

## GREYHOUND RACING CONTROL BOARD BILL 1985

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### EXPLANATORY NOTE

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

The object of this Bill is to re-enact in a separate Act, and to amend, the provisions of the Gaming and Betting Act 1912 relating to the Greyhound Racing Control Board and to the control and regulation of greyhound racing.

The principal changes made to the existing provisions are—

- (a) to transfer from the National Coursing Association to the Board the responsibility for the registration of greyhounds and the control and regulation of the breeding of greyhounds;
- (b) to enable the Board to demand the production of the financial and other records of greyhound racing clubs;
- (c) to authorise the Board to delegate certain of its functions;
- (d) to provide that the appointment of all members of the Board is to be made, like the appointment of members of the Harness Racing Authority, by the Governor on the recommendation of the Minister instead of in some cases on the nomination of certain greyhound racing clubs, but to require the Minister to consult those clubs and other persons and bodies before recommending the appointment of any members;
- (e) to provide for the appointment of acting members of the Board;
- (f) to enable the Board to affiliate with other relevant organisations;
- (g) to ensure that the Board may make rules adopting penalties imposed by other greyhound racing, horse racing and harness racing control authorities; and
- (h) to ensure that the Board has power to control and regulate speed trials as well as races.

### PART I—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 defines certain expressions for the purposes of the proposed Act. In particular, "greyhound racing" is defined to include, in addition to greyhound races, trials or training races and tests of the speed of greyhounds.

Clause 4 provides that the Gaming and Betting Act 1912 prevails over the proposed Act. The provision ensures that the limitations on the number of meetings for greyhound racing and restrictions on betting contained in the Gaming and Betting Act 1912 are preserved.

#### PART II—CONSTITUTION OF THE BOARD

Clause 5 continues the Greyhound Racing Control Board. The clause provides that the Board represents the Crown and is subject to Ministerial control (except in respect of appeals and reports or recommendations).

Clause 6 provides that the Board is to consist of 7 members appointed by the Governor on the recommendation of the Minister (after consultation with such greyhound racing clubs, persons and bodies as the Minister thinks fit). One of the members is to be appointed as Chairman of the Board.

Clause 7 gives effect to Schedule 2 which deals with the procedure of the Board.

Clause 8 authorises the Board to appoint a secretary and other staff of the Board. The staff is, as at present, not subject to the Public Service Act 1979.

#### PART III—FUNCTIONS OF THE BOARD

Clause 9 provides, as at present, that the Board is responsible for the control and regulation of greyhound racing. The Board is specifically empowered—

- (a) to register greyhound racing clubs, trial tracks, owners, trainers, bookmakers and other persons associated with greyhound racing;
- (b) to register greyhounds; and
- (c) to impose penalties (including disqualification, suspension or fine) on registered bodies or persons or on other persons associated with greyhound racing.

For the purposes of the clause, "persons associated with greyhound racing" includes greyhound attendants, bookmakers' clerks, greyhound breeders, managers of trial tracks and employees, officers and others concerned in the management of greyhound racing clubs.

Clause 10 authorises the Board to make rules for the control and regulation of greyhound racing. In particular, rules may be made in connection with—

- (a) the matters referred to in clause 9;
- (b) the keeping of greyhounds;
- (c) the holding and conduct of meetings, races and trials;
- (d) the breeding, naming and identification of greyhounds;
- (e) the adoption by the Board of penalties imposed by other greyhound racing, horse racing and harness racing control authorities;
- (f) the appointment and powers of stewards; and
- (g) the prohibition on betting at greyhound trials and training races and on the award of prizes and public admission charges for those trials and training races.

Clause 10 (5) makes it an offence (with a maximum penalty of \$400) to operate a trial track that is not registered under the rules.

Clause 11 provides, as at present, for regulations to be made for appeals to the Board against decisions of clubs and of stewards appointed by clubs or by the Board.

Clause 12 authorises the Board to make grants or loans for the advancement and development of greyhound racing.

Clause 13 enables the Board to affiliate with other relevant organisations.

Clause 14 provides for reports and recommendations by the Board to the Minister.

Clause 15 requires greyhound racing clubs and their agents to produce their financial and other records to the Board for inspection if requested to do so.

#### PART IV—FINANCE

Clause 16 specifies that the financial year of the Board is the year commencing 1 July unless a different period is prescribed by the regulations.

Clause 17 continues the Greyhound Racing Control Board Fund as the operating account of the Board.

Clause 18 continues the requirement for greyhound racing clubs to make contributions to the Board from their income from greyhound racing. The requirement is at present suspended since the Board is funded from distributions from the Totalizator Agency Board.

