



5 May 2011

The Hon James Wood AO QC  
NSW Law Reform Commission  
GPO Box 5199  
Sydney NSW 2001

Dear Mr Wood,

I wish to make the following submission in respect of the consultation paper released by the Commission in respect of its Inquiry into activities that might constitute cheating in the course of gambling.

In providing this submission however I do not intend repeating the comments and suggestions put forward in our initial submission to the Commission dated 16 February 2011 as I believe that those views are still pertinent and are in keeping with the Commission's own thoughts on the matter.

Racing NSW supports amendments to the legislation to provide for a general offence of cheating and fraud in relation to gambling and in relation to the conduct of sports and contingencies on which that gambling is conducted. We have no specific views in relation to the statutes in which such offences should be located.

We would be concerned however if the legislative amendments diluted the powers to control and regulate the thoroughbred racing industry which are currently vested in Racing NSW in terms of the Thoroughbred racing Act 1996. In this respect we note that the Commission has given recognition to the role currently played by Racing NSW and the other controlling authorities of racing. In this regard we believe that the proposed legislation might contain a specific provision for the controlling authorities to refer matters to the NSW police for further investigation and appropriate action.

Racing NSW supports the offences proposed by the Commission in 6.36 of its paper. However, while those offences relate to a person inducing a participant to engage in an act or omission which constitutes a threat to or undermines the integrity of any sporting or other event it is not clear that they capture a person who engages in such conduct of their own volition. I believe that this area needs clarifying.

Racing NSW also agrees with the proposed definitions and with the maximum penalty of 10 years imprisonment as suggested in the consultation paper.

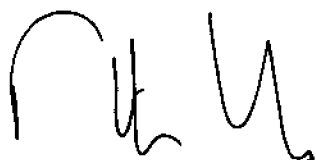
Racing NSW believes that the proposed offences contained in 6.2 of the Commission's recommendations will capture those forms of cheating that relate to sporting and other events and we offer no comment in respect of general gaming activities.

As identified in our original submission, Racing NSW believes that, given the very serious impact upon the integrity of racing and sports, Racing NSW and the Police should be equipped with more coercive powers in the nature of those available to the NSW Crime Commission.

In addition, Racing NSW contends that the situation should be clarified so that there cannot be any argument that Racing NSW and its Stewards are able to exercise the powers in the Rules of Racing against non-licensed persons to the extent that they are participating in thoroughbred racing.

In this regard, Racing NSW also believes that a specific offence should be created for persons refusing to comply with directions of Racing NSW and its stewards to participate in inquiries conducted in accordance with the Thoroughbred racing Act 1996 and the Rules of Racing.

Yours Sincerely  
**RACING NSW**

A handwritten signature in black ink, appearing to read 'P N V'LANDYS', written in a cursive style.

**P N V'LANDYS**  
**CHIEF EXECUTIVE**