

**FINANCE (GREYHOUND-RACING TAXATION) MANAGE-
MENT (AMENDMENT) ACT, 1981, No. 71**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 71, 1981.

An Act to amend the Finance (Greyhound-racing Taxation) Management Act, 1931, with respect to the issuing of receipts on payment of tax imposed on certain bookmakers; and for other purposes. [Assented to 28th May, 1981.]

Finance (Greyhound-racing Taxation) Management (Amendment).

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:—

Short title.

1. This Act may be cited as the "Finance (Greyhound-racing Taxation) Management (Amendment) Act, 1981".

Commencement.

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 the day appointed and notified under section 2 (2) of the Bookmakers (Taxation) Amendment Act, 1981.

Principal Act.

3. The Finance (Greyhound-racing Taxation) Management Act, 1931, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

Finance (Greyhound-racing Taxation) Management (Amendment).

Amendment of Act No. 57, 1931.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Savings.

6. Any tax imposed by Part III of the Finance (Greyhound-racing Taxation) Act, 1931, and paid before the day appointed and notified under section 2 (2) of the Bookmakers (Taxation) Amendment Act, 1981, shall be deemed to have been, and always to have been, validly paid.

Savings of Treasury receipts.

7. A Treasury receipt issued under the Principal Act as in force immediately before the day appointed and notified under section 2 (2) of the Bookmakers (Taxation) Amendment Act, 1981, to a person upon payment of the tax imposed by Part III of the Finance (Greyhound-racing Taxation) Act, 1931, being tax payable in relation to a period which as at the day appointed and notified under section 2 (2) of the Bookmakers (Taxation) Amendment Act, 1981, has not expired, shall be deemed to be a bookmakers tax receipt for the purposes of the Principal Act as amended by this Act.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 5, definition of "Bookmakers tax receipt"—

After the definition of "Bookmaker", insert:—

"Bookmakers tax receipt" means a receipt issued to a bookmaker by the Director of the Department of Sport and Recreation on payment by the bookmaker of the tax imposed on him by Part III of the Finance (Greyhound-racing Taxation) Act, 1931.

Finance (Greyhound-racing Taxation) Management (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) Section 7—

Omit the section, insert instead:—

Payment of tax.

7. (1) A person liable to pay any tax under Part III of the Finance (Greyhound-racing Taxation) Act, 1931, shall pay the tax to the Minister.

(2) The amount of any tax paid to the Minister under subsection (1) shall be carried to the Consolidated Revenue Fund.

(3) (a) Section 9 (2)—

Omit “on or after the said day”.

(b) Section 9 (2)—

Omit “Treasury receipt”, insert instead “bookmakers tax receipt”.

(c) Section 9 (3)—

Omit “said receipt”, insert instead “bookmakers tax receipt referred to in subsection (2)”.

(d) Section 9 (4)—

Omit “any such Treasury receipt”, insert instead “the bookmakers tax receipt referred to in subsection (2)”.

(4) Section 11A—

After section 11, insert :—

11A. (1) Any bookmaker’s clerk who carries on his business as a bookmaker’s clerk at a race meeting on any racecourse or part thereof shall, unless he is the holder of a license, certificate of



Bill of the Legislature of the State of New York

SCHEDULE A - continued

AMENDMENTS TO THE PENAL LAW BY THE PENAL LAW REVISION COMMISSION

- (4) Section 2, definition of "Robbery" --
Omit "1943"
- (5) Section 3, definition of "Selling peddle" --
Emit paragraph (a)(1), omit "and", insert instead "5"
- (6) Section 4, 11 --
Omit "one hundred dollar" wherever it occurs, insert instead "100"
- (7) Sections 5 (1), 6, 11 --
Omit "twenty dollar" wherever it occurs, insert instead "\$20"
- (8) Section 16 --
Omit "two hundred dollar" insert instead "\$20"
- (9) Part V, heading --
Omit "1954"

In the same act on behalf of the Governor I caused to be published

J. S. NEWLAND

Comptroller

Approved: _____
Signed: 12th May 1954

FINANCE (GREYHOUND-RACING TAXATION)
MANAGEMENT (AMENDMENT) BILL, 1981

**FINANCE (GREYHOUND-RACING TAXATION)
MANAGEMENT (AMENDMENT) BILL, 1981**

EXPLANATORY NOTE

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

This Bill is cognate with the Bookmakers (Taxation) Amendment Bill, 1981.