#### PART V—MISCELLANEOUS

Clause 19 authorises the Board to delegate certain of its functions. The functions excluded are the power of delegation, the power to decide appeals, the power to make rules and its functions under clause 9 (2). Those lastmentioned functions may be exercised under the rules by stewards with an appeal to the Board.

Clause 20 requires the Board to submit an annual report for presentation to Parliament.

Clause 21 enables certain documents to be authenticated by the signature of the Chairman of the Board or an authorised officer instead of by the seal of the Board.

Clause 22 enables the Board to recover any money due to the Board in a court of competent jurisdiction.

Clause 23 provides that in legal proceedings it is not necessary to prove certain matters relating to the constitution and procedure of the Board unless evidence is given to the contrary.

Clause 24 provides for summary proceedings before a Local Court for offences against the proposed Act or regulations.

Clause 25 empowers the Governor to make regulations for the purposes of the proposed Act. In particular, regulations may be made in connection with any matter for



which rules may be made by the Board and any such regulations are to prevail over the rules.

Clause 26 gives effect to Schedule 3 which contains savings, transitional and other provisions.

Clause 27 repeals the provisions of the Gaming and Betting Act 1912 which are being replaced by the proposed Act.

Schedule 1 makes provision with respect to the members of the Board and, in particular—

- (a) excludes persons over 70 years of age from being appointed to the Board (clause 1);
- (b) authorises the appointment of acting members and an acting Chairman (clause 2);
- (c) specifies that the term of office of a member is not to exceed 3 years (clause 3);
- (d) provides for the remuneration of members (clause 4);
- (e) provides for the filling of a casual vacancy in the office of a member (clause 5);
- (f) specifies the circumstances in which a member vacates office (clause 6);
- (g) requires members to disclose any pecuniary interest in a matter before the Board or being done by the Board (clause 7);
- (h) provides that the office of a member is not an office of profit under the Crown or a public service appointment (clause 8); and
- (i) exculpates members and other persons associated with the Board from personal liability for anything done in good faith under the proposed Act (clause 9).

Schedule 2 makes provision with respect to the procedure of the Board.

Schedule 3 contains savings, transitional and other provisions and, in particular—

- (a) entitles a full-time member of the greyhound registration staff of the National Coursing Association and its affiliate companies to elect to transfer to the staff of the Board within 1 month after the commencement of the proposed Act (clause 2);
  - (b) requires the National Coursing Association and its affiliate companies to deliver to the Board, on request, any records held in connection with the registration of greyhounds (clause 3);
  - (c) continues the existing Board and its members and the existing rules and regulations (clauses 4–6);
  - (d) provides for the interpretation of certain superseded references (clause 7); and
  - (e) authorises regulations to be made of a savings or transitional nature consequent on the enactment of the proposed Act (clause 8).
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# GREYHOUND RACING CONTROL BOARD BILL 1985

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NEW SOUTH WALES

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# **GREYHOUND RACING CONTROL BOARD BILL 1985**

No. , 1985

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## **A BILL FOR**

An Act to constitute the Greyhound Racing Control Board; to define its functions; to repeal Part IVA of the Gaming and Betting Act 1912; and for other purposes.

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**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:

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PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the "Greyhound Racing Control Board Act 1985".

10 **Commencement**

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

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

**Interpretation**

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

20 "Board" means the Greyhound Racing Control Board constituted by this Act;

"Chairman" means Chairman of the Board;

"Fund" means the Greyhound Racing Control Board Fund established under section 17;

25 "greyhound racing" means racing between greyhounds in competitive pursuit of an artificial lure, and includes—

(a) a greyhound trial or training race; and

(b) racing in a test of the speed of a greyhound or of greyhounds competing separately;

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“greyhound racing club” means a non-proprietary association holding a special license referred to in section 51 (1A) of the Gaming and Betting Act 1912, and includes an association of greyhound racing clubs;

5 “greyhound trial track” means land (not being a racecourse specially licensed under the Gaming and Betting Act 1912 for meetings for greyhound racing) that is held out by any person having the management or control of the land, whether as owner, lessee, occupier or otherwise, as being available for the purpose of  
10 enabling greyhounds, other than those owned by, or leased to, that person, to compete in trials or be trained in racing;

“member” means a member of the Board;

“regulation” means a regulation made under this Act;

“rule” means a rule made under this Act.

15 (2) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

20 (3) The Chairman may be referred to as the Chairperson or (if appropriate) as the Chairwoman.

**Gaming and Betting Act 1912 prevails**

4. The provisions of or made under the Gaming and Betting Act 1912 have effect notwithstanding anything to the contrary in this Act.

