

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 9 June, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to constitute the Trotting Authority of New South Wales; to provide for the control and regulation of trotting and pacing; and to confer and impose on the Authority certain responsibilities, powers, authorities, duties and functions with respect to trotting and pacing.

BE

Trotting Authority.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5

PART I.

PRELIMINARY.

1. This Act may be cited as the "Trotting Authority Act, Short title. 1977".

2. (1) This section and section 1 shall commence on Commence-
10 the date of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

15 **3.** This Act is divided as follows :—

Division of Act.

PART I.—PRELIMINARY—ss. 1–4.

PART II.—CONSTITUTION OF THE AUTHORITY—ss. 5–7.

PART III.—FUNCTIONS OF THE AUTHORITY—ss. 8–10.

20 **PART IV.—FINANCE—ss. 11–16.**

PART V.—APPEALS—ss. 17–20.

PART VI.—GENERAL—ss. 21–28.

SCHEDULE

Trotting Authority.

SCHEDULE 1.—PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF THE AUTHORITY.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—^{Interpretation.}

5 “Authority” means the Trotting Authority of New South Wales constituted by this Act;

“by-law” means a by-law made under this Act;

“Chairman” means Chairman of the Authority;

10 “functions” includes responsibilities, powers, authorities and duties;

“Fund” means the Trotting Authority Fund established under section 11;

“member” means a member of the Authority;

“prescribed” means prescribed by the regulations;

15 “regulation” means a regulation made under this Act;

“rule” means a rule made under this Act;

“Tribunal” means the Trotting Appeals Tribunal constituted by this Act;

“trotting” includes pacing;

20 “trotting association” means an association of trotting clubs;

25 “trotting club” includes any body or other association of persons, whether incorporated or unincorporated and whether registered or not, promoting, conducting, or controlling, or formed for promoting, conducting, or controlling, a trotting meeting or trotting meetings.

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PART II.

CONSTITUTION OF THE AUTHORITY.

5 **5.** (1) There is hereby constituted a corporation under the corporate name of the "Trotting Authority of New South Wales". Constitu-
tion of
Authority.

(2) The Authority shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

10 (3) In the exercise or performance of its functions (except in relation to its power to decide appeals under this Act, and the contents of a report or recommendation made by it to the Minister), the Authority shall be subject to the control and direction of the Minister.

6. (1) The Authority shall consist of 8 members appointed by the Governor, of whom— Members
of the
Authority.

15 (a) 3 shall be nominated by the Minister, 1 of whom shall, in and by the instrument of his appointment or by a subsequent instrument executed by the Governor, be appointed, on the nomination of the Minister, as Chairman of the Authority;

20 (b) 1 shall be a representative of the New South Wales Trotting Club Limited, nominated by or on behalf of the Club within such period and in such manner as may from time to time be fixed by the Minister and notified by him to the Club;

25 (c) 1 shall be a representative of the Central Trotting Association, nominated by or on behalf of the Association within such period and in such manner as may from time to time be fixed by the Minister and notified by him to the Association or to a committee or office holder of the Association;

30 (d) 1 shall be nominated by the Minister as a representative of country trotting clubs; and

(e)

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(e) 2 shall be nominated by the Minister as representatives of trotting industry participants.

5 (2) If a representative is not nominated as provided by subsection (1) (b) or (c) and the period within which that representative is required to be nominated has expired, the Governor may appoint a person, nominated by the Minister, to be a member of the Authority, and the person so nominated by the Minister shall, on his appointment, be
10 subsection (1) (b) or (c), as the case may be.

(3) Schedule 1 has effect.

7. (1) The Authority may appoint such officers and Staff. employees (including a secretary) as may be necessary to enable the Authority to exercise and perform its functions.

15 (2) The secretary shall keep records of all meetings of the Authority and have such other functions as the Authority may direct.

PART III.

FUNCTIONS OF THE AUTHORITY.

20 8. (1) The Authority shall have and may exercise or perform the functions conferred or imposed on it by or under this or any other Act. Functions of Authority.

(2) The functions of the Authority are—

(a) to control and regulate trotting;

(b)

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- (b) to initiate, develop and implement such policies as it may deem conducive to the development and welfare of the trotting industry and protection of the public interest;
- 5 (c) to affiliate with such organisations, whether in or out of New South Wales, as the Authority deems appropriate;
- (d) in accordance with the by-laws—
 - 10 (i) to allocate to trotting clubs and trotting associations the dates on which they may conduct trotting meetings and trotting races;
 - (ii) to register or refuse to register or cancel or suspend the registration of any trotting club or trotting association, or any owner, 15 trainer or driver of trotting horses, or any bookmaker or bookmaker's clerk associated with the trotting industry, or any other person associated with the industry, and to supervise the actions of those clubs, 20 associations and persons;
 - (iii) to register and identify horses in association with the Australian Trotting Council;
 - (iv) to impose fees for registration under the by-laws;
 - 25 (v) to disqualify either permanently or temporarily any owner, trainer or driver of trotting horses, or any bookmaker or bookmaker's clerk, or any other person, from participating in or being associated with the 30 trotting industry;
 - (vi) to disqualify either permanently or temporarily any horse from participating in trotting meetings;
 - 35 (vii) to exclude from participating in trotting any horse not registered under the by-laws;

(viii)

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- (viii) to prohibit any person registered under the by-laws from taking part in any trotting meeting held by any club or association not registered under the by-laws; and
- 5 (ix) to impose a fine, not exceeding \$500, on any owner, trainer or driver of trotting horses, or any bookmaker or bookmaker's clerk associated with the trotting industry, or any other person associated with the industry
- 10 for breaches of the by-laws;
- (e) to grant or advance on loan, upon such terms and conditions as it may determine, money from the Fund for the purpose of—
 - (i) increasing stake money and prizes at trotting
 - 15 meetings;
 - (ii) improving race-courses licensed under the Gaming and Betting Act, 1912, and used for trotting meetings;
 - (iii) improving facilities at race-courses referred
 - 20 to in subparagraph (ii); or
 - (iv) assisting trotting clubs or trotting associations,
- or for any other purpose conducive to the advancement and development of trotting;
- 25 (f) when so directed by the Minister, or of its own initiative, to furnish to the Minister a report and recommendation with respect to any matter relating to trotting; and
- 30 (g) to undertake research and investigation into all aspects of the trotting industry and recommend to the Minister any action that ought to be taken as a result of that research and investigation.

(3) Nothing in this Act confers on the Authority power to conduct trotting meetings or trotting races on its own behalf.

(4)

Trotting Authority.

(4) The powers of the Authority to purchase, exchange, take on lease, hold, dispose of and otherwise deal with land shall not be exercised except with the consent of the Minister and subject to such conditions as he may, in giving
5 his consent, impose.

9. (1) The Authority may make rules, not inconsistent with this Act, for or with respect to— Authority may make rules.

(a) the control and regulation of trotting; and

10 (b) the appointment of an executive officer and a deputy executive officer from among its members and specifying the functions of those officers.

(2) A rule—

15 (a) is by this subsection required to be approved by the Minister, and shall have no effect unless so approved; and

(b) takes effect on and from the date of that approval or a later date specified in the rule.

20 (3) A rule may not be made for or with respect to any of the matters for or with respect to which by-laws and regulations may be made by virtue of this Act (sections 10 (2) and 27 (2) excepted).

10. (1) The Authority may make by-laws, not inconsistent with this Act, for or with respect to— By-laws.

(a) any of the matters mentioned in section 8 (2) (d);

25 (b) the appointment of stewards of the Authority;

(c) the functions of stewards so appointed;

(d) conferring on stewards so appointed the same powers as are exercisable by the Authority under section 8 (2) (d);

(e)

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- (e) the charges payable by a trotting club or trotting association when stewards so appointed act at a trotting meeting held by that club or association; and
- 5 (f) the extent to which, and the circumstances in which, stewards so appointed may exercise or perform their functions to the exclusion of stewards of trotting clubs or trotting associations.

(2) By-laws may also be made for or with respect to
10 any matter for or with respect to which rules may be made.

(3) A by-law is by this subsection required to be approved by the Governor, and shall have no effect unless so approved.

PART IV.

15

FINANCE.

11. (1) There shall be established by the Authority, in Trotting a bank in New South Wales, a fund to be called the "Trotting Authority Fund".

(2) There shall be paid into the Fund all money
20 received by the Authority under this Act.

(3) There shall be paid out of the Fund all expenses (including payments to members, officers and employees of the Authority) incurred by the Authority in the exercise or performance of its functions under this Act.

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12. (1) In this section, "financial year" means a year ending on and including 30th June, 1978, and each subsequent year.

Affiliation
fee payable
by trotting
club or
trotting
associa-
tion to
Authority.

(2) Subject to subsection (6), each trotting club
5 and each trotting association, being a trotting club or trotting
association that conducts trotting meetings on a race-course
licensed under the Gaming and Betting Act, 1912, shall in
respect of each financial year pay to the Authority an
affiliation fee calculated at the rate of 4 per centum, or such
10 lower rate as may be prescribed, of its income derived from
trotting during that financial year.

(3) The payment to the Authority by a trotting club
or trotting association of an affiliation fee in respect of a
financial year shall be made not later than 31st July next
15 following that financial year.

(4) A trotting club or trotting association shall
forward to the Authority with the affiliation fee payable under
subsection (2) a statement of accounts in the prescribed form
containing the prescribed particulars.

20 (5) A reference in this section to a trotting club's
or trotting association's income derived from trotting during
a financial year is a reference to the amount remaining after
deducting from the aggregate of—

(a) the gross income derived by the trotting club or
25 trotting association from all trotting meetings
conducted by the trotting club or trotting association
during that year; and

(b) all money received by the trotting club or trotting
association from the Totalizator Agency Board
30 during that year,

any

Trotting Authority.

any amounts paid or payable by the trotting club or trotting association by way of taxation on fees paid or payable during that year by bookmakers, any amounts paid or payable during that year to the Treasurer by the trotting club or trotting association under the Totalizator Act, 1916, and any amounts paid in prescribed circumstances.

(6) The Authority may waive wholly or in part the payment of affiliation fees in respect of any financial year.

13. For the temporary accommodation of the Authority, the Treasurer may advance to the Authority such sums, on such terms and conditions as to repayment and interest, as may be agreed upon.

Temporary accommodation.

14. (1) The Authority shall cause to be kept proper books of account and records in relation to all its operations, and shall, as soon as possible after 30th June in each year, prepare and submit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority.

Accounts to be kept by the Authority.

(2) The Minister shall lay the statement of accounts, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the statement.

15. The accounts of the Authority shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law for the time being in force relating to the audit of public accounts.

Audit of accounts.

16. (1) The Audit Act, 1902, shall apply to the members, secretary and the other officers and employees of the Authority in the same way as it applies to accounting officers of public Departments.

Application of Audit Act, 1902.

Trotting Authority.

(2) Towards defraying the costs and expenses of any audit under section 15, the Authority shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer determines.

PART V.

APPEALS.

17. (1) There is hereby constituted a tribunal under the name of the "Trotting Appeals Tribunal".

Trotting
Appeals
Tribunal.

(2) The Tribunal shall consist of a District Court Judge appointed by the Minister upon the recommendation of the Attorney-General.

