



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

ATLANTIC PROVINCES HARNESS RACING COMMISSION ACT

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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ATLANTIC PROVINCES HARNESS RACING COMMISSION ACT

CHAPTER A-22.1

1. Definitions

(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;
- (a.01) “**Atlantic Provinces**” means
 - (i) the Province of Nova Scotia,
 - (ii) the Province of New Brunswick,
 - (iii) the Province of Prince Edward Island, and
 - (iv) the Province of Newfoundland and Labrador;
- (a.1) “**Board**” means the Provincial Board established or designated under section 16;
- (b) “**Commission**” means the Atlantic Provinces Harness Racing Commission established under section 3;
- (c) “**concession operator**” means a person who holds a concession, right or privilege to perform any service or sell any article under a licence issued by the Commission;
- (c.1) “**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;
- (d) “**Council**” means the Council of Atlantic Premiers established by a memorandum of understanding dated May 15, 2000;
- (e) “**Director of Racing**” means the person appointed under section 6;
- (e.1) “**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 pay-out price is calculated and distributed;
- (e.2) “**foreign race separate pool betting**” means separate pool betting in Canada on a foreign race;
- (f) “**harness racing**” means racing in which horses participate and on which pari-mutuel wagering is conducted;
- (f.1) “**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;

- (g) “**industry**” means the standard bred harness racing and standard bred horse breeding industry;
- (g.1) “**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;
- (h) repealed by 2015,c.10,s.2(d);
- (i) “**Minister**” means the Minister of Finance;
- (i.1) “**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;
- (j) “**person**” includes a partnership or association;
- (k) “**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;
- (k.1) “**revenue**” includes financial assistance received and fees, fines, penalties and other charges received or collected;
- (l) “**rules**” means rules for the conduct of harness racing made under, adopted or incorporated by reference pursuant to section 10;
- (l.1) “**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;
- (l.2) “**telephone account betting**” means pari-mutuel betting conducted by means of a telephone call by an account holder to an association;
- (m) “**track operator**” means a person who operates a race track.

Amendment of definitions

- (2) The Lieutenant Governor in Council may, by order, amend any of the definitions in subsection (1) to the extent necessary to make the definition consistent with the Pari-Mutuel Betting Supervision Regulations made pursuant to the *Criminal Code (Canada)*, 1993,c.31,s.1; 1995,c.26,s.1; 1997,c.20,s.3; 2002,c.17,s.1; 2004,c.36,s.3; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.10,s.2; 2015,c.28,s.3.

PURPOSE

2. Purpose

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.31,s.2; 2002,c.17,s.2; 2015,c.10,s.3.



COMMISSION

3. Atlantic Provinces Harness Racing Commission

- (1) The Maritime Provinces Harness Racing Commission, established by the Council of Maritime Premiers under section 3 of the *Maritime Provinces Harness Racing Commission Act* R.S.P.E.I. 1988, Cap. M-1.3, as it read immediately prior to the coming into force of this section, is continued as the Atlantic Provinces Harness Racing Commission.

Appointments by Council

- (2) The Council shall appoint the members of the Commission.

Jurisdiction

- (3) The Commission is a body having unified jurisdiction throughout the Atlantic Provinces. 1993, c.31, s.3; 2015, c.10, s.4.

4. Composition

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

Council, functions

- (2) The Council shall
 - (a) select a chairperson from among the members of the Commission and, subject to subsection (4), determine the term of office as chairperson;
 - (b) determine the remuneration and expense allowance payable to members, the chairperson and the Director of Racing; and
 - (c) determine the location of the head office of the Commission.

Delegation of functions

- (3) The Council may delegate any of its functions under this Act to a committee comprising the ministers responsible for harness racing in each of the Atlantic Provinces.

Term of office

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

Maximum continuous period

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

Holding over term of office

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

Vacancy

- (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.

Removal for just cause

- (8) The Council may remove a member from office.

Effect of vacancy

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

Vice- chairperson

- (10) The members shall select a vice-chairperson from among the members who shall perform the duties of the chairperson if the chairperson is unable to act by reason of illness, absence or other cause. *1993,c.31,s.4; 1995,c.26,s.2; 2015,c.10,s.5.*

5. Meetings

- (1) The Commission shall meet as required at the call of the chairperson at times and places designated by the chairperson.

Quorum

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

Voting

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

Tied vote

- (4) The chairperson shall vote for the purpose of breaking a tie only. *1993,c.31,s.5; 2015,c.10,s.6.*

6. Director of Racing

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

Other staff

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

Terms of employment

- (3) Persons employed by the Commission under 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.31,s.6.*

7. Expenditure

- (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.

Fiscal year

- (2) The fiscal year of the Commission ends on March 31 of each year.

Budget

- (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 Lieutenant Governor in Council.



Financial assistance

- (4) The Council may from time to time provide to the Commission such financial assistance as is considered appropriate by the Council. *1993,c.31,s.7; 2015,c.10,s.7.*

8. Accounts

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

Revenue

- (2) Notwithstanding the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, 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 under subsection (1) and shall be used by the Commission exclusively for its legislatively authorized purposes.