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PART II

CONSTITUTION OF THE BOARD

**Constitution of Board**

5. (1) There is constituted by this Act a corporation under the corporate name of the “Greyhound Racing Control Board”.

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**(2) The Board—**

- (a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act;
- 5 (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise of its functions, be subject to the control and direction of the Minister, except in relation to—
- (i) its power to decide appeals under this Act; and
- 10 (ii) the contents of a report or recommendation made by it to the Minister.

**Members of Board**

6. (1) The Board shall consist of 7 members who shall be appointed by the Governor on the recommendation of the Minister.

15 (2) Before recommending the appointment of any members, the Minister shall consult such greyhound racing clubs, persons or bodies as the Minister thinks fit.

(3) Of the members, one shall, in and by the instrument by which the member is appointed, or by another instrument, be appointed as Chairman of the Board.

20 (4) Schedule 1 has effect with respect to the members.

**Procedure of Board**

7. Schedule 2 has effect with respect to the procedure of the Board.

**Secretary and other staff of Board**

25 8. (1) The Board may appoint such staff (including a secretary) as may be necessary to enable the Board to exercise its functions.

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

30 (3) The Public Service Act 1979 does not apply to or in respect of the appointment of members of the staff of the Board and a member of that staff is not, as such a member, subject to that Act.

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## PART III

## FUNCTIONS OF THE BOARD

**Control and regulation of greyhound racing**

9. (1) The Board is responsible for the control and regulation of  
5 greyhound racing.

(2) The Board may, in accordance with the rules—

(a) register or refuse to register or cancel the registration of—

(i) any greyhound racing club;

(ii) any greyhound trial track;

10 (iii) any owner, trainer or bookmaker or other person  
associated with greyhound racing; or

(iv) any greyhound;

(b) disqualify, either permanently or temporarily, any owner, trainer  
or bookmaker or other person associated with greyhound racing;

15 (c) disqualify any greyhound, either permanently or temporarily;

(d) prohibit any person from participating in or associating with  
greyhound racing in any specified capacity;

(e) prohibit any greyhound from competing in any greyhound race or  
trial;

20 (f) impose fines, not exceeding \$500, on any greyhound racing club  
or on any owner, trainer or bookmaker or other person associated  
with greyhound racing for breaches of the rules;

(g) suspend, for such term as the Board thinks fit, any right or  
25 privilege conferred by this Act or the rules on any owner, trainer  
or bookmaker or other person associated with greyhound racing;  
and

(h) prohibit any person registered under the rules from taking part in  
any meeting for greyhound racing held by any greyhound racing  
club which is not registered under the rules.

30 (3) A reference in subsection (2) to a person associated with greyhound  
racing includes a reference to—

(a) a person who handles greyhounds at a greyhound race or trial;

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- (b) a bookmaker's clerk;
- (c) a greyhound breeder;
- (d) a person who manages or controls a greyhound trial track; and
- 5 (e) a person who is an officer or employee of a greyhound racing club or is otherwise concerned in the management or control of any such club.

(4) A decision of the Board in respect of any of the matters referred to in subsection (2) shall be final and without appeal.

10 (5) Any fine imposed under subsection (2) (f) shall be paid to and be the property of the Board.

(6) Nothing in this Act confers on the Board power to conduct meetings for greyhound racing on its own behalf.

**Board may make rules**

15 **10. (1)** The Board may make rules, not inconsistent with this Act, for or with respect to the control and regulation of greyhound racing.

(2) Without prejudice to the generality of subsection (1), the Board may make rules for or with respect to—

- (a) any of the matters referred to in section 9 (2);
- 20 (b) the effect of a disqualification of, or other penalty imposed on, a person or greyhound under section 9 (2);
- (c) the holding and conduct of meetings for greyhound racing and of races or trials at any such meeting;
- (d) the keeping of greyhounds which are in the care or custody of persons registered under the rules;
- 25 (e) the breeding of greyhounds (including the registration or recording of sires, services and litters);
- (f) the naming and identification of greyhounds;
- 30 (g) the adoption by the Board (with or without inquiry) of penalties imposed by clubs or authorities conducting or controlling greyhound racing, horse racing or harness racing, whether in or out of New South Wales;

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- (h) the appointment of an executive officer and a deputy executive officer from among the members of the Board and the functions of those officers;
- 5 (i) the appointment of stewards by the Board and the functions of those stewards (including functions that do not relate to meetings for greyhound racing);
- (j) conferring on stewards appointed by the Board the same functions as are exercisable by the Board under section 9 (2);
- 10 (k) the charges payable by a greyhound racing club when stewards appointed by the Board act at a meeting for greyhound racing held by the club;
- (l) the extent to which and the circumstances in which stewards appointed by the Board may exercise their functions to the exclusion of stewards of greyhound racing clubs;
- 15 (m) the fees payable for registration or the transaction of other business under the rules; and
- (n) prohibiting—
- (i) betting or wagering at any place where a greyhound trial or training race is held;
- 20 (ii) the award, in respect of any greyhound trial or training race, of any money; and
- (iii) the making of a charge for the admission of persons (not being persons in charge of greyhounds) to a greyhound trial track.
- 25 (3) A provision of a rule may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- 30 (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,
- or may do any combination of those things.