18. (1) Any person who, or any trotting club or trotting association that, is aggrieved by any decision of stewards of the Authority, or of a committee of a trotting club or trotting association, may, in accordance with the regulations, appeal against the decision to the Authority, which shall be the only body to which an appeal against that decision shall lie.

Appeals to
Authority.

(2) The decision of the Authority in respect of any such appeal shall be deemed to be the decision of the stewards of the Authority or of the committee of the trotting club or trotting association, as the case may be.

19. (1) Any person who, or any trotting club or trotting association that, is aggrieved by any decision of the Authority may, in accordance with the regulations, appeal against the decision to the Tribunal, which shall be the only body to which an appeal against that decision shall lie.

Appeals
from
Authority.

(2)

Trotting Authority.

(2) The decision of the Tribunal in respect of any such appeal shall be final and shall be deemed to be the decision of the Authority.

5 **20.** (1) The regulations may make provision for or with Regulations
respect to— respecting
appeals.

- (a) appeals to the Authority from decisions of stewards of the Authority, or of committees of trotting clubs or trotting associations;
- 10 (b) appeals to the Tribunal from decisions of the Authority;
- (c) the procedures to be followed at or in connection with any appeals under this Act;
- (d) the payment of fees and costs in respect of appeals under this Act; and
- 15 (e) any matters incidental to or connected with appeals under this Act.

(2) Without affecting the generality of subsection (1), the regulations may—

- 20 (a) prescribe classes of matters in respect of which appeals may not be made under this Act; or
- (b) provide that no appeals may be made under this Act except in respect of prescribed classes of matters.

Trotting Authority.

PART VI.

GENERAL.

21. (1) The Authority may, by resolution, delegate to a member or an officer or employee of the Authority the exercise or performance of such of the Authority's functions (other than this power of delegation, functions mentioned in section 8 (2) (d) and the power to decide appeals under this Act) as are specified in the resolution, and may, by resolution, revoke wholly or in part any such delegation.
- (2) A function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise or performance of any of the functions delegated, or as to time or circumstance, as are specified in the resolution.
- (4) Notwithstanding any delegation under this section, the Authority may continue to exercise or perform all or any of the functions delegated.
- (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Authority and shall be deemed to have been done or suffered by the Authority.
- (6) An instrument purporting to be signed by a delegate of the Authority in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Authority under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Authority under this section.

Trotting Authority.

22. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the Chairman. Authentica-
tion of
process.

5 **23.** Any notice, summons, writ or other proceeding to be served on the Authority may be served— Service of
process.

(a) by being left; or

(b) in the case of a notice, by posting it addressed to the Authority,

10 at its office (or, if it has more than one office, at one of its offices).

24. Any charge, fee, fine (as referred to in section 8 (2) (d) (viii)) or money due to the Authority may be recovered as a debt or liquidated demand in a court of competent jurisdiction. 8 Recovery
of money.

25. Any penalty imposed by or under this Act may be recovered in a summary manner before a court of petty sessions constituted by a stipendiary magistrate sitting alone. Penalties.

26. (1) The Authority shall, as soon as practicable after 20 30th June, and in any case on or before 30th September, in each year prepare and forward to the Minister a report of its work and activities for the 12 months preceding that 30th June. Annual
report.

Trotting Authority.

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

27. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations may also be made for or with respect to any matter for or with respect to which by-laws or rules may be made.

(3) A regulation may impose a penalty not exceeding \$500 for any offence against the regulation.

(4) A reference in section 8 (2) (d) to the by-laws shall be deemed to include a reference to the regulations so far as the regulations make provision for or with respect to any of the matters mentioned in section 8 (2) (d).

28. (1) If there is an inconsistency between the regulations and the by-laws or rules, the regulations shall prevail.

(2) If there is an inconsistency between the by-laws and rules, the by-laws shall prevail.

(3) A regulation, by-law or rule may be made so as to apply differently according to such factors as may be specified therein.

(4)

Trotting Authority.

(4) A regulation, by-law or rule may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

5 (5) A regulation, by-law or rule may, with such adaptations (if any) as are specified therein, adopt by reference any specified document or specified part of a document, but only to the extent that the document or part contains provisions for or with respect to which a regulation, by-law or rule, as the case may be, may be made.

10

SCHEDULE 1.

Sec. 6.

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF THE AUTHORITY.

1. A person who is of or above the age of 70 years shall not be appointed as a member. Age of member.

15 2. (1) A member shall, subject to this Act, be appointed for such term, not exceeding 3 years, as is specified in the instrument of his appointment. Term of office.

(2) A member shall, if otherwise qualified, be eligible for re-appointment from time to time for such term, 20 not exceeding 3 years, as is specified in the instrument of his re-appointment.

3. Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him. Remuneration of and allowances for members.

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

4. The provisions of the Public Service Act, 1902, shall
5 not apply to or in respect of the appointment of a member
and a member shall not, in his capacity as a member, be
subject to the provisions of that Act during his term of office. Public
Service
Act, 1902,
not to
apply.

5. The office of a member shall, for the purposes of any
Act, be deemed not to be an office or place of profit under
10 the Crown. Office of
member
not to be
office of
profit
under the
Crown.

6. (1) A member shall be deemed to have vacated his
office— Vacation
of office.
 - (a) if he dies;
 - 15 (b) if he becomes bankrupt, applies to take the benefit
of any law for the relief of bankrupt or insolvent
debtors, compounds with his creditors or makes an
assignment of his remuneration, allowances or
estate for their benefit;
 - 20 (c) if he is absent from 3 consecutive ordinary meetings
of the Authority of which reasonable notice has
been given to him, either personally or in the
ordinary course of post, unless on leave granted by
the Authority or unless, before the expiration of 4
25 weeks after the last of those meetings, he is excused
by the Authority for his absence from those
meetings;
 - (d) if he becomes a temporary patient, a continued
treatment patient, a protected person or an in-
capable person within the meaning of the Mental
30 Health Act, 1958, or a person under detention
under Part VII of that Act;

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

- 5 (e) if he is convicted in New South Wales of a felony or misdemeanour which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;
- 10 (f) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;
- (g) if he is removed from office by the Governor under subclause (2) of this clause;
- 15 (h) if he ceases to reside in the State; or
- (i) upon his attaining the age of 70 years.

(2) The Governor may, for any cause which to him seems sufficient, remove a member from office.

- 20 7. (1) On the occurrence of a vacancy in the office of a member, the Governor may appoint a person to the vacant office for the balance of his predecessor's term of office. Filling of casual vacancies.

(2) A person appointed under subclause (1) of this clause shall be a person who is nominated in the same manner as the member whose office has become vacant was nominated.

- 25 (3) Section 6 (2) applies to and in respect of an appointment under subclause (1) of this clause in the same way as it applies to and in respect of an appointment under section 6 (1).

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

8. The number of members which shall constitute a Quorum.
5 quorum of any meeting of the Authority is 4.

9. (1) Any duly convened meeting of the Authority at Meetings.
which a quorum is present shall be competent to transact any
business of the Authority.

(2) Questions arising at a meeting of the Authority
10 shall be determined by a majority of votes of the members
present and voting.

(3) The Chairman shall preside at all meetings of the
Authority.

(4) If the Chairman is not present at a meeting of the
15 Authority, a member elected by the members present shall
preside at that meeting.

(5) The person presiding at a meeting of the
Authority has a deliberative vote and, in the event of an
equality of votes, also has a casting vote.

20 10. The procedure for the calling of, and for the conduct General
of business at, meetings of the Authority shall, subject to any procedure.
procedure that is specified in this Act or prescribed by the
rules, by-laws or regulations, be as determined by the
Authority.

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

11. (1) No matter or thing done, and no contract entered
5 into, by the Authority, and no matter or thing done by a member or by any other person acting under the direction or as a delegate of the Authority shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act, subject the member
10 or person personally to any action, liability, claim or demand.

Protection
from
liability.

(2) Nothing in subclause (1) of this clause exempts any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the
15 Authority, and which the member or other person authorised or joined in authorising.

12. (1) In this clause—

“servant” means an officer or employee of the Authority;
“statutory body” means any body declared under clause
20 13 to be a statutory body for the purposes of this Schedule;
“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is
25 established by or under any Act.

Preservation
of
rights of
certain
servants
previously
public
servants,
etc.

(2) Subject to subclause (3) of this clause and to the terms of his appointment, where a servant was, immediately before his appointment as a servant—

- (a) an officer of the Public Service;
- 30 (b) a contributor to a superannuation scheme;

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

- (c) an officer employed by a statutory body; or
- 5 (d) a person in respect of whom provision was made by
any Act that he retain any rights accrued or
accruing to him as an officer or employee,
- he—
- 10 (e) shall retain any rights accrued or accruing to him
as such an officer, contributor or person;
- (f) may continue to contribute to any superannuation
scheme to which he was a contributor immediately
before his appointment as a servant; and
- 15 (g) shall be entitled to receive any deferred or
extended leave and any payment, pension or
gratuity,
- as if he had continued to be such an officer, contributor or
person during his service as a servant, and—
- 20 (h) his service as a servant shall be deemed to be
service as an officer or employee for the purpose of
any law under which those rights accrued or were
accruing, under which he continues to contribute
or by which that entitlement is conferred; and
- 25 (i) he shall be deemed to be an officer or employee,
and the Authority shall be deemed to be his
employer, for the purpose of the superannuation
scheme to which he is entitled to contribute under
this clause.

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

5 (3) If a servant would, but for this subclause, be
entitled under subclause (2) of this clause to contribute to a
superannuation scheme or to receive any payment, pension
or gratuity under that scheme he shall not be so entitled
upon his becoming (whether upon his appointment as a
servant or at any later time while he holds office as a servant)
10 a contributor to any other superannuation scheme, and the
provisions of subclause (2) (i) of this clause cease to apply
to or in respect of him and the Authority in any case where
he becomes a contributor to such another superannuation
scheme.

15 (4) Subclause (3) of this clause does not prevent the
payment to a servant upon his ceasing to be a contributor
to a superannuation scheme of such amount as would have
been payable to him if he had ceased, by reason of his
resignation, to be an officer or employee for the purposes of
20 that scheme.

(5) A servant shall not, in respect of the same
period of service, be entitled to claim a benefit under this
Act and another Act.

13. The Governor may, by proclamation published in
25 the Gazette, declare any body constituted by or under any
Act to be a statutory body for the purposes of this Schedule.

Declara-
tion of
statutory
bodies.

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

14. In proceedings by or against the Authority no proof
5 shall be required (until evidence is given to the contrary) of— Presump-
tions.
- (a) the constitution of the Authority;
 - (b) any resolution of the Authority;
 - (c) the appointment of any member; or
 - 10 (d) the presence of a quorum at any meeting of the
Authority.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[24c]

TROTTING AUTHORITY BILL, 1977

No. , 1977.

A BILL FOR

An Act to constitute the Trotting Authority of New South Wales; to provide for the control and regulation of trotting and pacing; and to confer and impose on the Authority certain responsibilities, powers, authorities, duties and functions with respect to trotting and pacing.

[MR BOOTH—7 June, 1977.]

BE

Trotting Authority.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5

PART I.

PRELIMINARY.