The objects of this Bill are—

- (a) to amend the Finance (Greyhound-racing Taxation) Management Act, 1931 ("the Act"), as a consequence of the enactment of the Bookmakers (Taxation) Amendment Act, 1981, to provide for the issue, by the Director of the Department of Sport and Recreation, of a bookmakers tax receipt instead of a Treasury receipt (Schedule 1 (1), (3));
- (b) to amend the Act to provide that the tax imposed by Part III of the Finance (Greyhound-racing Taxation) Act, 1931, be paid to the Minister instead of to the Treasury (Schedule 1 (2));
- (c) to provide that a person shall not carry on business as a bookmaker's clerk at a meeting for greyhound-racing unless he is the holder of a license, certificate of registration or permit, issued by the Greyhound Racing Control Board, authorising him to do so (Schedule 1 (4));
- (d) to amend the Act by way of statute law revision (Schedule 2); and
- (e) to make other provisions of a consequential or ancillary nature.

RESEARCH (RESEARCH) AND DEVELOPMENT (RESEARCH) ACT, 1981

EXPLANATORY NOTE

The Bill is intended to provide for the following purposes:

The Bill is intended to provide for the following purposes:

The object of the Bill is:

- (a) to amend the provisions of the Research and Development Act, 1981, relating to the powers of the Government in relation to the management of the Research and Development Fund;
- (b) to amend the provisions of the Research and Development Act, 1981, relating to the powers of the Government in relation to the management of the Research and Development Fund;
- (c) to provide for the powers of the Government in relation to the management of the Research and Development Fund;
- (d) to amend the provisions of the Research and Development Act, 1981, relating to the powers of the Government in relation to the management of the Research and Development Fund;
- (e) to provide for the powers of the Government in relation to the management of the Research and Development Fund;

Act No. 1981
**FINANCE (GREYHOUND-RACING TAXATION)
MANAGEMENT (AMENDMENT) BILL, 1981**

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:—

No. 8, 1981.

A BILL FOR

An Act to amend the Finance (Greyhound-racing Taxation) Management Act, 1931, with respect to the issuing of receipts on payment of tax imposed on certain bookmakers; and for other purposes.

[MR BOOTH—8 April, 1981.]

Finance (Greyhound-racing Taxation) Management (Amendment).

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 Short title.

1. This Act may be cited as the "Finance (Greyhound-racing Taxation) Management (Amendment) Act, 1981".

Commencement.

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

No. 1981.

(2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Bookmakers (Taxation) Amendment Act, 1981.

An Act to amend the Finance (Greyhound-racing Taxation) Management Act, 1931, with respect to the issuing of receipts on payment of tax imposed on certain bookmakers; and for other purposes.

Principal Act.

3. The Finance (Greyhound-racing Taxation) Management Act, 1931, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

20 SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

*Finance (Greyhound-racing Taxation) Management (Amendment).***Amendment of Act No. 57, 1931.**

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Savings.

6. Any tax imposed by Part III of the Finance (Greyhound-racing Taxation) Act, 1931, and paid before the day appointed and notified under section 2 (2) of the Bookmakers (Taxation) Amendment Act, 1981, shall be deemed to have been, and always to have been, validly paid.

Savings of Treasury receipts.

7. A Treasury receipt issued under the Principal Act as in force immediately before the day appointed and notified under section 2 (2) of the Bookmakers (Taxation) Amendment Act, 1981, to a person upon payment of the tax imposed by Part III of the Finance (Greyhound-racing Taxation) Act, 1931, being tax payable in relation to a period which as at the day appointed and notified under section 2 (2) of the Bookmakers (Taxation) Amendment Act, 1981, has not expired, shall be deemed to be a bookmakers tax receipt for the purposes of the Principal Act as amended by this Act.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 5, definition of "Bookmakers tax receipt"—

After the definition of "Bookmaker", insert:—

"Bookmakers tax receipt" means a receipt issued to a bookmaker by the Director of the Department of Sport and Recreation on payment by the bookmaker of the tax imposed on him by Part III of the Finance (Greyhound-racing Taxation) Act, 1931.

