

**TROTting AUTHORITY (AMENDMENT) ACT,
1978, No. 124**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 124, 1978.

An Act to amend the Trotting Authority Act, 1977, with respect to proceedings on appeals under that Act and the powers of the Authority to make rules, and in other respects. [Assented to, 21st December, 1978.]

See also Defamation (Trotting Authority) Amendment Act, 1978.

Trotting Authority (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 "Trotting Authority (Amendment) Act, 1978".

Amendment
of Act No.
57, 1977.

2. The Trotting Authority Act, 1977, is amended in the manner set forth in Schedule 1.

Saving.

3. Any rules or by-laws made by the Trotting Authority of New South Wales pursuant to the Trotting Authority Act, 1977, and in force immediately before the date of assent to this Act shall be deemed to be rules made by the Authority pursuant to the Trotting Authority Act, 1977, as amended by this Act.

Sec. 2.

SCHEDULE 1.

AMENDMENTS TO THE TROTTING AUTHORITY ACT, 1977.

(1) Section 3—

From the matter relating to Part III, omit "—10", insert instead ", 9".

(2) Section 4, definition of "by-law"—

Omit the definition.

Trotting Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TROTTING AUTHORITY ACT, 1977—
continued.

(3) (a) Section 8 (2) (d)—

Omit “by-laws” wherever occurring, insert instead
“rules”.

(b) Section 8 (2) (d) (ii)—

Omit “or suspend”.

(c) Section 8 (2) (d) (viii)—

Omit “and”.

(d) Section 8 (2) (d) (ix)—

At the end of the subparagraph, insert “and”.

(e) Section 8 (2) (d) (x)—

After section 8 (2) (d) (ix), insert :—

- (x) suspend for such term as the Authority thinks fit any right or privilege conferred by this Act or the rules on any owner, trainer or driver of trotting horses, or on any bookmaker or bookmaker’s clerk associated with the trotting industry, or on any other person associated with the industry;

(4) Sections 9, 10—

Omit the sections, insert instead :—

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;

Trotting Authority (Amendment).

*SCHEDULE 1—continued.**AMENDMENTS TO THE TROTTING AUTHORITY ACT, 1977—
continued.*

- (b) the appointment of an executive officer and a deputy executive officer from among its members and the functions of those officers;
- (c) any of the matters mentioned in section 8 (2) (d);
- (d) the appointment of stewards of the Authority and the functions of those stewards;
- (e) conferring on stewards so appointed the same powers as are exercisable by the Authority under section 8 (2) (d);
- (f) 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
- (g) 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) A rule—

- (a) shall have no effect unless it is approved by the Minister; 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 regulations may be made by virtue of this Act (section 27 (2) excepted).

Trotting Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TROTGING AUTHORITY ACT, 1977—
continued.

(5) Section 18 (1A)—

After section 18 (1), insert :—

(1A) Proceedings on any such appeal shall be held as in open court at a meeting of the Authority at which a quorum is present.

(6) Section 19 (1A)—

After section 19 (1), insert :—

(1A) Proceedings on any such appeal shall be held as in open court before the Tribunal.

(7) Section 24—

Omit “section 8 (2) (d) (viii)”, insert instead “section 8 (2) (d) (ix)”.

(8) (a) Section 27 (2)—

Omit “by-laws or”.

(b) Section 27 (4)—

Omit “by-laws”, insert instead “rules”.

(9) (a) Section 28 (1)—

Omit “by-laws or”.

(b) Section 28 (2)—

Omit the subsection.

Act No. 124, 1978.

Trotting Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TROTTING AUTHORITY ACT, 1977
—*continued.*

(c) Section 28 (3), (4), (5)—

Omit “, by-law” wherever occurring.

(10) Schedule 1—

From clause 10, omit “, by-laws”.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 21st December, 1978.*





TROTTING AUTHORITY (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

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

The Defamation (Trotting Authority) Amendment Bill, 1978, is cognate with this Bill.