1. This Act may be cited as the "Trotting Authority Act, Short title. 1977".

2. (1) This section and section 1 shall commence on Commence-
10 the date of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

15 **3.** This Act is divided as follows :—

Division
of Act.

PART I.—PRELIMINARY—ss. 1–4.

**PART II.—CONSTITUTION OF THE AUTHORITY—ss.
5–7.**

PART III.—FUNCTIONS OF THE AUTHORITY—ss. 8–10.

20 **PART IV.—FINANCE—ss. 11–16.**

PART V.—APPEALS—ss. 17–20.

PART VI.—GENERAL—ss. 21–28.

SCHEDULE

Trotting Authority.

SCHEDULE 1.—PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF THE AUTHORITY.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— ^{Interpretation.}

5 “Authority” means the Trotting Authority of New South Wales constituted by this Act;

“by-law” means a by-law made under this Act;

“Chairman” means Chairman of the Authority;

10 “functions” includes responsibilities, powers, authorities and duties;

“Fund” means the Trotting Authority Fund established under section 11;

“member” means a member of the Authority;

“prescribed” means prescribed by the regulations;

15 “regulation” means a regulation made under this Act;

“rule” means a rule made under this Act;

“Tribunal” means the Trotting Appeals Tribunal constituted by this Act;

“trotting” includes pacing;

20 “trotting association” means an association of trotting clubs;

25 “trotting club” includes any body or other association of persons, whether incorporated or unincorporated and whether registered or not, promoting, conducting, or controlling, or formed for promoting, conducting, or controlling, a trotting meeting or trotting meetings.

Trotting Authority.

PART II.

CONSTITUTION OF THE AUTHORITY.

5. (1) There is hereby constituted a corporation under the corporate name of the "Trotting Authority of New South Wales".

Constitu-
tion of
Authority.

(2) The Authority shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

(3) In the exercise or performance of its functions (except in relation to its power to decide appeals under this Act, and the contents of a report or recommendation made by it to the Minister), the Authority shall be subject to the control and direction of the Minister.

6. (1) The Authority shall consist of 8 members appointed by the Governor, of whom—

Members
of the
Authority.

15 (a) 3 shall be nominated by the Minister, 1 of whom shall, in and by the instrument of his appointment or by a subsequent instrument executed by the Governor, be appointed, on the nomination of the Minister, as Chairman of the Authority;

20 (b) 1 shall be a representative of the New South Wales Trotting Club Limited, nominated by or on behalf of the Club within such period and in such manner as may from time to time be fixed by the Minister and notified by him to the Club;

25 (c) 1 shall be a representative of the Central Trotting Association, nominated by or on behalf of the Association within such period and in such manner as may from time to time be fixed by the Minister and notified by him to the Association or to a committee or office holder of the Association;

30 (d) 1 shall be nominated by the Minister as a representative of country trotting clubs; and

(e)

Trotting Authority.

(e) 2 shall be nominated by the Minister as representatives of trotting industry participants.

(2) If a representative is not nominated as provided by subsection (1) (b) or (c) and the period within which that representative is required to be nominated has expired, the Governor may appoint a person, nominated by the Minister, to be a member of the Authority, and the person so nominated by the Minister shall, on his appointment, be deemed to be a representative nominated as provided by subsection (1) (b) or (c), as the case may be.

(3) Schedule 1 has effect.

7. (1) The Authority may appoint such officers and Staff. employees (including a secretary) as may be necessary to enable the Authority to exercise and perform its functions.

15 (2) The secretary shall keep records of all meetings of the Authority and have such other functions as the Authority may direct.

PART III.

FUNCTIONS OF THE AUTHORITY.

20 8. (1) The Authority shall have and may exercise or perform the functions conferred or imposed on it by or under this or any other Act. Functions of Authority.

(2) The functions of the Authority are—

(a) to control and regulate trotting;

(b)

Trotting Authority.

- (b) to initiate, develop and implement such policies as it may deem conducive to the development and welfare of the trotting industry and protection of the public interest;
- 5 (c) to affiliate with such organisations, whether in or out of New South Wales, as the Authority deems appropriate;
- (d) in accordance with the by-laws—
 - 10 (i) to allocate to trotting clubs and trotting associations the dates on which they may conduct trotting meetings and trotting races;
 - (ii) to register or refuse to register or cancel or suspend the registration of any trotting club or trotting association, or any owner,
 - 15 (iii) to register and identify horses in association with the Australian Trotting Council;
 - (iv) to impose fees for registration under the by-laws;
 - 20 (v) to disqualify either permanently or temporarily any owner, trainer or driver of trotting horses, or any bookmaker or bookmaker's clerk, or any other person, from participating in or being associated with the trotting industry;
 - 25 (vi) to disqualify either permanently or temporarily any horse from participating in trotting meetings;
 - 30 (vii) to exclude from participating in trotting any horse not registered under the by-laws;

(viii)

Trotting Authority.

- (viii) to prohibit any person registered under the by-laws from taking part in any trotting meeting held by any club or association not registered under the by-laws; and
- 5 (ix) to impose a fine, not exceeding \$500, on any owner, trainer or driver of trotting horses, or any bookmaker or bookmaker's clerk associated with the trotting industry, or any other person associated with the industry
- 10 for breaches of the by-laws;
- (e) to grant or advance on loan, upon such terms and conditions as it may determine, money from the Fund for the purpose of—
 - (i) increasing stake money and prizes at trotting
 - 15 meetings;
 - (ii) improving race-courses licensed under the Gaming and Betting Act, 1912, and used for trotting meetings;
 - (iii) improving facilities at race-courses referred
 - 20 to in subparagraph (ii); or
 - (iv) assisting trotting clubs or trotting associations,
 - or for any other purpose conducive to the advancement and development of trotting;
 - 25 (f) when so directed by the Minister, or of its own initiative, to furnish to the Minister a report and recommendation with respect to any matter relating to trotting; and
 - (g) to undertake research and investigation into all
 - 30 aspects of the trotting industry and recommend to the Minister any action that ought to be taken as a result of that research and investigation.

(3) Nothing in this Act confers on the Authority power to conduct trotting meetings or trotting races on its own behalf.

(4)

Trotting Authority.

(4) The powers of the Authority to purchase, exchange, take on lease, hold, dispose of and otherwise deal with land shall not be exercised except with the consent of the Minister and subject to such conditions as he may, in giving
5 his consent, impose.

9. (1) The Authority may make rules, not inconsistent with this Act, for or with respect to— Authority
may make
rules.

- (a) the control and regulation of trotting; and
- 10 (b) the appointment of an executive officer and a deputy executive officer from among its members and specifying the functions of those officers.

(2) A rule—

- 15 (a) is by this subsection required to be approved by the Minister, and shall have no effect unless so approved; and
- (b) takes effect on and from the date of that approval or a later date specified in the rule.

(3) A rule may not be made for or with respect to any of the matters for or with respect to which by-laws and regulations may be made by virtue of this Act (sections 10
20 (2) and 27 (2) excepted).

10. (1) The Authority may make by-laws, not inconsistent with this Act, for or with respect to— By-laws.

- (a) any of the matters mentioned in section 8 (2) (d);
- 25 (b) the appointment of stewards of the Authority;
- (c) the functions of stewards so appointed;
- (d) conferring on stewards so appointed the same powers as are exercisable by the Authority under section 8 (2) (d);

(e)

Trotting Authority.

- (e) the charges payable by a trotting club or trotting association when stewards so appointed act at a trotting meeting held by that club or association; and
- 5 (f) the extent to which, and the circumstances in which, stewards so appointed may exercise or perform their functions to the exclusion of stewards of trotting clubs or trotting associations.

(2) By-laws may also be made for or with respect to
10 any matter for or with respect to which rules may be made.

(3) A by-law is by this subsection required to be approved by the Governor, and shall have no effect unless so approved.

PART IV.

15 **FINANCE.**

11. (1) There shall be established by the Authority, in Trotting a bank in New South Wales, a fund to be called the "Trotting Authority Fund".

(2) There shall be paid into the Fund all money
20 received by the Authority under this Act.

(3) There shall be paid out of the Fund all expenses (including payments to members, officers and employees of the Authority) incurred by the Authority in the exercise or performance of its functions under this Act.

Trotting Authority.

12. (1) In this section, "financial year" means a year ending on and including 30th June, 1978, and each subsequent year.

Affiliation
fee payable
by trotting
club or
trotting
associa-
tion to
Authority.

(2) Subject to subsection (6), each trotting club
5 and each trotting association, being a trotting club or trotting
association that conducts trotting meetings on a race-course
licensed under the Gaming and Betting Act, 1912, shall in
respect of each financial year pay to the Authority an
affiliation fee calculated at the rate of 4 per centum, or such
10 lower rate as may be prescribed, of its income derived from
trotting during that financial year.

(3) The payment to the Authority by a trotting club
or trotting association of an affiliation fee in respect of a
financial year shall be made not later than 31st July next
15 following that financial year.

(4) A trotting club or trotting association shall
forward to the Authority with the affiliation fee payable under
subsection (2) a statement of accounts in the prescribed form
containing the prescribed particulars.

20 (5) A reference in this section to a trotting club's
or trotting association's income derived from trotting during
a financial year is a reference to the amount remaining after
deducting from the aggregate of—

- 25 (a) the gross income derived by the trotting club or
trotting association from all trotting meetings
conducted by the trotting club or trotting association
during that year; and
- (b) all money received by the trotting club or trotting
association from the Totalizator Agency Board
30 during that year,

any

Trotting Authority.

any amounts paid or payable by the trotting club or trotting association by way of taxation on fees paid or payable during that year by bookmakers, any amounts paid or payable during that year to the Treasurer by the trotting club or trotting association under the Totalizator Act, 1916, and any amounts paid in prescribed circumstances.

(6) The Authority may waive wholly or in part the payment of affiliation fees in respect of any financial year.

13. For the temporary accommodation of the Authority, the Treasurer may advance to the Authority such sums, on such terms and conditions as to repayment and interest, as may be agreed upon.

14. (1) The Authority shall cause to be kept proper books of account and records in relation to all its operations, and shall, as soon as possible after 30th June in each year, prepare and submit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority.

(2) The Minister shall lay the statement of accounts, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the statement.

15. The accounts of the Authority shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law for the time being in force relating to the audit of public accounts.

16. (1) The Audit Act, 1902, shall apply to the members, secretary and the other officers and employees of the Authority in the same way as it applies to accounting officers of public Departments.

Trotting Authority.

(2) Towards defraying the costs and expenses of any audit under section 15, the Authority shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer determines.

5

PART V.

APPEALS.

17. (1) There is hereby constituted a tribunal under the name of the "Trotting Appeals Tribunal".

Trotting
Appeals
Tribunal.

(2) The Tribunal shall consist of a District Court Judge appointed by the Minister upon the recommendation of the Attorney-General.

18. (1) Any person who, or any trotting club or trotting association that, is aggrieved by any decision of stewards of the Authority, or of a committee of a trotting club or trotting association, may, in accordance with the regulations, appeal against the decision to the Authority, which shall be the only body to which an appeal against that decision shall lie.

Appeals to
Authority.