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

(5) Where rules made by the Board providing for the registration of greyhound trial tracks are in force, any person who, whether as owner, lessee, occupier or otherwise, has the management or control of a greyhound trial track which is not registered in accordance with those rules shall be guilty of an offence and liable to a penalty not exceeding \$400.

**Appeals to the Board**

11. The regulations may make provision for or with respect to—

- 10 (a) appeals to the Board against decisions of stewards appointed by the Board or stewards or committees of greyhound racing clubs in such classes of cases as may be specified in the regulations;
- (b) the procedure at or in connection with any such appeals;
- (c) the payment of fees and costs in respect of any such appeals; and
- 15 (d) all matters incidental to or connected with any such appeals.

**Board may grant or lend money from Fund**

12. The Board may, upon such terms and conditions as it may determine, grant or advance on loan money from the Fund—

- 20 (a) to increase stake money and prizes at meetings for greyhound racing;
- (b) to improve racecourses specially licensed under the Gaming and Betting Act 1912 for meetings for greyhound racing and to improve facilities at those racecourses;
- (c) to assist greyhound racing clubs;
- 25 (d) for any purpose relating to the welfare of greyhounds which are in the care or custody of persons registered under the rules, to any person principally concerned in, or any body principally established to ensure, the welfare of animals, including greyhounds, or to any person or body engaged in carrying out
- 30 research in relation to greyhounds; or
- (e) for any other purpose conducive to the advancement and development of greyhound racing.

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**Board may affiliate with other organisations**

13. The Board may affiliate with such organisations, whether in or out of New South Wales, as the Board deems appropriate.

**Reports and recommendations by Board**

- 5    14. The Board shall, when so directed by the Minister, or may, of its own motion, investigate and furnish to the Minister a report and recommendation with respect to any matter relevant to greyhound racing, including any matter with respect to which rules may be made.

**Production of club records to Board**

- 10    15. (1) In this section—

“records” includes—

- (a) any document, register and other record of information;
- (b) invoices, receipts, orders for the payment of money, bills of exchange, promissory notes, vouchers and other records of transactions; and
- 15    (c) such working papers and other documents as are necessary to explain the methods and calculations by which accounts are made up,

however compiled, recorded or stored.

- 20    (2) The Board may at any time, by notice in writing, give a direction to—

- (a) a greyhound racing club; or
- (b) a person who is or has been an officer or employee of, or an agent, banker, solicitor, auditor or other person acting in any capacity for or on behalf of, a greyhound racing club (including a
- 25    greyhound racing club that is in the course of being wound up or has been dissolved),

requiring the production, at such time and place as are specified in the direction, of such records relating to the affairs of the greyhound racing club as are so specified.

- 30    (3) Where any records relating to the affairs of a greyhound racing club are compiled, recorded or stored by means of a mechanical, electronic or other device, a direction under subsection (2) may require the production

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of a document containing a clear reproduction in writing of the whole or any part of those records.

(4) A person shall not, when required under subsection (2) to produce a record—

- 5       (a) refuse or neglect to produce the record; or
- (b) produce a record that contains information that to the person's knowledge is false or misleading in a material particular unless the person discloses that fact when producing the record.

Penalty: \$500.

- 10      (5) A reference in this section to the affairs of a greyhound racing club is a reference to the affairs of the greyhound racing club that relate, directly or indirectly, to greyhound racing.

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PART IV

FINANCE

15 **Financial year of Board**

16. The financial year of the Board shall be—

- (a) where no period is prescribed as referred to in paragraph (b)—  
the year commencing on 1 July; or
- (b) the period prescribed for the purposes of this section.

20 **Greyhound Racing Control Board Fund**

17. (1) The Board shall establish a fund to be called the "Greyhound Racing Control Board Fund".

- (2) There shall be paid into the Fund money received by the Board under this Act or under the Totalizator Act 1916, the Totalizator (Off-course  
25 Betting) Act 1964 or any other Act.



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- (3) There shall be paid out of the Fund—
- (a) all expenses (including payments to the members and staff of the Board) incurred by the Board in the exercise of its functions under this Act; and
  - 5 (b) money granted or advanced on loan pursuant to section 12.

