CHAPTER 429

Racing Commission Act

1. In this Act,

   (a) "Commission" means the Ontario Racing Commission;

   (b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council. R.S.O. 1970, c. 398, s. 1.

2. The body corporate known as the Ontario Racing Commission, established under The Racing Commission Act, 1950, is continued and shall be composed of not fewer than three and not more than seven members appointed by the Lieutenant Governor in Council. R.S.O. 1970, c. 398, s. 2.

3. The objects of the Commission are to govern, direct, control and regulate horse racing in Ontario in any or all of its forms. R.S.O. 1970, c. 398, s. 3.

4. The members of the Commission shall hold office for a term of not more than three years, but any person is eligible for reappointment. R.S.O. 1970, c. 398, s. 4.

5. — (1) The Lieutenant Governor in Council shall name one of the members to be the chairman and one of the members to be the vice-chairman.

   (2) When the office of chairman is vacant or in the absence of the chairman, the vice-chairman shall act in his place and stead. R.S.O. 1970, c. 398, s. 5.

6. — (1) At any meeting of the Commission a majority of the members constitutes a quorum, and a majority vote of the members present at any meeting of the Commission determines any question.

   (2) The chairman has a casting vote in addition to his ordinary vote. R.S.O. 1970, c. 398, s. 6.

7. The Lieutenant Governor in Council may fill any vacancy that occurs in the membership of the Commission. R.S.O. 1970, c. 398, s. 7.
8. The Lieutenant Governor in Council shall fix the salaries of the chairman, the vice-chairman and the other members of the Commission. R.S.O. 1970, c. 398, s. 8; 1973, c. 116, s. 1.

9.—(1) The chairman of the Commission and all officers, clerks and other employees thereof are subject to the Public Service Act and are civil servants within the meaning of that Act.

(2) The Lieutenant Governor in Council may provide that the members of the Commission, other than the chairman, or any of them, are subject to the Public Service Act and are civil servants within the meaning of that Act. R.S.O. 1970, c. 398, s. 9.

10. The salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof, and generally all costs, charges and expenses incurred and payable in respect of the carrying out of this Act, shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 398, s. 10.

11. The Commission has power,

(a) to govern, direct, control and regulate horse racing in Ontario in any or all of its forms;

(b) to govern, control and regulate the operation of race tracks in Ontario 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 considers 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 and to impose such terms and conditions on a licence as the Commission considers expedient;
(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, and to impose such terms and conditions on a licence, as the Commission considers 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 considers 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 considers 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;

(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;

(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. R.S.O. 1970, c. 398, s. 11; 1973, c. 116, s. 2.

Audit

12. The accounts of the Commission shall be audited by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council may appoint. R.S.O. 1970, c. 398, s. 12.

Annual report

13. The Commission shall make a report annually to the Minister, containing such information as the Minister may require. R.S.O. 1970, c. 398, s. 13.

Regulations

14. The Lieutenant Governor in Council may make regulations with respect to any and all matters or things that are considered necessary for the carrying out of this Act. R.S.O. 1970, c. 398, s. 14.

Rules by Commission for racing

15.—(1) Rules for the conduct of horse racing may be promulgated by the Commission under this Act and the Commission may therein delegate to stewards, judges, veterinarians, race track officials, racing association officials, licensing agents or officers of the Commission such of the following powers as the Commission considers expedient,

(a) to hold hearings relating to the carrying out of its objects or powers;

(b) to enforce the carrying out and observance of all regulations, rules and conditions established under this Act;

(c) 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;

(d) to collect fees or other charges for licences;

(e) to impose and collect fines and other penalties for a contravention of any requirement of the Commission under this Act. 1973, c. 116, s. 3, part.

Adoption by reference and delegation of powers

(2) The Commission may adopt by reference, in whole or in part, with such changes as the Commission considers necessary, rules and procedures of racing associations or
bodies and may delegate to racing associations or bodies the power to,

(a) enforce the carrying out and observance of the rules and procedures as adopted or amended;

(b) hold hearings in respect of the contravention of any of the rules or procedures; and

(c) impose and collect fines, costs and other penalties for the contravention of any of the rules or procedures,

and where a power has been so delegated to a racing association or body, it shall have the right to exercise discretion or judgment in relation to the powers delegated.

(3) Every person, association or body to whom a power to hold hearings has been delegated under subsection (1) or (2), may summon any person by subpoena and require any person so summoned to give evidence on oath and to produce such documents and things as may be required for purposes of a hearing. 1978, c. 25, s. 1 (1), part.

(4) Subject to subsection (6), any person who considers himself aggrieved by a decision of a person delegated by the Commission under a rule made under subsection (1) or by a decision resulting from a hearing held pursuant to a delegation under subsection (2), is entitled to a hearing by the Commission and, in the case of a hearing, the Commission may exercise its powers and duties under section 11 as if such powers and duties had not been delegated.

(5) Where the Commission, after holding a hearing, is of the opinion that the request for the hearing was frivolously made, the Commission may order the person requesting the hearing to pay to the Commission a penalty of not more than $300 in addition to any other penalty that may be imposed.

(6) Where the rules of the Commission, promulgated or adopted, provide for an appeal to an association or body, any person who considers himself aggrieved shall appeal in accordance with the rules before applying to the Commission for a hearing under subsection (4). 1978, c. 25, s. 1 (2).

(7) Any order or rule issued or made by the Commission under this Act shall be deemed to be of an administrative and not of a legislative nature. 1973, c. 116, s. 3, part.
(8) For the purposes of a hearing under subsection (4), three members of the Commission, one of whom shall be the chairman or vice-chairman, constitute a quorum.

(9) The Commission may, on its own motion, review any decision made by a racing association or body pursuant to a power delegated under subsection (2) and may, after affording the parties an opportunity to be heard, confirm the decision reviewed or substitute its own decision in lieu thereof. 1978, c. 25, s. 1, part.