(2) The decision of the Authority in respect of any such appeal shall be deemed to be the decision of the stewards of the Authority or of the committee of the trotting club or trotting association, as the case may be.

19. (1) Any person who, or any trotting club or trotting association that, is aggrieved by any decision of the Authority may, in accordance with the regulations, appeal against the decision to the Tribunal, which shall be the only body to which an appeal against that decision shall lie.

Appeals
from
Authority.

(2)

Trotting Authority.

(2) The decision of the Tribunal in respect of any such appeal shall be final and shall be deemed to be the decision of the Authority.

20. (1) The regulations may make provision for or with
5 respect to— Regulations respecting appeals.

- (a) appeals to the Authority from decisions of stewards of the Authority, or of committees of trotting clubs or trotting associations;
- 10 (b) appeals to the Tribunal from decisions of the Authority;
- (c) the procedures to be followed at or in connection with any appeals under this Act;
- (d) the payment of fees and costs in respect of appeals under this Act; and
- 15 (e) any matters incidental to or connected with appeals under this Act.

(2) Without affecting the generality of subsection (1), the regulations may—

- 20 (a) prescribe classes of matters in respect of which appeals may not be made under this Act; or
- (b) provide that no appeals may be made under this Act except in respect of prescribed classes of matters.

Trotting Authority.

PART VI.

GENERAL.

21. (1) The Authority may, by resolution, delegate to a member or an officer or employee of the Authority the exercise or performance of such of the Authority's functions (other than this power of delegation, functions mentioned in section 8 (2) (d) and the power to decide appeals under this Act) as are specified in the resolution, and may, by resolution, revoke wholly or in part any such delegation.

(2) A function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise or performance of any of the functions delegated, or as to time or circumstance, as are specified in the resolution.

(4) Notwithstanding any delegation under this section, the Authority may continue to exercise or perform all or any of the functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Authority and shall be deemed to have been done or suffered by the Authority.

(6) An instrument purporting to be signed by a delegate of the Authority in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Authority under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Authority under this section.

Trotting Authority.

22. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the Chairman. Authentica-
tion of
process.

23. Any notice, summons, writ or other proceeding to be served on the Authority may be served— Service of
process.

(a) by being left; or

(b) in the case of a notice, by posting it addressed to the Authority,

at its office (or, if it has more than one office, at one of its offices).

24. Any charge, fee, fine (as referred to in section 8 (2) (d) (viii)) or money due to the Authority may be recovered as a debt or liquidated demand in a court of competent jurisdiction. 8 Recovery
of money.

25. Any penalty imposed by or under this Act may be recovered in a summary manner before a court of petty sessions constituted by a stipendiary magistrate sitting alone. Penalties.

26. (1) The Authority shall, as soon as practicable after 30th June, and in any case on or before 30th September, in each year prepare and forward to the Minister a report of its work and activities for the 12 months preceding that 30th June. Annual
report.

Trotting Authority.

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

27. (1) The Governor may make regulations, not
5 inconsistent with this Act, for or with respect to any matter
that by this Act is required or permitted to be prescribed or
that is necessary or convenient to be prescribed for carrying
out or giving effect to this Act. Regulations.

(2) Regulations may also be made for or with
10 respect to any matter for or with respect to which by-laws or
rules may be made.

(3) A regulation may impose a penalty not exceeding
\$500 for any offence against the regulation.

(4) A reference in section 8 (2) (d) to the by-laws
15 shall be deemed to include a reference to the regulations so
far as the regulations make provision for or with respect to
any of the matters mentioned in section 8 (2) (d).

28. (1) If there is an inconsistency between the regula-
tions and the by-laws or rules, the regulations shall prevail. General provisions as to regulations, by-laws and rules.

20 (2) If there is an inconsistency between the by-laws
and rules, the by-laws shall prevail.

(3) A regulation, by-law or rule may be made so
as to apply differently according to such factors as may be
specified therein.

Trotting Authority.

(4) A regulation, by-law or rule may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

5 (5) A regulation, by-law or rule may, with such adaptations (if any) as are specified therein, adopt by reference any specified document or specified part of a document, but only to the extent that the document or part contains provisions for or with respect to which a regulation, by-law or rule, as the case may be, may be made.

10

SCHEDULE 1.

Sec. 6.

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF THE AUTHORITY.

1. A person who is of or above the age of 70 years shall not be appointed as a member. Age of member.

15 2. (1) A member shall, subject to this Act, be appointed for such term, not exceeding 3 years, as is specified in the instrument of his appointment. Term of office.

(2) A member shall, if otherwise qualified, be eligible for re-appointment from time to time for such term, not exceeding 3 years, as is specified in the instrument of his re-appointment.

3. Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him. Remuneration of and allowances for members.

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

4. The provisions of the Public Service Act, 1902, shall
5 not apply to or in respect of the appointment of a member
and a member shall not, in his capacity as a member, be
subject to the provisions of that Act during his term of office.
5. The office of a member shall, for the purposes of any
10 Act, be deemed not to be an office or place of profit under
the Crown.
6. (1) A member shall be deemed to have vacated his
office—
 - (a) if he dies;
 - 15 (b) if he becomes bankrupt, applies to take the benefit
of any law for the relief of bankrupt or insolvent
debtors, compounds with his creditors or makes an
assignment of his remuneration, allowances or
estate for their benefit;
 - 20 (c) if he is absent from 3 consecutive ordinary meetings
of the Authority of which reasonable notice has
been given to him, either personally or in the
ordinary course of post, unless on leave granted by
the Authority or unless, before the expiration of 4
25 weeks after the last of those meetings, he is excused
by the Authority for his absence from those
meetings;
 - (d) if he becomes a temporary patient, a continued
treatment patient, a protected person or an in-
capable person within the meaning of the Mental
30 Health Act, 1958, or a person under detention
under Part VII of that Act;

Public
Service
Act, 1902,
not to
apply.

Office of
member
not to be
office of
profit
under the
Crown.

Vacation
of office.

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

- 5 (e) if he is convicted in New South Wales of a felony or misdemeanour which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;
- 10 (f) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;
- (g) if he is removed from office by the Governor under subclause (2) of this clause;
- 15 (h) if he ceases to reside in the State; or
- (i) upon his attaining the age of 70 years.

(2) The Governor may, for any cause which to him seems sufficient, remove a member from office.

7. (1) On the occurrence of a vacancy in the office of
20 a member, the Governor may appoint a person to the vacant office for the balance of his predecessor's term of office. Filling of casual vacancies.

(2) A person appointed under subclause (1) of this clause shall be a person who is nominated in the same manner as the member whose office has become vacant was nominated.

25 (3) Section 6 (2) applies to and in respect of an appointment under subclause (1) of this clause in the same way as it applies to and in respect of an appointment under section 6 (1).

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

8. The number of members which shall constitute a Quorum.
5 quorum of any meeting of the Authority is 4.

9. (1) Any duly convened meeting of the Authority at Meetings.
which a quorum is present shall be competent to transact any
business of the Authority.

(2) Questions arising at a meeting of the Authority
10 shall be determined by a majority of votes of the members
present and voting.

(3) The Chairman shall preside at all meetings of the
Authority.

(4) If the Chairman is not present at a meeting of the
15 Authority, a member elected by the members present shall
preside at that meeting.

(5) The person presiding at a meeting of the
Authority has a deliberative vote and, in the event of an
equality of votes, also has a casting vote.

20 10. The procedure for the calling of, and for the conduct of business at, meetings of the Authority shall, subject to any
procedure that is specified in this Act or prescribed by the
rules, by-laws or regulations, be as determined by the
Authority. General
procedure.

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

11. (1) No matter or thing done, and no contract entered
5 into, by the Authority, and no matter or thing done by a
member or by any other person acting under the direction
or as a delegate of the Authority shall, if the matter or thing
was done, or the contract was entered into, in good faith
for the purposes of executing this Act, subject the member
10 or person personally to any action, liability, claim or demand.

Protection
from
liability.

(2) Nothing in subclause (1) of this clause exempts
any member or other person from liability to be surcharged
with the amount of any payment which is disallowed by the
Auditor-General in the accounts of or relating to the
15 Authority, and which the member or other person authorised
or joined in authorising.

12. (1) In this clause—

“servant” means an officer or employee of the Authority;

20 “statutory body” means any body declared under clause
13 to be a statutory body for the purposes of this
Schedule;

Preserva-
tion of
rights of
certain
servants
previously
public
servants,
etc.

25 “superannuation scheme” means a scheme, fund or
arrangement under which any superannuation or
retirement benefits are provided and which is
established by or under any Act.

(2) Subject to subclause (3) of this clause and to
the terms of his appointment, where a servant was,
immediately before his appointment as a servant—

(a) an officer of the Public Service;

30 (b) a contributor to a superannuation scheme;

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

- (c) an officer employed by a statutory body; or
- 5 (d) a person in respect of whom provision was made by
any Act that he retain any rights accrued or
accruing to him as an officer or employee,
- he—
- 10 (e) shall retain any rights accrued or accruing to him
as such an officer, contributor or person;
- (f) may continue to contribute to any superannuation
scheme to which he was a contributor immediately
before his appointment as a servant; and
- 15 (g) shall be entitled to receive any deferred or
extended leave and any payment, pension or
gratuity,
- as if he had continued to be such an officer, contributor or
person during his service as a servant, and—
- 20 (h) his service as a servant shall be deemed to be
service as an officer or employee for the purpose of
any law under which those rights accrued or were
accruing, under which he continues to contribute
or by which that entitlement is conferred; and
- 25 (i) he shall be deemed to be an officer or employee,
and the Authority shall be deemed to be his
employer, for the purpose of the superannuation
scheme to which he is entitled to contribute under
this clause.

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

(3) If a servant would, but for this subclause, be
5 entitled under subclause (2) of this clause to contribute to a
superannuation scheme or to receive any payment, pension
or gratuity under that scheme he shall not be so entitled
upon his becoming (whether upon his appointment as a
10 servant or at any later time while he holds office as a servant)
a contributor to any other superannuation scheme, and the
provisions of subclause (2) (i) of this clause cease to apply
to or in respect of him and the Authority in any case where
he becomes a contributor to such another superannuation
scheme.

(4) Subclause (3) of this clause does not prevent the
15 payment to a servant upon his ceasing to be a contributor
to a superannuation scheme of such amount as would have
been payable to him if he had ceased, by reason of his
resignation, to be an officer or employee for the purposes of
20 that scheme.

(5) A servant shall not, in respect of the same
period of service, be entitled to claim a benefit under this
Act and another Act.

13. The Governor may, by proclamation published in
25 the Gazette, declare any body constituted by or under any
Act to be a statutory body for the purposes of this Schedule.

Declara-
tion of
statutory
bodies.

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

14. In proceedings by or against the Authority no proof ^{Presump-}
5 shall be required (until evidence is given to the contrary) of— ^{tions.}
- (a) the constitution of the Authority;
 - (b) any resolution of the Authority;
 - (c) the appointment of any member; or
 - 10 (d) the presence of a quorum at any meeting of the
Authority.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[24c]

TROTTING AUTHORITY BILL, 1977

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

THE object of this Bill is to constitute the Trotting Authority of New South Wales and define its responsibilities, powers, authorities, duties and functions.

Clause 1. Short title.