**Contributions to Fund by greyhound racing clubs**

18. (1) In this section—
- “financial year” means a financial year of the Board as referred to in section 16;
  - 10 “income from greyhound racing”, in relation to a greyhound racing club in any financial year, means the amount which remains after deducting from the aggregate of—
    - 15 (a) the gross income derived by the club from all meetings for greyhound racing conducted by it on any racecourse during that year;
    - (b) all money received by the club from the Totalizator Agency Board during that year; and
    - (c) such other money as may be prescribed,
  - 20 any amounts paid during that year by the club by way of taxation on fees from bookmakers, any amounts paid during that year pursuant to the Totalizator Act 1916 to be credited to the Consolidated Fund and any amounts paid in prescribed circumstances.
- 25 (2) Each greyhound racing club shall, within 1 month after the end of each financial year, pay to the Fund a contribution calculated at the rate of 3 per cent, or at such lower rate as may be prescribed, of its income from greyhound racing during that financial year.
- (3) The payment of a contribution under subsection (2) shall be accompanied by a statement of accounts in a form approved by the Board.
- 30 (4) The Board may waive wholly or in part the payment of contributions to the Fund by greyhound racing clubs in respect of any financial year.
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## PART V

## MISCELLANEOUS

**Delegation**

19. (1) The Board may delegate to—

- 5 (a) a member of the Board or of the staff of the Board; or  
(b) a committee comprised of members of the Board or of the staff of the Board, or both,

the exercise of any of the functions of the Board, other than—

- (c) this power of delegation;  
10 (d) the power to decide appeals under this Act;  
(e) the power to make rules; and  
(f) a function referred to in section 9 (2).

(2) A delegation under this section—

- (a) shall be in writing;  
15 (b) may be general or limited; and  
(c) may be revoked, wholly or partly, by the Board.

(3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

20 (4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Board.

(5) A delegation under this section does not prevent the exercise of a function by the Board.

25 (6) A function purporting to have been exercised by a delegate of the Board shall, until the contrary is proved, be deemed to have been duly exercised by a delegate of the Board.

(7) Subsection (1) (f) does not limit the operation of section 10 (2) (j).

**Annual report**

30 20. (1) The Board shall, as soon as practicable, but within 3 months, after the end of each financial year of the Board, prepare and forward to the Minister a report of its work and activities for that financial year, including a duly audited statement of its income and expenditure.

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(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 the Minister of the report.

**Authentication of certain documents**

- 5   21. Every summons, process, demand, order, notice, statement, direction or other document requiring authentication by the Board may be sufficiently authenticated without the seal of the Board if signed by the Chairman or by a member of the staff of the Board authorised to do so by the Chairman.

**Recovery of charges, etc., by Board**

- 10   22. Any charge, fee, fine (as referred to in section 9 (2) (f)) or money due to the Board may be recovered by the Board as a debt in a court of competent jurisdiction.

**Proof of certain matters not required**

- 15   23. In any legal proceedings, proof is not required (until evidence is given to the contrary) of—

- (a) the constitution of the Board;
- (b) any resolution of the Board;
- (c) the appointment of, or the holding of office by, any member; or
- (d) the presence of a quorum at any meeting of the Board.

20 **Proceedings for offences**

24. Proceedings for an offence against this Act or the regulations shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

**Regulations**

- 25   25. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to—

- (a) 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; and

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(b) any matter for or with respect to which rules may be made.

(2) If there is any inconsistency between the regulations and the rules, the regulations shall prevail.

(3) A regulation may create an offence punishable by a penalty not exceeding \$500.

(4) A provision of a regulation may—

(a) apply generally or be limited in its application by reference to specified exceptions or factors;

10 (b) apply differently according to different factors of a specified kind;  
or

(c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

15 (5) A reference in section 9 (2) to the rules includes a reference to regulations in so far as the regulations make provision for or with respect to any of the matters mentioned in section 9 (2).

**Savings, transitional and other provisions**

26. Schedule 3 has effect.

**Repeal**

20 27. Part IVA of the Gaming and Betting Act 1912 is repealed.

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## SCHEDULE 1

(Sec. 6 (4))

## PROVISIONS RELATING TO THE MEMBERS OF THE BOARD

**Age of members**

- 5 1. A person of or above the age of 70 years is not eligible to be appointed as a member or to act in the office of a member.

**Acting members and acting Chairman**

- 10 2. (1) The Governor may, from time to time, appoint a person to act in the office of a member during the illness or absence of the member, and the person, while so acting, shall have and may exercise all the functions of the member and shall be deemed to be a member.