Audit

- (3) The accounts of the Commission shall be audited annually by an independent auditor appointed by the Council. *1993,c.31,s.8.*

9. Objects

Repealed by *2002,c.17,s.3.*

10. Powers

The Commission may

- (a) govern, regulate and supervise harness racing in all of its forms relevant and related to pari-mutuel betting;
- (b) govern, regulate and supervise the operation of race tracks;
- (b.1) 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);
- (b.2) recommend home market areas to the Canadian Pari-Mutuel Agency for the purpose of telephone account betting in accordance with the Pari-Mutuel Betting Supervision Regulations made pursuant to the *Criminal Code* (Canada);
- (b.3) establish uniform rules for the conduct of harness racing;
- (c) repealed by *2002,c.17,s.4;*
- (d) license track operators and impose such terms and conditions on a license 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 license, 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 license by the Commission;
- (g) fix and collect fees or other charges for licenses and prescribe the form of licenses and the conditions under which licenses may be issued;
- (h) refuse the granting of any license;
- (i) make, adopt or incorporate by reference rules for the conduct of harness racing;

- (j) fix, impose and collect fines, not exceeding \$5,000, 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 license;
- (s) on written application to the Commission by the person affected, reinstate a license that has been suspended or revoked and impose such terms and conditions on the reinstated license 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 relations to hearings;
- (t.1) 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 bylaws 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 Lieutenant Governor in Council. *1995,c.26,s.3; 2002,c.17,s.4.*

11. Delegation of powers

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.31,s.11.*

INQUIRIES, INVESTIGATIONS, HEARINGS AND DISCIPLINE

12. Hearing

- (1) In relation to any hearing pursuant to this Act, the Commission may summon any person, by summons to witness signed by the chairperson 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.

Right to be heard

- (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. *1995,c.26,s.4.*

13. Powers of inquiry

In relation to any hearing under this Act relating to matters arising in Prince Edward Island the Commission, the Board, or any person to whom the power to hold hearings is delegated, is vested with all the powers and privileges of a commissioner under the *Public Inquiries Act R.S.P.E.I. 1988, Cap. P-31. 1993,c.31,s.13; 1995,c.26,s.5.*

14. Request for hearing

Any person who is aggrieved by a decision made by a person pursuant to a delegation made pursuant to section 11 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. *1995,c.26,s.6.*

15. Conduct detrimental to harness racing

- (1) For the purposes of this Act, conduct by any person, individually or in concert with others, who
 - (a) fraudulently or corruptly influences the outcome of any harness race;
 - (b) makes a false registration; or
 - (c) does any other act injurious to the reputation of the sport of harness racing,is conduct detrimental to harness racing.

Hearing

- (2) A hearing may be held in respect of a person who is licensed or required to be licensed by the Commission or who participates in harness racing at any race track when
 - (a) 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

- (b) the Commission has reasonable and probable grounds to believe that a licensed person or a person required to be licensed has engaged in conduct detrimental to harness racing.

Evidence

- (3) The Commission shall give any person in respect of whom a hearing is held an opportunity to give evidence on oath, to call witnesses on their behalf to give evidence on oath and to cross-examine witnesses.

Order prohibiting participation in harness racing

- (4) If, at the conclusion of the hearing, the Commission is satisfied that the conduct of any licensed person or a person required to be licensed in respect of which a hearing is held is conduct detrimental to harness racing, the Commission may make an order prohibiting the person from participating in harness racing at a race track licensed by the Commission.

Revocation etc. of order

- (5) An order made under subsection (4) may be revoked, suspended or varied by the Commission upon written application to the Commission by the person affected.

Public notice license

- (6) Copies of an order made under subsection (4) shall be transmitted to every track operator under the jurisdiction of the Commission and shall be posted in a conspicuous place readily available to the general public.

Forfeiture of license

- (7) Every person who fails to comply with an order made under subsection (4) shall forfeit his or her license. *1993,c.31,s.15.*

16. Provincial Board

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 under clause 10(q) and section 15 to that Board. *1993,c.31,s.16; 1995,c.26,s.7; 2015,c.10,s.8.*

17. Penalties

Repealed by *1995,c.26,s.8.*

GENERAL

18. Annual report

- (1) The Commission shall on or before June 30 in each year submit to the Council an annual report containing
- (a) a review of the Commission's activities during the preceding financial 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 financial year.



General request for information

- (2) Without prejudice to subsection (1), the Council may request information respecting harness racing in the Atlantic Provinces and the Commission shall provide the information.

Idem

- (3) The Minister shall table the annual report in the Legislative Assembly within fifteen days after the Minister receives it or, if the Legislative Assembly is not then sitting, within fifteen days after the commencement of its next sitting. *1993,c.31,s.18; 2002,c.17,s.5; 2015,c.10,s.9.*

19. Repeal

Repeal. *1993,c.31,s.19.*

19.1 Transitional matters

The members of the Commission who, as members of the Maritime Provinces Harness Racing Commission, were involved in a hearing that was commenced but not concluded immediately prior to the coming into force of this section remain seized of the matter and shall conclude it in accordance with section 14 as it read immediately prior to the coming into force of this section. *2015,c.10,s.10.Assets, rights, etc.*

20. Assets, rights, etc.

For greater certainty, the assets, rights, duties, obligations or liabilities of the Maritime Provinces Harness Racing Commission as it existed prior to the coming into force of this section continue to be vested in and are binding on the Commission. *2015,c.10,s.10.*