Clause 2. Commencement.

Clause 3. Division of Act.

Clause 4. Interpretation. "Trotting" is defined so as to include pacing.

Clause 5 constitutes a corporation under the name of the "Trotting Authority of New South Wales" and provides that the Authority is to be a statutory body representing the Crown and is to be subject to Ministerial control.

Clause 6 provides that the Authority shall consist of 8 members and specifies the manner in which those members are to be appointed.

Clause 7 provides for the employment of staff by the Authority.

Clause 8 sets forth the functions of the Authority with respect to the control and regulation of trotting. The Authority cannot conduct trotting meetings or trotting races on its own behalf.

Clause 9 confers on the Authority power to make rules in connection with the administration of the proposed Act.

Clause 10 confers on the Authority power to make by-laws in connection with the administration of the proposed Act.

Clause 11 requires the Authority to establish the Trotting Authority Fund.

Clause 12 requires certain trotting clubs and trotting associations to pay an affiliation fee annually to the Authority. The fee to be paid is a percentage of each club's or association's income derived from trotting.

Clause 13 provides that the Treasurer may advance temporary finance to the Authority.

Clause 14 requires the Authority to keep proper books of account and requires the Minister to table the Authority's statement of accounts before Parliament.

Clause 15 requires the Auditor-General to audit the accounts of the Authority.

Clause 16 applies the provisions of the Audit Act, 1902, to the members, officers and employees of the Authority.

Clause 17 constitutes a tribunal under the name of the "Trotting Appeals Tribunal", consisting of a District Court Judge.

Clause 18 provides for appeals being made to the Authority from decisions of stewards of the Authority or committees of trotting clubs or trotting associations.

Clause 19 provides for appeals being made to the Trotting Appeals Tribunal from decisions of the Authority. The decision of the Tribunal shall be final.

Clause 20 provides that regulations may be made prescribing the circumstances and manner in which appeals may be made.

Clause 21 relates to the delegation by the Authority of its functions. The Authority cannot delegate its function of deciding appeals.

Clause 22 deals with the authentication of documents issued by the Authority.

Clause 23 specifies the method in which documents may be given to or served on the Authority.

Clause 24 provides for the recovery by civil proceedings of money due to the Authority.

Clause 25 provides that any penalty imposed by or under the proposed Act may be recovered in a summary manner before a court of petty sessions constituted by a stipendiary magistrate sitting alone.

Clause 26 requires the Authority to furnish an annual report to the Minister and for the Minister to table the report before Parliament.

Clause 27 provides for the making by the Governor of regulations in connection with the administration of the proposed Act, in addition to regulations under clause 20.

Clause 28 provides for the resolution of conflicts between provisions of the rules, by-laws and regulations.

Schedule 1 contains miscellaneous provisions relating to the constitution and procedure of the Authority.

PROOF

TROTTING AUTHORITY BILL, 1977

No. , 1977.

A BILL FOR

An Act to constitute the Trotting Authority of New South Wales; to provide for the control and regulation of trotting and pacing; and to confer and impose on the Authority certain responsibilities, powers, authorities, duties and functions with respect to trotting and pacing.

[MR BOOTH—7 June, 1977.]

BE

Trotting Authority.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5

PART I.

PRELIMINARY.

1. This Act may be cited as the "Trotting Authority Act, Short title. 1977".

2. (1) This section and section 1 shall commence on Commence-
10 the date of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

15 **3.** This Act is divided as follows :—

Division
of Act.

PART I.—PRELIMINARY—ss. 1–4.

**PART II.—CONSTITUTION OF THE AUTHORITY—ss.
5–7.**

PART III.—FUNCTIONS OF THE AUTHORITY—ss. 8–10.

20 **PART IV.—FINANCE—ss. 11–16.**

PART V.—APPEALS—ss. 17–20.

PART VI.—GENERAL—ss. 21–28.

SCHEDULE

Trotting Authority.

SCHEDULE 1.—PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF THE AUTHORITY.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—^{Interpretation.}

- 5 “Authority” means the Trotting Authority of New South Wales constituted by this Act;
- “by-law” means a by-law made under this Act;
- “Chairman” means Chairman of the Authority;
- 10 “functions” includes responsibilities, powers, authorities and duties;
- “Fund” means the Trotting Authority Fund established under section 11;
- “member” means a member of the Authority;
- “prescribed” means prescribed by the regulations;
- 15 “regulation” means a regulation made under this Act;
- “rule” means a rule made under this Act;
- “Tribunal” means the Trotting Appeals Tribunal constituted by this Act;
- “trotting” includes pacing;
- 20 “trotting association” means an association of trotting clubs;
- “trotting club” includes any body or other association of persons, whether incorporated or unincorporated and whether registered or not, promoting, conducting, or controlling, or formed for promoting, conducting, or controlling, a trotting meeting or trotting meetings.
- 25

Trotting Authority.

PART II.

CONSTITUTION OF THE AUTHORITY.

5 **5.** (1) There is hereby constituted a corporation under the corporate name of the "Trotting Authority of New South Wales". Constitu-
tion of
Authority.

(2) The Authority shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

10 (3) In the exercise or performance of its functions (except in relation to its power to decide appeals under this Act, and the contents of a report or recommendation made by it to the Minister), the Authority shall be subject to the control and direction of the Minister.

6. (1) The Authority shall consist of 8 members appointed by the Governor, of whom— Members
of the
Authority.

15 (a) 3 shall be nominated by the Minister, 1 of whom shall, in and by the instrument of his appointment or by a subsequent instrument executed by the Governor, be appointed, on the nomination of the Minister, as Chairman of the Authority;

20 (b) 1 shall be a representative of the New South Wales Trotting Club Limited, nominated by or on behalf of the Club within such period and in such manner as may from time to time be fixed by the Minister and notified by him to the Club;

25 (c) 1 shall be a representative of the Central Trotting Association, nominated by or on behalf of the Association within such period and in such manner as may from time to time be fixed by the Minister and notified by him to the Association or to a committee or office holder of the Association;

30 (d) 1 shall be nominated by the Minister as a representative of country trotting clubs; and

(e)

Trotting Authority.

(e) 2 shall be nominated by the Minister as representatives of trotting industry participants.

(2) If a representative is not nominated as provided by subsection (1) (b) or (c) and the period within which that representative is required to be nominated has expired, the Governor may appoint a person, nominated by the Minister, to be a member of the Authority, and the person so nominated by the Minister shall, on his appointment, be deemed to be a representative nominated as provided by subsection (1) (b) or (c), as the case may be.

(3) Schedule 1 has effect.

7. (1) The Authority may appoint such officers and Staff. employees (including a secretary) as may be necessary to enable the Authority to exercise and perform its functions.

15 (2) The secretary shall keep records of all meetings of the Authority and have such other functions as the Authority may direct.

PART III.

FUNCTIONS OF THE AUTHORITY.

20 8. (1) The Authority shall have and may exercise or perform the functions conferred or imposed on it by or under this or any other Act.

(2) The functions of the Authority are—

(a) to control and regulate trotting;

(b)

Trotting Authority.

- (b) to initiate, develop and implement such policies as it may deem conducive to the development and welfare of the trotting industry and protection of the public interest;
- 5 (c) to affiliate with such organisations, whether in or out of New South Wales, as the Authority deems appropriate;
- (d) in accordance with the by-laws—
 - 10 (i) to allocate to trotting clubs and trotting associations the dates on which they may conduct trotting meetings and trotting races;
 - 15 (ii) to register or refuse to register or cancel or suspend the registration of any trotting club or trotting association, or any owner, trainer or driver of trotting horses, or any bookmaker or bookmaker's clerk associated with the trotting industry, or any other person associated with the industry, and to supervise the actions of those clubs, associations and persons;
 - 20 (iii) to register and identify horses in association with the Australian Trotting Council;
 - (iv) to impose fees for registration under the by-laws;
 - 25 (v) to disqualify either permanently or temporarily any owner, trainer or driver of trotting horses, or any bookmaker or bookmaker's clerk, or any other person, from participating in or being associated with the trotting industry;
 - 30 (vi) to disqualify either permanently or temporarily any horse from participating in trotting meetings;
 - 35 (vii) to exclude from participating in trotting any horse not registered under the by-laws;

(viii)

Trotting Authority.

- (viii) to prohibit any person registered under the by-laws from taking part in any trotting meeting held by any club or association not registered under the by-laws; and
- 5 (ix) to impose a fine, not exceeding \$500, on any owner, trainer or driver of trotting horses, or any bookmaker or bookmaker's clerk associated with the trotting industry, or any other person associated with the industry
- 10 for breaches of the by-laws;
- (e) to grant or advance on loan, upon such terms and conditions as it may determine, money from the Fund for the purpose of—
 - (i) increasing stake money and prizes at trotting
 - 15 meetings;
 - (ii) improving race-courses licensed under the Gaming and Betting Act, 1912, and used for trotting meetings;
 - (iii) improving facilities at race-courses referred
 - 20 to in subparagraph (ii); or
 - (iv) assisting trotting clubs or trotting associations,
 - or for any other purpose conducive to the advancement and development of trotting;
 - 25 (f) when so directed by the Minister, or of its own initiative, to furnish to the Minister a report and recommendation with respect to any matter relating to trotting; and
 - (g) to undertake research and investigation into all
 - 30 aspects of the trotting industry and recommend to the Minister any action that ought to be taken as a result of that research and investigation.

(3) Nothing in this Act confers on the Authority power to conduct trotting meetings or trotting races on its own behalf.

(4)

Trotting Authority.

(4) The powers of the Authority to purchase, exchange, take on lease, hold, dispose of and otherwise deal with land shall not be exercised except with the consent of the Minister and subject to such conditions as he may, in giving
5 his consent, impose.

9. (1) The Authority may make rules, not inconsistent with this Act, for or with respect to— Authority may make rules.

- (a) the control and regulation of trotting; and
- 10 (b) the appointment of an executive officer and a deputy executive officer from among its members and specifying the functions of those officers.

(2) A rule—

- 15 (a) is by this subsection required to be approved by the Minister, and shall have no effect unless so approved; and
- (b) takes effect on and from the date of that approval or a later date specified in the rule.

20 (3) A rule may not be made for or with respect to any of the matters for or with respect to which by-laws and regulations may be made by virtue of this Act (sections 10 (2) and 27 (2) excepted).

10. (1) The Authority may make by-laws, not inconsistent with this Act, for or with respect to— By-laws.

- 25 (a) any of the matters mentioned in section 8 (2) (d);
- (b) the appointment of stewards of the Authority;
- (c) the functions of stewards so appointed;
- (d) conferring on stewards so appointed the same powers as are exercisable by the Authority under section 8 (2) (d);

(e)

Trotting Authority.

(e) the charges payable by a trotting club or trotting association when stewards so appointed act at a trotting meeting held by that club or association; and

5 (f) the extent to which, and the circumstances in which, stewards so appointed may exercise or perform their functions to the exclusion of stewards of trotting clubs or trotting associations.

(2) By-laws may also be made for or with respect to
10 any matter for or with respect to which rules may be made.

(3) A by-law is by this subsection required to be approved by the Governor, and shall have no effect unless so approved.

PART IV.

15

FINANCE.