*Finance (Greyhound-racing Taxation) Management (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) Section 7—

Omit the section, insert instead:—

5 **Payment of tax.**

7. (1) A person liable to pay any tax under Part III of the Finance (Greyhound-racing Taxation) Act, 1931, shall pay the tax to the Minister.

10 (2) The amount of any tax paid to the Minister under subsection (1) shall be carried to the Consolidated Revenue Fund.

10 (3) (a) Section 9 (2)—

Omit "on or after the said day".

15 (b) Section 9 (2)—

Omit "Treasury receipt", insert instead "bookmakers tax receipt".

(c) Section 9 (3)—

Omit "said receipt", insert instead "bookmakers tax receipt referred to in subsection (2)".

20 (d) Section 9 (4)—

Omit "any such Treasury receipt", insert instead "the bookmakers tax receipt referred to in subsection (2)".

(4) Section 11A—

After section 11, insert:—

25 11A. (1) Any bookmaker's clerk who carries on his business as a bookmaker's clerk at a race meeting on any racecourse or part thereof shall, unless he is the holder of a license, certificate of

*Finance (Greyhound-racing Taxation) Management (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 registration or permit authorising him to do so and issued by the Greyhound Racing Control Board, be liable to a penalty not exceeding \$100.

(2) The fee payable for such a license, certificate of registration or permit shall be as prescribed by the rules of the Greyhound Racing Control Board.

SCHEDULE 2.

10

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION.

(1) (a) Long title—

15 Omit “to make further provision as to the collection of the Winning Bets Tax;”.

(b) Long title—

Omit “the Winning Bets Taxation (Management) Act, 1930,”.

(2) (a) Section 1 (1)—

Omit “1931.’”, insert instead “1931’”.

20 (b) Section 1 (2)—

From the matter relating to Part V, omit “-1931”.

(3) Section 3 (1)—

Omit the subsection.

Finance (Greyhound-racing Taxation) Management (Amendment).

SCHEDULE 2—continued.

**AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—continued.**

(4) (a) Section 5, definition of "Racecourse"—

5 Omit "-1931".

(b) Section 5, definition of "Saddling paddock"—

From paragraph (a) (ii), omit "five", insert instead "5".

(5) Sections 9, 11—

10 Omit "one hundred dollars" wherever occurring, insert instead
"\$100".

(6) Sections 9 (3), (4), 11—

Omit "twenty dollars" wherever occurring, insert instead "\$20".

(7) Section 10—

Omit "two hundred dollars", insert instead "\$200".

15 (8) Part V, heading—

omit "-1931".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981

(40c)

FELONS (CIVIL PROCEEDINGS) ACT, 1981, No. 84

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 84, 1981.

An Act to provide that a person convicted of, or found to have committed, a felony shall not be incapable of instituting and maintaining civil proceedings in any court. [Assented to, 9th June, 1981.]

Felons (Civil Proceedings).

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:—

Short title.

1. This Act may be cited as the "Felons (Civil Proceedings) Act, 1981".

Commencement.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Sections 3–8 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.

Felon may sue.

3. Subject to this Act, a person shall not, by reason of his having been convicted of, or found to have committed, a felony, be incapable of instituting and maintaining any civil proceedings in any court.

Leave required in certain cases.

4. A person who is in custody as a result of his having been convicted of, or found to have committed, a felony may not institute any civil proceedings in any court except by the leave of that court granted on his application.

Grant of leave.

5. A court shall not, under section 4, grant leave to a person to institute proceedings unless the court is satisfied that the proceedings are not an abuse of process and that there is prima facie ground for the proceedings.

Felons (Civil Proceedings).

Refusal of leave—appeal.

6. (1) Subject to subsection (2), a person to whom leave referred to in section 4 has been refused may appeal against the refusal as if the decision to refuse the leave were a decision on a point of law.

