Criminal Code* (Canada);

(k) “track operator” means a person who operates a race track.

(2) The Governor in Council may, by order, amend any of the definitions in subsection (1) to the extent that it is necessary to make the definition consistent with the *Pari-Mutuel Betting Supervision Regulations* made pursuant to the *Criminal Code* (Canada). 1993, c. 8, s. 3; 1994, c. 40, s. 1; 2002, c. 35, s. 2; 2014, c. 52, s. 4.

### Commission

4 (1) The Council of Maritime Premiers established pursuant to the *Council of Maritime Premiers Act* shall establish, and appoint the members of, a body having unified jurisdiction throughout the Maritime Provinces to be known as the Maritime Provinces Harness Racing Commission.

(2) The Maritime Provinces Harness Racing Commission, established pursuant to subsection (1), is continued as the Atlantic Provinces Harness Racing Commission with jurisdiction throughout the Atlantic Provinces and, notwithstanding subsection (1), the Council of Atlantic Premiers shall appoint its members. 1993, c. 8, s. 4.; 2014, c. 52, s. 5.

**Composition, appointment, term of office and vacancies**

**5** (1) The Commission consists of eight members of whom two shall be nominated by the Governor in Council on the recommendation of the Minister.

(2) The Council shall

(a) appoint a Chair from among the members of the Commission and, subject to subsection (4), determine the term of office as Chair;

(b) determine the remuneration and expense allowance payable to members, the Chair and the Director of Racing; and

(c) determine the location of the head office of the Commission.

(3) The Council may delegate any of its functions pursuant to this Act to a committee comprised of the ministers of the Crown for the time being responsible for harness racing in each of the Atlantic Provinces.

(4) The members of the Commission hold office for such term, not exceeding three years, as is determined at the time of appointment.

(5) A member is eligible for re-appointment but no member shall serve for a continuous period exceeding nine years.

(6) Notwithstanding subsection (4), a member remains in office until the member resigns or is replaced.

(7) In the event of a vacancy occurring during the term of office of a member, the Council may appoint a person for the remainder of the term of that member.

(8) A member may be removed from office by the Council.

(9) A vacancy does not impair the right of the remaining members to act.

(10) The members shall appoint a Vice-chair from among the members who shall perform the duties of the Chair if the Chair is unable to act by reason of illness, absence or other cause. 1993, c. 8, s. 5; 2014, c. 52, s. 6.

**Meetings, quorum and voting**

**6** (1) The Commission shall meet as required at the call of the Chair at times and places designated by the Chair.

(2) Five members of the Commission constitute a quorum with at least one member from each of the Atlantic Provinces being present.

(3) Subject to subsection (4), at any meeting of the Commission each member of the Commission present at the meeting, other than the Chair, has one vote and a majority vote determines any question.

(4) The Chair shall vote only for the purpose of breaking a tie. 1993, c. 8, s. 6; 2014, c. 52, s. 7.

**Director of Racing and other personnel**

**7** (1) The Commission shall appoint a Director of Racing who shall be the chief administrative officer of the Commission.

(2) The Commission may employ such other persons as are required for the proper conduct of its business.

(3) Persons employed by the Commission pursuant to subsections (1) and (2) shall be employed on the same terms and conditions of service as are applicable to employees of the Council. 1993, c. 8, s. 7.

**Remuneration, expenses, fiscal year, budget and financial assistance**

**8** (1) The remuneration and expenses of the members of the Commission and of the persons employed by the Commission, and generally all costs, charges and expenses incurred and payable in respect of the conduct of the business of the Commission, shall be paid out of the revenue of the Commission.

(2) The fiscal year of the Commission ends on the thirty-first day of March of each year.

(3) The Commission shall prepare an annual budget which shall be submitted to the Council and included in the budget of the Council submitted to the Governor in Council.

(4) The Council may, from time to time, provide to the Commission such financial assistance as is considered appropriate by the Council. 1993, c. 8, s. 8; 2014, c. 52, s. 8.

**Banking, accounts and audit**

**9** (1) The Commission shall maintain in its own name one or more accounts in any chartered bank, credit union or trust company.

(2) Notwithstanding the *Finance Act*, all revenue realized by the Commission through the conduct of the business of the Commission or otherwise

shall be deposited to the credit of the accounts established pursuant to subsection (1) and shall be used by the Commission in carrying out its objects and exercising its powers.

