

## Legislative Council

### Registered Clubs Amendment Bill

Schedule of the Government amendment agreed to in Committee of the Whole on  
Tuesday 2 December 2003.

Page 21, Schedule 1 [9]. Insert after line 36:

#### **Division 6 Inquiries in relation to registered clubs**

##### **41W Definition**

In this Division:

*inquiry* means an inquiry that is held under section 41X.

##### **41X Inquiry may be held**

- (1) For the purposes of investigating an allegation about any corrupt or other improper conduct in relation to a registered club, the Director may arrange for the holding of an inquiry to be presided over by a person appointed by the Director.
- (2) The Director is to determine the following:
  - (a) the matters that are to be the subject of an inquiry,
  - (b) the procedures to be adopted at an inquiry (including whether the inquiry is to be held in public or in private),
  - (c) the time within which the person presiding at the inquiry is required to report to the Director on the findings of an inquiry.
- (3) The matters that may be the subject of an inquiry may include matters relating to the termination of employment of members of staff of a registered club.
- (4) Evidence may be taken on oath or affirmation at an inquiry, and for that purpose:
  - (a) the person presiding at the inquiry may require a person appearing at the inquiry who wishes to give evidence to take an oath or to make an affirmation in a form approved by the person presiding, and

- (b) a member of staff of the Department of Gaming and Racing may administer an oath or affirmation to a person so appearing at the inquiry.
- (5) The person presiding at an inquiry is not bound by the rules or practice of evidence and may inform himself or herself on any matter in such manner as the person considers appropriate.

**41Y Nature of inquiry**

- (1) The person presiding at an inquiry:
- (a) has the powers, authorities, protections and immunities conferred on a commissioner by Division 1 of Part 2 of the *Royal Commissions Act 1923*, and
  - (b) if the person is a Judge of the Supreme Court, or is a legal practitioner of at least 7 years' standing whose instrument of appointment to preside at the inquiry expressly so provides, has the powers and authorities conferred on a commissioner by Division 2 of Part 2 of the *Royal Commissions Act 1923* (except for section 17 (4) and (5)).
- (2) The *Royal Commissions Act 1923* applies to any witness summoned by or before the person presiding at an inquiry (except for section 13 and, subject to subsection (1) (b), Division 2 of Part 2).

**41Z Findings of inquiry and referral of certain matters**

- (1) The person presiding at an inquiry is required to report to the Director on the findings of the inquiry (including any information obtained in the course of the inquiry).
- (2) If the Director is satisfied that any matter contained in the report:
- (a) relates or may relate to a breach of a law of the State (including this Act) or of another State or Territory or the Commonwealth, or
  - (b) constitutes or may constitute grounds for taking proceedings of any kind (including a complaint under this or any other Act) against a registered club,
- the Director may refer the matter to a law enforcement agency or to any other person or body who may have an

interest in the matter.

- (3) In this section:

*law enforcement agency* has the same meaning as in section 12A of the *Royal Commissions Act 1923*.

**41ZA Orders in relation to registered clubs**

- (1) The Director may, if satisfied that the findings of an inquiry justify doing so, make either or both of the following orders:
- (a) an order requiring the registered club that is the subject of the inquiry to provide each member of the club with information about the findings of the inquiry within such time as is specified in the order,
  - (b) an order requiring the club to hold an election of the governing body of the club within such time as is specified in the order.
- (2) A registered club must comply with any such order.  
Maximum penalty: 100 penalty units.
- (3) An order under this section has effect despite any other provision of this Act or the rules of the registered club concerned.