THE objects of this Bill are—

- (a) to authorise the Trotting Authority of New South Wales (the "Authority") to make rules approved by the Minister with respect to the control and regulation of trotting and with respect to certain other matters instead of the Authority being authorised to make by-laws approved by the Governor with respect to some of those matters and rules approved by the Minister with respect to the remainder of those matters (Schedule 1 (1), (2), (3) (a), (4), (8), (9) and (10));
- (b) to correct a reference in the Trotting Authority Act, 1977, to the suspension of persons registered by the Authority by providing that the Authority may, instead of suspending the registration of such persons, suspend the rights or privileges conferred by the Act or rules on such persons (Schedule 1 (3) (b)–(e));
- (c) to require proceedings on appeals to the Authority or the Trotting Appeals Tribunal to be held in public (Schedule 1 (5) and (6)); and
- (d) to correct a reference in the Trotting Authority Act, 1977, to a section of that Act (Schedule 1 (7)).

TROTTING AUTHORITY (AMENDMENT) BILL, 1978

No. , 1978.

A BILL FOR

An Act to amend the Trotting Authority Act, 1977, with respect to proceedings on appeals under that Act and the powers of the Authority to make rules, and in other respects.

[MR BOOTH—5 December, 1978.]

See also Defamation (Trotting Authority) Amendment Bill, 1978.

Trotting Authority (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 **1.** This Act may be cited as the "Trotting Authority Short
(Amendment) Act, 1978". title.

2. The Trotting Authority Act, 1977, is amended in the Amendment
manner set forth in Schedule 1. of Act No.
57, 1977.

3. Any rules or by-laws made by the Trotting Authority of Saving.
10 New South Wales pursuant to the Trotting Authority Act, 1977,
and in force immediately before the date of assent to this Act shall
be deemed to be rules made by the Authority pursuant to the
Trotting Authority Act, 1977, as amended by this Act.

SCHEDULE 1.

Sec. 2.

15 **AMENDMENTS TO THE TROTTING AUTHORITY ACT, 1977.**

(1) Section 3—

From the matter relating to Part III, omit "—10", insert
instead " , 9".

(2) Section 4, definition of "by-law"—

20 Omit the definition.

Trotting Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TROTTING AUTHORITY ACT, 1977—
continued.

(3) (a) Section 8 (2) (d)—

5 Omit “by-laws” wherever occurring, insert instead
“rules”.

(b) Section 8 (2) (d) (ii)—

Omit “or suspend”.

(c) Section 8 (2) (d) (viii)—

10 Omit “and”.

(d) Section 8 (2) (d) (ix)—

At the end of the subparagraph, insert “and”.

(e) Section 8 (2) (d) (x)—

After section 8 (2) (d) (ix), insert :—

15 (x) suspend for such term as the Authority thinks
fit any right or privilege conferred by this Act
or the rules on any owner, trainer or driver of
trotting horses, or on any bookmaker or
20 bookmaker’s clerk associated with the trotting
industry, or on any other person associated
with the industry;

(4) Sections 9, 10—

Omit the sections, insert instead :—

25 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;

Trotting Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TROTTING AUTHORITY ACT, 1977—
continued.

- 5 (b) the appointment of an executive officer and a deputy executive officer from among its members and the functions of those officers;
- (c) any of the matters mentioned in section 8 (2) (d);
- 10 (d) the appointment of stewards of the Authority and the functions of those stewards;
- (e) conferring on stewards so appointed the same powers as are exercisable by the Authority under section 8 (2) (d);
- 15 (f) 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
- 20 (g) 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) A rule—
 - (a) shall have no effect unless it is approved by the Minister; and
 - 25 (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 regulations may be made by virtue of this Act (section 27 (2) excepted).
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Trotting Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TROTTING AUTHORITY ACT, 1977—
continued.

(5) Section 18 (1A)—

5 After section 18 (1), insert :—

(1A) Proceedings on any such appeal shall be held as in open court at a meeting of the Authority at which a quorum is present.

(6) Section 19 (1A)—

10 After section 19 (1), insert :—

(1A) Proceedings on any such appeal shall be held as in open court before the Tribunal.

(7) Section 24—

15 Omit “section 8 (2) (d) (viii)”, insert instead “section 8 (2) (d) (ix)”.

(8) (a) Section 27 (2)—

Omit “by-laws or”.

(b) Section 27 (4)—

Omit “by-laws”, insert instead “rules”.

20 (9) (a) Section 28 (1)—

Omit “by-laws or”.

(b) Section 28 (2)—

Omit the subsection.

Trotting Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TROTGING AUTHORITY ACT, 1977
—*continued.*

(c) Section 28 (3), (4), (5)—

5 Omit “, by-law” wherever occurring.

(10) Schedule 1—

From clause 10, omit “, by-laws”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[16c]