(2) An appeal shall not lie to the Court of Appeal (within the meaning of the Supreme Court Act, 1970) from an order refusing leave referred to in section 4 except by the leave of the Court of Appeal.

Right of appearance.

7. At the hearing or determination of an application or appeal under this Act, except by the leave of the court to which the application or appeal is made—

- (a) the applicant or appellant, as the case may be, is not entitled to appear in person; and
- (b) the person who would, if the proceedings to the institution of which the application or appeal relates were instituted, be the defendant in those proceedings, is not entitled to appear or be represented.

Rules of court.

8. Rules of court may be made for or with respect to the practice and procedure to be followed in relation to applications or appeals under this Act.

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

L. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 9th June, 1981.*

APPEALS FROM FEDERAL COURTS

Section 101. (a) A party may appeal from a final judgment, decree, or order of a Federal court to the United States Court of Appeals for the circuit in which the judgment, decree, or order was rendered. The appeal shall be taken within the time prescribed by the Federal Rules of Appellate Procedure.

(b) An appeal shall not lie to the Court of Appeals from an order of a Federal court granting or denying a writ of habeas corpus or a writ of certiorari or a writ of prohibition or a writ of mandamus.

Section 102. (a) A party may appeal from a final judgment, decree, or order of a Federal court to the United States Court of Appeals for the circuit in which the judgment, decree, or order was rendered. The appeal shall be taken within the time prescribed by the Federal Rules of Appellate Procedure.

(b) An appeal shall not lie to the Court of Appeals from an order of a Federal court granting or denying a writ of habeas corpus or a writ of certiorari or a writ of prohibition or a writ of mandamus.

Section 103. (a) A party may appeal from a final judgment, decree, or order of a Federal court to the United States Court of Appeals for the circuit in which the judgment, decree, or order was rendered. The appeal shall be taken within the time prescribed by the Federal Rules of Appellate Procedure.

(b) An appeal shall not lie to the Court of Appeals from an order of a Federal court granting or denying a writ of habeas corpus or a writ of certiorari or a writ of prohibition or a writ of mandamus.

Section 104. (a) A party may appeal from a final judgment, decree, or order of a Federal court to the United States Court of Appeals for the circuit in which the judgment, decree, or order was rendered. The appeal shall be taken within the time prescribed by the Federal Rules of Appellate Procedure.

(b) An appeal shall not lie to the Court of Appeals from an order of a Federal court granting or denying a writ of habeas corpus or a writ of certiorari or a writ of prohibition or a writ of mandamus.

FELONS (CIVIL PROCEEDINGS) BILL, 1981

EXPLANATORY NOTE

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

The object of this Bill is to provide that a person convicted of, or found to have committed, a felony shall not be incapable of instituting and maintaining civil proceedings in any court.

The Bill contains the following clauses:—

Clause 1. Short title.

Clause 2. Commencement.

Clause 3 removes the disability of convicted felons to institute and maintain civil proceedings.

Clause 4 provides that civil proceedings cannot be instituted by convicted felons who are in custody except with the leave of the court in which the proceedings are to be instituted.

Clause 5 requires a court, before granting leave to a person to institute proceedings under clause 4, to be satisfied that the proceedings are not an abuse of process and that there is prima facie ground for the proceedings.

Clause 6 provides for an appeal to be made from a decision refusing leave to bring proceedings.

Clause 7 makes provision with respect to the rights of appearance of certain persons at the hearing or determination of applications and appeals under the proposed Act.

Clause 8 provides for the making of rules of court for or with respect to the practice and procedure to be followed in relation to applications or appeals under the proposed Act.

LEGISLATIVE PROCEEDINGS BILL, 1981

EXPLANATORY NOTE

This explanatory note relates to this Bill as introduced into Parliament.

The object of this Bill is to provide that a person convicted of or found to have committed a felony shall not be incapable of instituting and maintaining civil proceedings in any court.

The Bill contains the following clauses:

Clause 1. Short title.

Clause 2. Commencement.

Clause 3. Removes the disability of convicted felons to institute and maintain civil proceedings.