- 15 (2) The Governor may, under subclause (1), appoint 2 or more persons to act in the offices of all or any of the members and, if an occasion arises for a person to act in any such office, such one of those 2 or more persons as the Minister determines may act in the office on that occasion.

(3) The Governor may, from time to time, appoint a member to act in the office of Chairman during the illness or absence of the Chairman, and the member, while so acting, shall have and may exercise all the functions of the Chairman and shall be deemed to be the Chairman.

- 20 (4) The Governor may remove any person from any office to which the person was appointed under subclause (1) or (3).

(5) A person while acting in the office of a 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 the person.

- 25 (6) For the purposes of this clause, a vacancy in the office of a member or the Chairman shall be deemed to be an absence from office of the member or Chairman, as the case may be.

**Terms of office**

- 30 3. Subject to this Schedule, a member shall hold office for such period, not exceeding 3 years, as may be specified in the instrument of appointment of the member, but is eligible (if otherwise qualified) for re-appointment.

**Remuneration**

- 35 4. A 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 the member.

**Filling of vacancy in office of member**

5. If the office of any member becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

*Greyhound Racing Control Board 1985*SCHEDULE 1—*continued*PROVISIONS RELATING TO THE MEMBERS OF THE BOARD—*continued***Casual vacancies**

6. (1) A member shall be deemed to have vacated office if the member—
- (a) dies;
  - 5 (b) absents himself or herself from 3 consecutive meetings of the Board of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Board or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Board for being absent from those meetings;
  - 10 (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
  - (d) 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;
  - 15 (e) is convicted in New South Wales of an offence which is punishable by imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;
  - (f) attains the age of 70 years;
  - 20 (g) resigns the office by instrument in writing addressed to the Minister; or
  - (h) is removed from office by the Governor under subclause (2) or (3).

(2) The Governor may remove a member from office.

(3) Without affecting the generality of subclause (2), the Governor may remove from office a member who contravenes the provisions of clause 7.

**25 Disclosure of pecuniary interests**

7. (1) A member who has a direct or indirect pecuniary interest—
- (a) in a matter that is being considered, or is about to be considered, at a meeting of the Board; or
  - (b) in a thing being done or about to be done by the Board,
- 30 shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board.
- (2) A disclosure by a member at a meeting of the Board that the member—
- (a) is a member, or is in the employment, of a specified company or other body;
  - (b) is a partner, or is in the employment, of a specified person; or
  - 35 (c) has some other specified interest relating to a specified company or other body or a specified person,

shall be deemed to be a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or to that person which may arise after the date of the disclosure.

*Greyhound Racing Control Board 1985*SCHEDULE 1—*continued*PROVISIONS RELATING TO THE MEMBERS OF THE BOARD—*continued*

(3) The Board shall cause particulars of any disclosure made under subclause (1) or (2) to be recorded in a book kept for the purpose and that book shall be open at all reasonable hours to the inspection of any person on payment of such fee as may be determined by the Board from time to time.

5 (4) After a member has, or is deemed to have, disclosed the nature of an interest in any matter or thing pursuant to subclause (1) or (2), the member shall not, unless the Minister otherwise determines—

(a) be present during any deliberation of the Board, or take part in any decision of the Board, with respect to that matter; or

10 (b) exercise any functions under this Act with respect to that thing,

as the case requires.

(5) Notwithstanding that a member contravenes the provisions of this clause, that contravention does not invalidate any decision of the Board or the exercise of any function under this Act.

15 (6) Nothing in this clause applies to or in respect of an interest of a member in a matter or thing which arises by reason only that the member is—

(a) concerned in the management of a greyhound racing club or a greyhound trial track; or

(b) the owner or trainer of greyhounds.

20 (7) A reference in this clause to a meeting of the Board includes a reference to a meeting of a committee of the Board.

**Effect of certain other Acts**

8. (1) The Public Service Act 1979 does not apply to or in respect of the appointment of a member and a member is not, as a member, subject to that Act.

25 (2) Where by or under any other Act provision is made requiring a person who is the holder of an office specified therein to devote the whole of his or her time to the duties of that office, or prohibiting the person from engaging in employment outside the duties of that office, that provision shall not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration  
30 payable to the person under this Act as a member.

(3) 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.

**Liability of members, etc.**

35 9. No matter or thing done by the Board, any member, the secretary of the Board, a steward appointed by the Board or any person acting under the direction of the Board



*Greyhound Racing Control Board 1985*

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SCHEDULE 1—*continued*

PROVISIONS RELATING TO THE MEMBERS OF THE BOARD—*continued*

shall, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject a member, the secretary, any such steward or a person so acting personally to any action, liability, claim or demand.