(3) The accounts of the Commission shall be audited annually by an independent auditor appointed by the Council. 1993, c. 8, s. 9; 1994, c. 40, s. 2; 2010, c. 2, s. 116.

#### **Powers of Commission**

10 The Commission may

(a) govern, regulate and supervise harness racing in all of its forms relevant and related to pari-mutuel betting;

(aa) govern and regulate inter-track betting, separate-pool betting, foreign-race inter-track betting and foreign-race separate-pool betting in accordance with the *Pari-Mutuel Betting Supervision Regulations* made pursuant to the *Criminal Code* (Canada);

(ab) govern and regulate the operation of betting theatres authorized by the Governor in Council in accordance with the *Pari-Mutuel Betting Supervision Regulations* made pursuant to the *Criminal Code* (Canada);

(b) govern, regulate and supervise the operation of race tracks;

(c) recommend home-market areas to the Canadian Pari-Mutuel Agency for the purpose of telephone-account betting and theatre betting in accordance with the *Pari-Mutuel Betting Supervision Regulations* made pursuant to the *Criminal Code* (Canada);

(ca) establish uniform rules for the conduct of harness racing;

(d) license track operators and impose such terms and conditions on a licence as the Commission considers appropriate;

(da) license betting theatres in accordance with the *Pari-Mutuel Betting Supervision Regulations* made pursuant to the *Criminal Code* (Canada) and impose such terms and conditions on a licence as the Commission considers appropriate;

(e) license owners, trainers, drivers, grooms and such other persons in or about race tracks and impose such terms and conditions on a licence as the Commission considers appropriate;

(f) on written application to the Commission by the person affected, revoke, suspend or vary a term or condition imposed on a licence by the Commission;

(g) fix and collect fees or other charges for licences and prescribe the form of licences and the conditions under which licences may be issued;

(h) refuse the granting of any licence;

(i) make, adopt or incorporate by reference rules for the conduct of harness racing;

- (j) fix, impose and collect fines, not exceeding five thousand dollars, and other penalties for the violation
  - (i) of any term or condition imposed by the Commission,
  - (ii) of any rule made, adopted or incorporated by reference by the Commission, and
  - (iii) of an order of the Commission, or of a harness-racing judge or Board to which the Commission has delegated powers pursuant to this Act;
- (k) recruit, train, evaluate, license and employ harness-racing judges and such other officials and staff as the Commission considers appropriate to attend at harness-racing meets on behalf of the Commission;
- (l) approve the appointment of race-track officials and employees whose duties relate to the actual running of harness races;
- (m) require licensed track operators to keep books of account in a manner satisfactory to the Commission;
- (n) inspect at any reasonable time books of account referred to in clause (m);
- (o) investigate any action by a person licensed or required to be licensed by the Commission that allegedly constitutes conduct detrimental to harness racing and, for that purpose, engage the services of a licensed private investigator;
- (p) hold hearings relating to the carrying out of the powers of the Commission;
- (q) without limiting the generality of the power to hold hearings pursuant to clause (p), hold a hearing in respect of a person who is licensed or required to be licensed by the Commission or who participates in harness racing at any track when
  - (i) a written and signed complaint is made to the Commission concerning any action of the person that may indicate conduct detrimental to harness racing, or
  - (ii) the Commission has reasonable and probable grounds to believe that the person has engaged in conduct detrimental to harness racing;
- (r) at the conclusion of a hearing, suspend or revoke any licence;
- (s) on written application to the Commission by the person affected, reinstate a licence that has been suspended or revoked and impose such terms and conditions on the reinstated licence as the Commission considers appropriate;
- (t) when it delegates to a harness-racing judge or to the Board the power to hold a hearing, delegate to the judge or the Board any of its powers and duties in relation to hearings;

(ta) intervene as a facilitator or mediator for the purpose of convening parties to attempt to bring resolution to matters in dispute where it deems it necessary for the governance, regulation and integrity of harness racing and delegate this power to any person;

(u) make by-laws for the conduct of the business of the Commission and for the control and direction of the work of the Commission, including for the conduct of hearings;

(v) do such other things relating to harness racing or to the operation of race tracks as are authorized or directed by the Governor in Council. 1994, c. 40, s. 3; 2002, c. 35, s. 3.