11. (1) There shall be established by the Authority, in Trotting a bank in New South Wales, a fund to be called the "Trotting Authority Fund".

(2) There shall be paid into the Fund all money
20 received by the Authority under this Act.

(3) There shall be paid out of the Fund all expenses (including payments to members, officers and employees of the Authority) incurred by the Authority in the exercise or performance of its functions under this Act.

12.

Trotting Authority.

12. (1) In this section, "financial year" means a year ending on and including 30th June, 1978, and each subsequent year.

Affiliation
fee payable
by trotting
club or
trotting
associa-
tion to
Authority.

(2) Subject to subsection (6), each trotting club
5 and each trotting association, being a trotting club or trotting
association that conducts trotting meetings on a race-course
licensed under the Gaming and Betting Act, 1912, shall in
respect of each financial year pay to the Authority an
affiliation fee calculated at the rate of 4 per centum, or such
10 lower rate as may be prescribed, of its income derived from
trotting during that financial year.

(3) The payment to the Authority by a trotting club
or trotting association of an affiliation fee in respect of a
financial year shall be made not later than 31st July next
15 following that financial year.

(4) A trotting club or trotting association shall
forward to the Authority with the affiliation fee payable under
subsection (2) a statement of accounts in the prescribed form
containing the prescribed particulars.

20 (5) A reference in this section to a trotting club's
or trotting association's income derived from trotting during
a financial year is a reference to the amount remaining after
deducting from the aggregate of—

25 (a) the gross income derived by the trotting club or
trotting association from all trotting meetings
conducted by the trotting club or trotting association
during that year; and

(b) all money received by the trotting club or trotting
association from the Totalizator Agency Board
30 during that year,

any

Trotting Authority.

any amounts paid or payable by the trotting club or trotting association by way of taxation on fees paid or payable during that year by bookmakers, any amounts paid or payable during that year to the Treasurer by the trotting club or trotting association under the Totalizator Act, 1916, and any amounts paid in prescribed circumstances.

(6) The Authority may waive wholly or in part the payment of affiliation fees in respect of any financial year.

13. For the temporary accommodation of the Authority, the Treasurer may advance to the Authority such sums, on such terms and conditions as to repayment and interest, as may be agreed upon.

14. (1) The Authority shall cause to be kept proper books of account and records in relation to all its operations, and shall, as soon as possible after 30th June in each year, prepare and submit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority.

(2) The Minister shall lay the statement of accounts, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the statement.

15. The accounts of the Authority shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law for the time being in force relating to the audit of public accounts.

16. (1) The Audit Act, 1902, shall apply to the members, secretary and the other officers and employees of the Authority in the same way as it applies to accounting officers of public Departments.

Trotting Authority.

(2) Towards defraying the costs and expenses of any audit under section 15, the Authority shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer determines.

5

PART V.

APPEALS.

17. (1) There is hereby constituted a tribunal under the name of the "Trotting Appeals Tribunal".

Trotting
Appeals
Tribunal.

(2) The Tribunal shall consist of a District Court Judge appointed by the Minister upon the recommendation of the Attorney-General.

18. (1) Any person who, or any trotting club or trotting association that, is aggrieved by any decision of stewards of the Authority, or of a committee of a trotting club or trotting association, may, in accordance with the regulations, appeal against the decision to the Authority, which shall be the only body to which an appeal against that decision shall lie.

Appeals to
Authority.

(2) The decision of the Authority in respect of any such appeal shall be deemed to be the decision of the stewards of the Authority or of the committee of the trotting club or trotting association, as the case may be.

19. (1) Any person who, or any trotting club or trotting association that, is aggrieved by any decision of the Authority may, in accordance with the regulations, appeal against the decision to the Tribunal, which shall be the only body to which an appeal against that decision shall lie.

Appeals
from
Authority.

(2)

Trotting Authority.

(2) The decision of the Tribunal in respect of any such appeal shall be final and shall be deemed to be the decision of the Authority.

20. (1) The regulations may make provision for or with Regulations
5 respect to— respecting
appeals.

- (a) appeals to the Authority from decisions of stewards of the Authority, or of committees of trotting clubs or trotting associations;
- 10 (b) appeals to the Tribunal from decisions of the Authority;
- (c) the procedures to be followed at or in connection with any appeals under this Act;
- (d) the payment of fees and costs in respect of appeals under this Act; and
- 15 (e) any matters incidental to or connected with appeals under this Act.

(2) Without affecting the generality of subsection (1), the regulations may—

- 20 (a) prescribe classes of matters in respect of which appeals may not be made under this Act; or
- (b) provide that no appeals may be made under this Act except in respect of prescribed classes of matters.

Trotting Authority.

PART VI.

GENERAL.

21. (1) The Authority may, by resolution, delegate to a member or an officer or employee of the Authority the exercise or performance of such of the Authority's functions (other than this power of delegation, functions mentioned in section 8 (2) (d) and the power to decide appeals under this Act) as are specified in the resolution, and may, by resolution, revoke wholly or in part any such delegation.
- 10 (2) A function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.
- 15 (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise or performance of any of the functions delegated, or as to time or circumstance, as are specified in the resolution.
- (4) Notwithstanding any delegation under this section, the Authority may continue to exercise or perform all or any of the functions delegated.
- 25 (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Authority and shall be deemed to have been done or suffered by the Authority.
- (6) An instrument purporting to be signed by a delegate of the Authority in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Authority under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Authority under this section.

Trotting Authority.

22. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the Chairman. Authentica-
tion of
process.

23. Any notice, summons, writ or other proceeding to be served on the Authority may be served— Service of
process.

(a) by being left; or

(b) in the case of a notice, by posting it addressed to the Authority,

at its office (or, if it has more than one office, at one of its offices).

24. Any charge, fee, fine (as referred to in section 8 (2) (d) (viii)) or money due to the Authority may be recovered as a debt or liquidated demand in a court of competent jurisdiction. Recovery
of money.

25. Any penalty imposed by or under this Act may be recovered in a summary manner before a court of petty sessions constituted by a stipendiary magistrate sitting alone. Penalties.

26. (1) The Authority shall, as soon as practicable after 30th June, and in any case on or before 30th September, in each year prepare and forward to the Minister a report of its work and activities for the 12 months preceding that 30th June. Annual
report.

Trotting Authority.

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

27. (1) The Governor may make regulations, not Regulations.
5 inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations may also be made for or with
10 respect to any matter for or with respect to which by-laws or rules may be made.

(3) A regulation may impose a penalty not exceeding \$500 for any offence against the regulation.

(4) A reference in section 8 (2) (d) to the by-laws
15 shall be deemed to include a reference to the regulations so far as the regulations make provision for or with respect to any of the matters mentioned in section 8 (2) (d).

28. (1) If there is an inconsistency between the regulations and the by-laws or rules, the regulations shall prevail. General provisions as to regulations, by-laws and rules.

20 (2) If there is an inconsistency between the by-laws or rules, the by-laws shall prevail.

(3) A regulation, by-law or rule may be made so as to apply differently according to such factors as may be specified therein.

(4)

Trotting Authority.

(4) A regulation, by-law or rule may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

5 (5) A regulation, by-law or rule may, with such adaptations (if any) as are specified therein, adopt by reference any specified document or specified part of a document, but only to the extent that the document or part contains provisions for or with respect to which a regulation, by-law or rule, as the case may be, may be made.

10

SCHEDULE 1.

Sec. 6.

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF THE AUTHORITY.

1. A person who is of or above the age of 70 years shall not be appointed as a member. Age of member.

15 2. (1) A member shall, subject to this Act, be appointed for such term, not exceeding 3 years, as is specified in the instrument of his appointment. Term of office.

(2) A member shall, if otherwise qualified, be eligible for re-appointment from time to time for such term, 20 not exceeding 3 years, as is specified in the instrument of his re-appointment.

3. Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him. Remuneration of and allowances for members.

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

4. The provisions of the Public Service Act, 1902, shall
5 not apply to or in respect of the appointment of a member
and a member shall not, in his capacity as a member, be
subject to the provisions of that Act during his term of office. Public
Service
Act, 1902,
not to
apply.
5. The office of a member shall, for the purposes of any
Act, be deemed not to be an office or place of profit under
10 the Crown. Office of
member
not to be
office of
profit
under the
Crown.
6. (1) A member shall be deemed to have vacated his
office— Vacation
of office.
 - (a) if he dies;
 - 15 (b) if he becomes bankrupt, applies to take the benefit
of any law for the relief of bankrupt or insolvent
debtors, compounds with his creditors or makes an
assignment of his remuneration, allowances or
estate for their benefit;
 - 20 (c) if he is absent from 3 consecutive ordinary meetings
of the Authority of which reasonable notice has
been given to him, either personally or in the
ordinary course of post, unless on leave granted by
the Authority or unless, before the expiration of 4
25 weeks after the last of those meetings, he is excused
by the Authority for his absence from those
meetings;
 - (d) if he becomes a temporary patient, a continued
treatment patient, a protected person or an in-
capable person within the meaning of the Mental
30 Health Act, 1958, or a person under detention
under Part VII of that Act;

SCHEDULE

*Trotting Authority.*SCHEDULE 1—*continued.*PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

- 5 (e) if he is convicted in New South Wales of a felony or misdemeanour which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;
- 10 (f) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;
- (g) if he is removed from office by the Governor under subclause (2) of this clause;
- 15 (h) if he ceases to reside in the State; or
- (i) upon his attaining the age of 70 years.

(2) The Governor may, for any cause which to him seems sufficient, remove a member from office.

7. (1) On the occurrence of a vacancy in the office of
20 a member, the Governor may appoint a person to the vacant office for the balance of his predecessor's term of office.

Filling of
casual
vacancies.

(2) A person appointed under subclause (1) of this clause shall be a person who is nominated in the same manner as the member whose office has become vacant was nominated.

- 25 (3) Section 6 (2) applies to and in respect of an appointment under subclause (1) of this clause in the same way as it applies to and in respect of an appointment under section 6 (1).

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

8. The number of members which shall constitute a Quorum.
5 quorum of any meeting of the Authority is 4.

9. (1) Any duly convened meeting of the Authority at Meetings.
which a quorum is present shall be competent to transact any
business of the Authority.

(2) Questions arising at a meeting of the Authority
10 shall be determined by a majority of votes of the members
present and voting.

(3) The Chairman shall preside at all meetings of the
Authority.

(4) If the Chairman is not present at a meeting of the
15 Authority, a member elected by the members present shall
preside at that meeting.

(5) The person presiding at a meeting of the
Authority has a deliberative vote and, in the event of an
equality of votes, also has a casting vote.

20 10. The procedure for the calling of, and for the conduct of business at, meetings of the Authority shall, subject to any
of business at, meetings of the Authority shall, subject to any
procedure that is specified in this Act or prescribed by the
rules, by-laws or regulations, be as determined by the
Authority. General
procedure.

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

11. (1) No matter or thing done, and no contract entered
5 into, by the Authority, and no matter or thing done by a
member or by any other person acting under the direction
or as a delegate of the Authority shall, if the matter or thing
was done, or the contract was entered into, in good faith
for the purposes of executing this Act, subject the member
10 or person personally to any action, liability, claim or demand.