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SCHEDULE 2

5 (Sec. 7)

PROVISIONS RELATING TO THE PROCEDURE OF THE BOARD

**General procedure**

1. The procedure for the calling of meetings of the Board and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Board.

10 **Quorum**

2. The quorum for a meeting of the Board is 4 members.

**Presiding member**

3. (1) The Chairman or, in the absence of the Chairman, another member elected as chairman for the meeting by the members present shall preside at a meeting of the  
15 Board.

(2) The person presiding at any meeting of the Board has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**Voting**

4. A decision supported by a majority of the votes cast at a meeting of the Board at  
20 which a quorum is present shall be the decision of the Board.

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SCHEDULE 3

(Sec. 26)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

**Interpretation**

25 1. In this Schedule—

“affiliate” means—

(a) the New South Wales National Coursing Association Registrations Pty Ltd; or

*Greyhound Racing Control Board 1985*

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SCHEDULE 3—*continued*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

(b) any company in which the N.C.A. has a controlling interest by virtue of its shareholding in the capital of the company;

“N.C.A.” means the New South Wales National Coursing Association Limited.

**Transfer to Board of registration staff of N.C.A.**

5    2. (1) In this clause—

“member of the registration staff of the N.C.A.” means a member of the staff of the N.C.A. or of an affiliate—

(a) who is not a part-time or casual member of that staff;

10   (b) who has been a member of the staff of the N.C.A. or of an affiliate for at least 3 months and was a member of that staff on the date of assent to this Act; and

(c) whose duties on that date were solely or principally related to the registration of greyhounds.

15   (2) A member of the registration staff of the N.C.A. is entitled, on application made to the Board before the expiration of 1 month after the commencement of this Act, to be appointed as a member of the staff of the Board at a salary which is not lower than the salary payable on that date to that member by the N.C.A. or an affiliate under the relevant industrial award or agreement.

**Delivery to Board of registration records of N.C.A.**

20    3. (1) In this clause—

“registration records” means records kept by the N.C.A. or an affiliate in connection with the registration of greyhounds, and includes any records kept for the purposes of the administration of the Rules of Registration of the N.C.A.

25   (2) The Board may, by notice in writing served on the N.C.A. or an affiliate, require the N.C.A. or affiliate to deliver to the Board, within such time and at such place as are specified in the notice, all or any specified registration records which are in the possession or under the custody or control of the N.C.A. or affiliate.

(3) The Board may, with respect to any registration record delivered to it pursuant to the requirements of a notice under subclause (2)—

30    (a) take a copy of the record and return the record as soon as practicable to the N.C.A. or affiliate, as the case may require; or

(b) retain the record in the office of the Board.

35   (4) If the N.C.A. or affiliate fails, without reasonable cause, to comply with the requirements of a notice served on the N.C.A. or affiliate under subclause (2), the Board may refuse to register, or cancel the registration of, the N.C.A. pursuant to this Act.

*Greyhound Racing Control Board 1985*

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SCHEDULE 3—*continued*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

**Continuation of Board**

4. The Greyhound Racing Control Board constituted by this Act is a continuation of, and the same legal entity as, the Greyhound Racing Control Board constituted by Part IVA of the Gaming and Betting Act 1912.

**5 Continuation of appointment of existing members of Board**

5. The persons who were, immediately before the commencement of this Act, members of the Greyhound Racing Control Board shall, on that commencement, be deemed to have been appointed as members of the Board under this Act for the balance of their term of office under the Gaming and Betting Act 1912.

**10 Continuation of rules and regulations**

6. Any rules or regulations made under Part IVA of the Gaming and Betting Act 1912 and in force immediately before the commencement of this Act shall, on that commencement, be deemed to have been made under this Act.

**Construction of certain references**

15 7. On and from the commencement of this Act, a reference in any other Act, in any instrument made under any Act or in any other instrument of any kind—

(a) to Part IVA of the Gaming and Betting Act 1912 shall be read as a reference to this Act; or

20 (b) to a greyhound registered by the N.C.A. shall be read as a reference to a greyhound registered by the Board.

**Regulations**

8. (1) The regulations may make provision of a savings or transitional nature consequent on the enactment of this Act.