11 *repealed 1994, c. 40, s. 3.*

12 *repealed 1994, c. 40, s. 4.*

#### **Delegation of powers by Commission**

13 The Commission may delegate to harness-racing judges such of the following powers as the Commission considers appropriate:

(a) to enforce the carrying out and observance of the rules, terms and conditions established by the Commission;

(b) to impose and collect fines and other penalties for the contravention of any rule, term or condition established by the Commission; and

(c) to hold hearings in respect of the contravention of any rule, term or condition established by the Commission. 1993, c. 8, s. 13.

#### **Powers of Commission respecting hearing**

14 (1) In relation to any hearing pursuant to this Act, the Commission may summon any person, by summons to witness signed by the Chair of the Commission and require such person to give evidence on oath or affirmation and to produce such documents and things as the Commission considers necessary for the hearing.

(2) The Commission shall give any person in respect of whom a hearing is held an opportunity to give evidence on oath or affirmation, to cross-examine witnesses and to call witnesses to give evidence on oath or affirmation. 1994, c. 40, s. 5.

#### **Review of decision**

15 Any person who is aggrieved by a decision made by a person pursuant to a delegation made pursuant to Section 13 may, within forty-eight hours after being notified of the decision, request in writing a hearing by the Commission, in which case the Commission shall, as soon as practicable, hold a hearing and may exercise the powers of the Commission pursuant to Section 10 at that hearing as if those powers had not been delegated. 1994, c. 40, s. 6.

16 *repealed 1994, c. 40, s. 6.*

#### **Provincial Boards**

17 The Commission may establish in each of the Atlantic Provinces a Provincial Board or may designate an existing board to act as a Provincial Board and may delegate any of its functions pursuant to clause 10(q) and Section 15 to that Board. 1993, c. 8, s. 17; 1994, c. 40, s. 7; 2014, c. 52, s. 9.

18 *repealed 1994, c. 40, s. 8.*

#### **Annual report to and requests for information by Council**

19 (1) The Commission shall, on or before the thirtieth day of June in each year, submit to the Council an annual report containing

(a) a review of the Commission's activities during the preceding fiscal year;

(b) recommendations with respect to the operation, governance and regulation of harness racing in the Atlantic Provinces; and

(c) the audited financial statements of the Commission for the preceding fiscal year.

(2) Notwithstanding subsection (1), the Council may, from time to time, request information respecting harness racing in the Atlantic Provinces and the Commission shall provide the information.

(3) The Minister shall table the annual report in the House of Assembly within fifteen days after the Minister receives it or, if the House is not then sitting, within fifteen days after the commencement of the next sitting thereof. 1993, c. 8, s. 19; 2002, c. 35, s. 4; 2014, c. 52, s. 10.

#### **Exemption from Regulations Act**

19A The *Regulations Act* does not apply to

(a) a term or condition imposed pursuant to this Act;

(b) a rule made, adopted or incorporated by reference pursuant to this Act;

(c) a form or condition prescribed pursuant to this Act; or

(d) a by-law or order made pursuant to this Act. 1994, c. 40, s. 9.

#### **Repeal of Horse Racing Commission Act and revocation of appointments**

20 (1) Chapter 204 of the Revised Statutes, 1989, the *Horse Racing Commission Act*, is repealed.

(2) On the coming into force of this Act, all appointments of persons as members of the Nova Scotia Horse Racing Commission are revoked.

(3) No action lies against Her Majesty in right of the Province in relation to the revocation of appointments pursuant to subsection (2). 1994, c. 40, s. 10.

#### Transitional provisions

**20A (1)** All matters before the Nova Scotia Horse Racing Commission immediately prior to the coming into force of this Act may be taken up and brought to a conclusion by the Maritime Provinces Harness Racing Commission in accordance with this Act.

(2) All matters that might have been dealt with or brought before the Nova Scotia Horse Racing Commission immediately before the coming into force of this Act may be dealt with or brought before the Maritime Provinces Harness Racing Commission in accordance with this Act.

(3) Notwithstanding subsection (1) and Section 20, the Maritime Provinces Harness Racing Commission may authorize the Nova Scotia Horse Racing Commission to bring a matter to a conclusion in accordance with the *Horse Racing Commission Act* as though that Act had not been repealed and the appointments had not been revoked.

(4) All licences issued pursuant to the *Horse Racing Commission Act* and in force immediately before the coming into force of this Act continue in force and shall be considered as licences issued pursuant to this Act until the licences expire or until the licences are suspended or revoked pursuant to this Act. 1994, c. 40, s. 10.

#### Proclamation

**21** This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. 1993, c. 8, s. 21.

Proclaimed - March 29, 1994  
In force - April 1, 1994