Protection
from
liability.

(2) Nothing in subclause (1) of this clause exempts
any member or other person from liability to be surcharged
with the amount of any payment which is disallowed by the
Auditor-General in the accounts of or relating to the
15 Authority, and which the member or other person authorised
or joined in authorising.

12. (1) In this clause—

“servant” means an officer or employee of the Authority;
“statutory body” means any body declared under clause
20 13 to be a statutory body for the purposes of this
Schedule;
“superannuation scheme” means a scheme, fund or
arrangement under which any superannuation or
retirement benefits are provided and which is
25 established by or under any Act.

Preserva-
tion of
rights of
certain
servants
previously
public
servants,
etc.

(2) Subject to subclause (3) of this clause and to
the terms of his appointment, where a servant was,
immediately before his appointment as a servant—

- (a) an officer of the Public Service;
- 30 (b) a contributor to a superannuation scheme;

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

- (c) an officer employed by a statutory body; or
- 5 (d) a person in respect of whom provision was made by
any Act that he retain any rights accrued or
accruing to him as an officer or employee,
- he—
- 10 (e) shall retain any rights accrued or accruing to him
as such an officer, contributor or person;
- (f) may continue to contribute to any superannuation
scheme to which he was a contributor immediately
before his appointment as a servant; and
- 15 (g) shall be entitled to receive any deferred or
extended leave and any payment, pension or
gratuity,
- as if he had continued to be such an officer, contributor or
person during his service as a servant, and—
- 20 (h) his service as a servant shall be deemed to be
service as an officer or employee for the purpose of
any law under which those rights accrued or were
accruing, under which he continues to contribute
or by which that entitlement is conferred; and
- 25 (i) he shall be deemed to be an officer or employee,
and the Authority shall be deemed to be his
employer, for the purpose of the superannuation
scheme to which he is entitled to contribute under
this clause.

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

(3) If a servant would, but for this subclause, be
5 entitled under subclause (2) of this clause to contribute to a
superannuation scheme or to receive any payment, pension
or gratuity under that scheme he shall not be so entitled
upon his becoming (whether upon his appointment as a
servant or at any later time while he holds office as a servant)
10 a contributor to any other superannuation scheme, and the
provisions of subclause (2) (i) of this clause cease to apply
to or in respect of him and the Authority in any case where
he becomes a contributor to such another superannuation
scheme.

15 (4) Subclause (3) of this clause does not prevent the
payment to a servant upon his ceasing to be a contributor
to a superannuation scheme of such amount as would have
been payable to him if he had ceased, by reason of his
resignation, to be an officer or employee for the purposes of
20 that scheme.

(5) A servant shall not, in respect of the same
period of service, be entitled to claim a benefit under this
Act and another Act.

13. The Governor may, by proclamation published in
25 the Gazette, declare any body constituted by or under any
Act to be a statutory body for the purposes of this Schedule.

Declara-
tion of
statutory
bodies.

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

14. In proceedings by or against the Authority no proof
5 shall be required (until evidence is given to the contrary) of— ^{Presump-}
tions.
(a) the constitution of the Authority;
(b) any resolution of the Authority;
(c) the appointment of any member; or
10 (d) the presence of a quorum at any meeting of the
Authority.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 9 June, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 57, 1977.

An Act to constitute the Trotting Authority of New South Wales; to provide for the control and regulation of trotting and pacing; and to confer and impose on the Authority certain responsibilities, powers, authorities, duties and functions with respect to trotting and pacing.
[Assented to, 24th June, 1977.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Trotting Authority.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

Short
title.

1. This Act may be cited as the "Trotting Authority Act, 1977".

Commence-
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Division
of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1-4.

PART II.—CONSTITUTION OF THE AUTHORITY—ss. 5-7.

PART III.—FUNCTIONS OF THE AUTHORITY—ss. 8-10.

PART IV.—FINANCE—ss. 11-16.

PART V.—APPEALS—ss. 17-20.

PART VI.—GENERAL—ss. 21-28.

SCHEDULE

Trotting Authority.

SCHEDULE 1.—PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF THE AUTHORITY.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

Interpretation.

“Authority” means the Trotting Authority of New South Wales constituted by this Act;

“by-law” means a by-law made under this Act;

“Chairman” means Chairman of the Authority;

“functions” includes responsibilities, powers, authorities and duties;

“Fund” means the Trotting Authority Fund established under section 11;

“member” means a member of the Authority;

“prescribed” means prescribed by the regulations;

“regulation” means a regulation made under this Act;

“rule” means a rule made under this Act;

“Tribunal” means the Trotting Appeals Tribunal constituted by this Act;

“trotting” includes pacing;

“trotting association” means an association of trotting clubs;

“trotting club” includes any body or other association of persons, whether incorporated or unincorporated and whether registered or not, promoting, conducting, or controlling, or formed for promoting, conducting, or controlling, a trotting meeting or trotting meetings.

Trotting Authority.

PART II.

CONSTITUTION OF THE AUTHORITY.

Constitu-
tion of
Authority.

5. (1) There is hereby constituted a corporation under the corporate name of the "Trotting Authority of New South Wales".

(2) The Authority shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

(3) In the exercise or performance of its functions (except in relation to its power to decide appeals under this Act, and the contents of a report or recommendation made by it to the Minister), the Authority shall be subject to the control and direction of the Minister.

Members
of the
Authority.

6. (1) The Authority shall consist of 8 members appointed by the Governor, of whom—

(a) 3 shall be nominated by the Minister, 1 of whom shall, in and by the instrument of his appointment or by a subsequent instrument executed by the Governor, be appointed, on the nomination of the Minister, as Chairman of the Authority;

(b) 1 shall be a representative of the New South Wales Trotting Club Limited, nominated by or on behalf of the Club within such period and in such manner as may from time to time be fixed by the Minister and notified by him to the Club;

(c) 1 shall be a representative of the Central Trotting Association, nominated by or on behalf of the Association within such period and in such manner as may from time to time be fixed by the Minister and notified by him to the Association or to a committee or office holder of the Association;

(d) 1 shall be nominated by the Minister as a representative of country trotting clubs; and

(e)

Trotting Authority.

(e) 2 shall be nominated by the Minister as representatives of trotting industry participants.

(2) If a representative is not nominated as provided by subsection (1) (b) or (c) and the period within which that representative is required to be nominated has expired, the Governor may appoint a person, nominated by the Minister, to be a member of the Authority, and the person so nominated by the Minister shall, on his appointment, be deemed to be a representative nominated as provided by subsection (1) (b) or (c), as the case may be.

(3) Schedule 1 has effect.

7. (1) The Authority may appoint such officers and **Staff**. employees (including a secretary) as may be necessary to enable the Authority to exercise and perform its functions.

(2) The secretary shall keep records of all meetings of the Authority and have such other functions as the Authority may direct.

PART III.

FUNCTIONS OF THE AUTHORITY.

8. (1) The Authority shall have and may exercise or perform the functions conferred or imposed on it by or under this or any other Act. **Functions of Authority.**

(2) The functions of the Authority are—

(a) to control and regulate trotting;

(b)

Trotting Authority.

- (b) to initiate, develop and implement such policies as it may deem conducive to the development and welfare of the trotting industry and protection of the public interest;
- (c) to affiliate with such organisations, whether in or out of New South Wales, as the Authority deems appropriate;
- (d) in accordance with the by-laws—
 - (i) to allocate to trotting clubs and trotting associations the dates on which they may conduct trotting meetings and trotting races;
 - (ii) to register or refuse to register or cancel or suspend the registration of any trotting club or trotting association, or any owner, trainer or driver of trotting horses, or any bookmaker or bookmaker's clerk associated with the trotting industry, or any other person associated with the industry, and to supervise the actions of those clubs, associations and persons;
 - (iii) to register and identify horses in association with the Australian Trotting Council;
 - (iv) to impose fees for registration under the by-laws;
 - (v) to disqualify either permanently or temporarily any owner, trainer or driver of trotting horses, or any bookmaker or bookmaker's clerk, or any other person, from participating in or being associated with the trotting industry;
 - (vi) to disqualify either permanently or temporarily any horse from participating in trotting meetings;
 - (vii) to exclude from participating in trotting any horse not registered under the by-laws;

(viii)

Trotting Authority.

- (viii) to prohibit any person registered under the by-laws from taking part in any trotting meeting held by any club or association not registered under the by-laws; and
 - (ix) to impose a fine, not exceeding \$500, on any owner, trainer or driver of trotting horses, or any bookmaker or bookmaker's clerk associated with the trotting industry, or any other person associated with the industry for breaches of the by-laws;
- (e) to grant or advance on loan, upon such terms and conditions as it may determine, money from the Fund for the purpose of—
- (i) increasing stake money and prizes at trotting meetings;
 - (ii) improving race-courses licensed under the Gaming and Betting Act, 1912, and used for trotting meetings;
 - (iii) improving facilities at race-courses referred to in subparagraph (ii); or
 - (iv) assisting trotting clubs or trotting associations,
- or for any other purpose conducive to the advancement and development of trotting;
- (f) when so directed by the Minister, or of its own initiative, to furnish to the Minister a report and recommendation with respect to any matter relating to trotting; and
 - (g) to undertake research and investigation into all aspects of the trotting industry and recommend to the Minister any action that ought to be taken as a result of that research and investigation.

(3) Nothing in this Act confers on the Authority power to conduct trotting meetings or trotting races on its own behalf.

(5)

(4)

Trotting Authority.

(4) The powers of the Authority to purchase, exchange, take on lease, hold, dispose of and otherwise deal with land shall not be exercised except with the consent of the Minister and subject to such conditions as he may, in giving his consent, impose.

Authority
may make
rules.

9. (1) The Authority may make rules, not inconsistent with this Act, for or with respect to—

- (a) the control and regulation of trotting; and
- (b) the appointment of an executive officer and a deputy executive officer from among its members and specifying the functions of those officers.

(2) A rule—

- (a) is by this subsection required to be approved by the Minister, and shall have no effect unless so approved; and
- (b) takes effect on and from the date of that approval or a later date specified in the rule.

(3) A rule may not be made for or with respect to any of the matters for or with respect to which by-laws and regulations may be made by virtue of this Act (sections 10 (2) and 27 (2) excepted).

By-laws.

10. (1) The Authority may make by-laws, not inconsistent with this Act, for or with respect to—

- (a) any of the matters mentioned in section 8 (2) (d);
- (b) the appointment of stewards of the Authority;
- (c) the functions of stewards so appointed;
- (d) conferring on stewards so appointed the same powers as are exercisable by the Authority under section 8 (2) (d);

(e)

Trotting Authority.

(e) the charges payable by a trotting club or trotting association when stewards so appointed act at a trotting meeting held by that club or association; and

(f) the extent to which, and the circumstances in which, stewards so appointed may exercise or perform their functions to the exclusion of stewards of trotting clubs or trotting associations.

(2) By-laws may also be made for or with respect to any matter for or with respect to which rules may be made.

(3) A by-law is by this subsection required to be approved by the Governor, and shall have no effect unless so approved.

PART IV.

FINANCE.

11. (1) There shall be established by the Authority, in Trotting a bank in New South Wales, a fund to be called the "Trotting Authority Fund".