Clause 4. Provides that civil proceedings cannot be instituted by convicted felons who are in custody except with the leave of the court in which the proceedings are to be instituted.

Clause 5. Requires a court before granting leave to a person to institute proceedings under clause 4 to be satisfied that the proceedings are not an abuse of process and that there is prima facie ground for the proceedings.

Clause 6. Provides for an appeal to be made from a decision refusing leave to bring proceedings.

Clause 7. Makes provision with respect to the rights of appearance of certain persons at the hearing or determination of applications and appeals under the proposed Act.

Clause 8. Provides for the making of rules of court for or with respect to the practice and procedure to be followed in relation to applications or appeals under the proposed Act.

1981
Act No. 18
FELONS (CIVIL PROCEEDINGS) BILL, 1981

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:—

1. This Act may be cited as the Felons (Civil Proceedings) Act, 1981.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

10 (2) Sections 3-8 shall commence on each day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

No. , 1981.

A BILL FOR

An Act to provide that a person convicted of, or found to have committed, a felony shall not be incapable of instituting and maintaining civil proceedings in any court.

[MR WALKER—18 March, 1981.]

4. A person who is in custody as a result of his having been convicted of, or found to have committed, a felony may not institute any civil proceedings in any court except by the leave of that court granted on his application.

5. A court shall not grant leave to a person to institute proceedings unless the court is satisfied that the proceedings are not an abuse of process and that there is prima facie ground for the proceedings.

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Felons (Civil Proceedings).

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 Short title.

1. This Act may be cited as the "Felons (Civil Proceedings) Act, 1981".

Commencement.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

- 10 (2) Sections 3–8 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.

Felon may sue.

- 15 3. Subject to this Act, a person shall not, by reason of his having been convicted of, or found to have committed, a felony, be incapable of instituting and maintaining any civil proceedings in any court.

Leave required in certain cases.

- 20 4. A person who is in custody as a result of his having been convicted of, or found to have committed, a felony may not institute any civil proceedings in any court except by the leave of that court granted on his application.

Grant of leave.

- 25 5. A court shall not, under section 4, grant leave to a person to institute proceedings unless the court is satisfied that the proceedings are not an abuse of process and that there is prima facie ground for the proceedings.

Felons (Civil Proceedings).

Refusal of leave—appeal.

6. (1) Subject to subsection (2), a person to whom leave referred to in section 4 has been refused may appeal against the refusal as if the decision to refuse the leave were a decision on a point of law.
- 5 (2) An appeal shall not lie to the Court of Appeal (within the meaning of the Supreme Court Act, 1970) from an order refusing leave referred to in section 4 except by the leave of the Court of Appeal.

Right of appearance.

7. At the hearing or determination of an application or appeal under this
10 Act, except by the leave of the court to which the application or appeal is made—
- (a) the applicant or appellant, as the case may be, is not entitled to appear in person; and
- 15 (b) the person who would, if the proceedings to the institution of which the application or appeal relates were instituted, be the defendant in those proceedings, is not entitled to appear or be represented.

Rules of court.

8. Rules of court may be made for or with respect to the practice and
20 procedure to be followed in relation to applications or appeals under this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981

Rules (Civil Proceedings)

Refusal of leave—appeal.

6. (1) Subject to subsection (2), a person to whom leave is refused to in section 4 has been refused may appeal against the refusal as if the decision to refuse the leave were a decision on a point of law.

(2) An appeal shall not lie to the Court of Appeal (within the meaning of the Supreme Court Act, 1970) from an order refusing leave referred to in section 4 except by the leave of the Court of Appeal.

Right of appearance.

10 Act—made— 17. At the hearing or determination of an application or appeal under this Act, except by the leave of the court to which the application or appeal is made—

(a) the applicant or appellant, as the case may be, is not entitled to appear in person, and

(b) the person who would, if the proceedings to the institution of which the application or appeal relates were instituted, be the defendant in those proceedings, is not entitled to appear or be represented.

Rules of court.

20 Act. 8. Rules of court may be made for or with respect to the practice and procedure to be followed in relation to applications or appeals under this