(2) There shall be paid into the Fund all money received by the Authority under this Act.

(3) There shall be paid out of the Fund all expenses (including payments to members, officers and employees of the Authority) incurred by the Authority in the exercise or performance of its functions under this Act.

Trotting Authority.

Affiliation
fee payable
by trotting
club or
trotting
associa-
tion to
Authority.

12. (1) In this section, "financial year" means a year ending on and including 30th June, 1978, and each subsequent year.

(2) Subject to subsection (6), each trotting club and each trotting association, being a trotting club or trotting association that conducts trotting meetings on a race-course licensed under the Gaming and Betting Act, 1912, shall in respect of each financial year pay to the Authority an affiliation fee calculated at the rate of 4 per centum, or such lower rate as may be prescribed, of its income derived from trotting during that financial year.

(3) The payment to the Authority by a trotting club or trotting association of an affiliation fee in respect of a financial year shall be made not later than 31st July next following that financial year.

(4) A trotting club or trotting association shall forward to the Authority with the affiliation fee payable under subsection (2) a statement of accounts in the prescribed form containing the prescribed particulars.

(5) A reference in this section to a trotting club's or trotting association's income derived from trotting during a financial year is a reference to the amount remaining after deducting from the aggregate of—

- (a) the gross income derived by the trotting club or trotting association from all trotting meetings conducted by the trotting club or trotting association during that year; and
- (b) all money received by the trotting club or trotting association from the Totalizator Agency Board during that year,

any

Trotting Authority.

any amounts paid or payable by the trotting club or trotting association by way of taxation on fees paid or payable during that year by bookmakers, any amounts paid or payable during that year to the Treasurer by the trotting club or trotting association under the Totalizator Act, 1916, and any amounts paid in prescribed circumstances.

(6) The Authority may waive wholly or in part the payment of affiliation fees in respect of any financial year.

13. For the temporary accommodation of the Authority, the Treasurer may advance to the Authority such sums, on such terms and conditions as to repayment and interest, as may be agreed upon. Temporary accommodation.

14. (1) The Authority shall cause to be kept proper books of account and records in relation to all its operations, and shall, as soon as possible after 30th June in each year, prepare and submit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority. Accounts to be kept by the Authority.

(2) The Minister shall lay the statement of accounts, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the statement.

15. The accounts of the Authority shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law for the time being in force relating to the audit of public accounts. Audit of accounts.

16. (1) The Audit Act, 1902, shall apply to the members, secretary and the other officers and employees of the Authority in the same way as it applies to accounting officers of public Departments. Application of Audit Act, 1902.

(2)

Trotting Authority.

(2) Towards defraying the costs and expenses of any audit under section 15, the Authority shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer determines.

PART V.

APPEALS.

Trotting
Appeals
Tribunal.

17. (1) There is hereby constituted a tribunal under the name of the "Trotting Appeals Tribunal".

(2) The Tribunal shall consist of a District Court Judge appointed by the Minister upon the recommendation of the Attorney-General.

Appeals to
Authority.

18. (1) Any person who, or any trotting club or trotting association that, is aggrieved by any decision of stewards of the Authority, or of a committee of a trotting club or trotting association, may, in accordance with the regulations, appeal against the decision to the Authority, which shall be the only body to which an appeal against that decision shall lie.

(2) The decision of the Authority in respect of any such appeal shall be deemed to be the decision of the stewards of the Authority or of the committee of the trotting club or trotting association, as the case may be.

Appeals
from
Authority.

19. (1) Any person who, or any trotting club or trotting association that, is aggrieved by any decision of the Authority may, in accordance with the regulations, appeal against the decision to the Tribunal, which shall be the only body to which an appeal against that decision shall lie.

(2)

Trotting Authority.

(2) The decision of the Tribunal in respect of any such appeal shall be final and shall be deemed to be the decision of the Authority.

20. (1) The regulations may make provision for or with respect to— Regulations respecting appeals.

- (a) appeals to the Authority from decisions of stewards of the Authority, or of committees of trotting clubs or trotting associations;
- (b) appeals to the Tribunal from decisions of the Authority;
- (c) the procedures to be followed at or in connection with any appeals under this Act;
- (d) the payment of fees and costs in respect of appeals under this Act; and
- (e) any matters incidental to or connected with appeals under this Act.

(2) Without affecting the generality of subsection (1), the regulations may—

- (a) prescribe classes of matters in respect of which appeals may not be made under this Act; or
- (b) provide that no appeals may be made under this Act except in respect of prescribed classes of matters.

Trotting Authority.

PART VI.**GENERAL.**

Delegation.

21. (1) The Authority may, by resolution, delegate to a member or an officer or employee of the Authority the exercise or performance of such of the Authority's functions (other than this power of delegation, functions mentioned in section 8 (2) (d) and the power to decide appeals under this Act) as are specified in the resolution, and may, by resolution, revoke wholly or in part any such delegation.

(2) A function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise or performance of any of the functions delegated, or as to time or circumstance, as are specified in the resolution.

(4) Notwithstanding any delegation under this section, the Authority may continue to exercise or perform all or any of the functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Authority and shall be deemed to have been done or suffered by the Authority.

(6) An instrument purporting to be signed by a delegate of the Authority in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Authority under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Authority under this section.

Trotting Authority.

22. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the Chairman. Authentica-
tion of
process.

23. Any notice, summons, writ or other proceeding to be served on the Authority may be served— Service of
process.

(a) by being left; or

(b) in the case of a notice, by posting it addressed to the Authority,

at its office (or, if it has more than one office, at one of its offices).

24. Any charge, fee, fine (as referred to in section 8 (2) (d) (viii)) or money due to the Authority may be recovered as a debt or liquidated demand in a court of competent jurisdiction. Recovery
of money.

25. Any penalty imposed by or under this Act may be recovered in a summary manner before a court of petty sessions constituted by a stipendiary magistrate sitting alone. Penalties.

26. (1) The Authority shall, as soon as practicable after 30th June, and in any case on or before 30th September, in each year prepare and forward to the Minister a report of its work and activities for the 12 months preceding that 30th June. Annual
report.

(2)

Trotting Authority.

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

Regulations.

27. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations may also be made for or with respect to any matter for or with respect to which by-laws or rules may be made.

(3) A regulation may impose a penalty not exceeding \$500 for any offence against the regulation.

(4) A reference in section 8 (2) (d) to the by-laws shall be deemed to include a reference to the regulations so far as the regulations make provision for or with respect to any of the matters mentioned in section 8 (2) (d).

General provisions as to regulations, by-laws and rules.

28. (1) If there is an inconsistency between the regulations and the by-laws or rules, the regulations shall prevail.

(2) If there is an inconsistency between the by-laws and rules, the by-laws shall prevail.

(3) A regulation, by-law or rule may be made so as to apply differently according to such factors as may be specified therein.

(2)

(4)

Trotting Authority.

(4) A regulation, by-law or rule may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

(5) A regulation, by-law or rule may, with such adaptations (if any) as are specified therein, adopt by reference any specified document or specified part of a document, but only to the extent that the document or part contains provisions for or with respect to which a regulation, by-law or rule, as the case may be, may be made.

SCHEDULE 1.

Sec. 6.

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF THE AUTHORITY.

1. A person who is of or above the age of 70 years shall not be appointed as a member. Age of member.

2. (1) A member shall, subject to this Act, be appointed for such term, not exceeding 3 years, as is specified in the instrument of his appointment. Term of office.

(2) A member shall, if otherwise qualified, be eligible for re-appointment from time to time for such term, not exceeding 3 years, as is specified in the instrument of his re-appointment.

3. Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him. Remuneration of and allowances for members.

SCHEDULE

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

Public
Service
Act, 1902,
not to
apply.

4. The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member and a member shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.

Office of
member
not to be
office of
profit
under the
Crown.

5. The office of a member shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.

Vacation
of office.

6. (1) A member shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration, allowances or estate for their benefit;
- (c) if he is absent from 3 consecutive ordinary meetings of the Authority of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the Authority or unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the Authority for his absence from those meetings;
- (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

- (e) if he is convicted in New South Wales of a felony or misdemeanour which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;
- (f) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;
- (g) if he is removed from office by the Governor under subclause (2) of this clause;
- (h) if he ceases to reside in the State; or
- (i) upon his attaining the age of 70 years.

(2) The Governor may, for any cause which to him seems sufficient, remove a member from office.

7. (1) On the occurrence of a vacancy in the office of a member, the Governor may appoint a person to the vacant office for the balance of his predecessor's term of office. Filling of casual vacancies.

(2) A person appointed under subclause (1) of this clause shall be a person who is nominated in the same manner as the member whose office has become vacant was nominated.

(3) Section 6 (2) applies to and in respect of an appointment under subclause (1) of this clause in the same way as it applies to and in respect of an appointment under section 6 (1).

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

Quorum. 8. The number of members which shall constitute a quorum of any meeting of the Authority is 4.

Meetings. 9. (1) Any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority.

(2) Questions arising at a meeting of the Authority shall be determined by a majority of votes of the members present and voting.

(3) The Chairman shall preside at all meetings of the Authority.

(4) If the Chairman is not present at a meeting of the Authority, a member elected by the members present shall preside at that meeting.

(5) The person presiding at a meeting of the Authority has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

General procedure. 10. The procedure for the calling of, and for the conduct of business at, meetings of the Authority shall, subject to any procedure that is specified in this Act or prescribed by the rules, by-laws or regulations, be as determined by the Authority.

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

11. (1) No matter or thing done, and no contract entered into, by the Authority, and no matter or thing done by a member or by any other person acting under the direction or as a delegate of the Authority shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act, subject the member or person personally to any action, liability, claim or demand.

Protection
from
liability.

(2) Nothing in subclause (1) of this clause exempts any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Authority, and which the member or other person authorised or joined in authorising.

12. (1) In this clause—

“servant” means an officer or employee of the Authority;

“statutory body” means any body declared under clause 13 to be a statutory body for the purposes of this Schedule;

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Preserva-
tion of
rights of
certain
servants
previously
public
servants,
etc.

(2) Subject to subclause (3) of this clause and to the terms of his appointment, where a servant was, immediately before his appointment as a servant—

(a) an officer of the Public Service;

(b) a contributor to a superannuation scheme;

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

- (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

- (e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;
- (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a servant; and
- (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as a servant, and—

- (h) his service as a servant shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- (i) he shall be deemed to be an officer or employee, and the Authority shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this clause.

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*

(3) If a servant would, but for this subclause, be entitled under subclause (2) of this clause to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme he shall not be so entitled upon his becoming (whether upon his appointment as a servant or at any later time while he holds office as a servant) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) of this clause cease to apply to or in respect of him and the Authority in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) of this clause does not prevent the payment to a servant upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

(5) A servant shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

13. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule.

Declara-
tion of
statutory
bodies.

SCHEDULE

Trotting Authority.

SCHEDULE 1—*continued.*PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF
THE AUTHORITY—*continued.*Presump-
tions.

14. In proceedings by or against the Authority no proof shall be required (until evidence is given to the contrary) of—

- (a) the constitution of the Authority;
- (b) any resolution of the Authority;
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting of the Authority.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

Government House,
Sydney, 24th June, 1977.