25 (2) A provision of a regulation made under subclause (1) may take effect as from the commencement of this Act or as from a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

30 (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

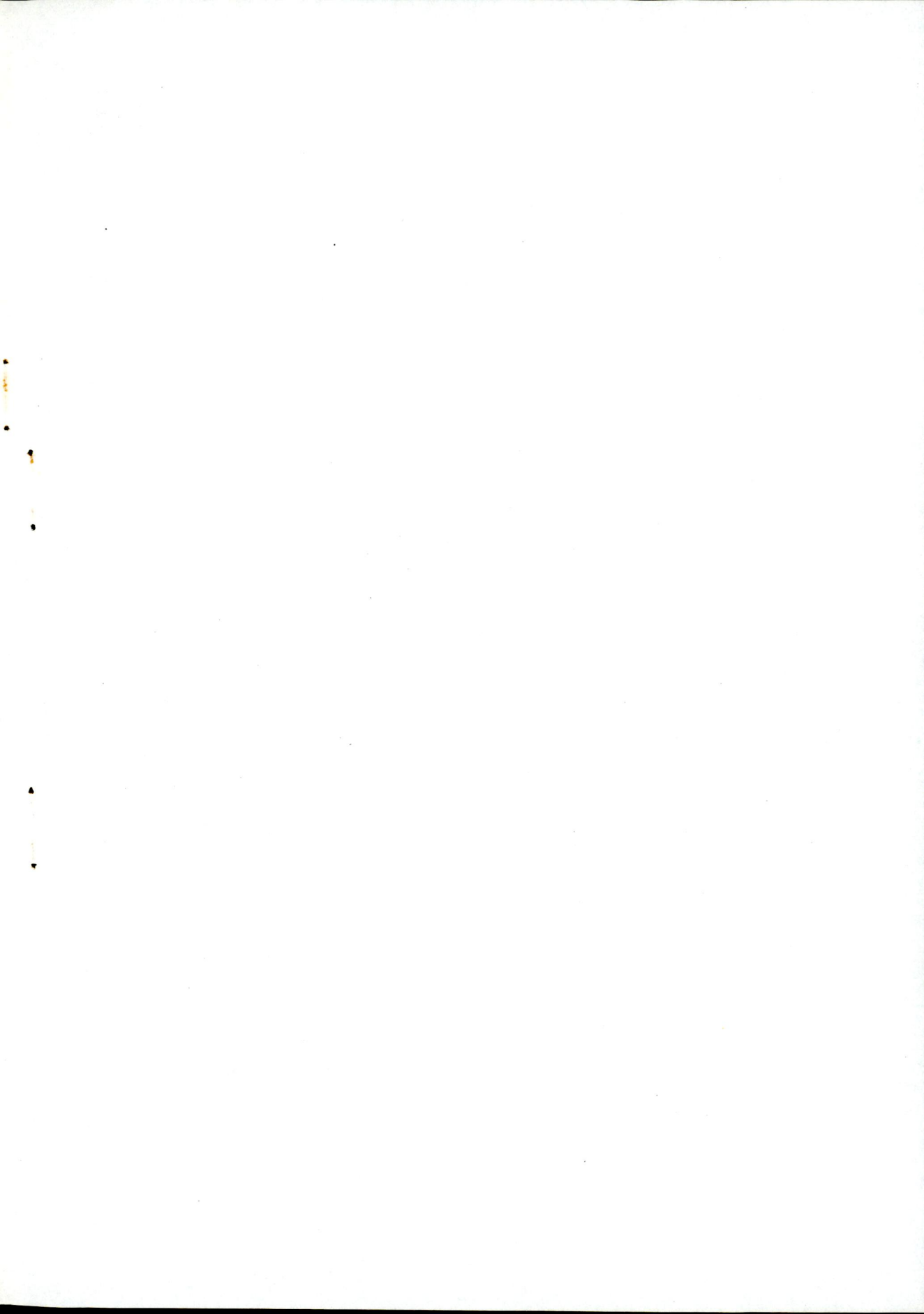
(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

35 (4) A provision of a regulation made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding any other clause of this Schedule, except this clause.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985







**GREYHOUND RACING CONTROL BOARD ACT 1985**  
**No. 119**

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NEW SOUTH WALES



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**GREYHOUND RACING CONTROL BOARD ACT 1985 No. 119**

*New South Wales*



ANNO TRICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

\* \* \* \* \*

**Act No. 119, 1985**

An Act to constitute the Greyhound Racing Control Board; to define its functions; to repeal Part IVA of the Gaming and Betting Act 1912; and for other purposes. [Assented to, 6th November, 1985.]

*Greyhound Racing Control Board 1985*

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**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 "Greyhound Racing Control Board Act 1985".

**Commencement**

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

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

**Interpretation**

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

"Board" means the Greyhound Racing Control Board constituted by this Act;

"Chairman" means Chairman of the Board;

"Fund" means the Greyhound Racing Control Board Fund established under section 17;

"greyhound racing" means racing between greyhounds in competitive pursuit of an artificial lure, and includes—

(a) a greyhound trial or training race; and

(b) racing in a test of the speed of a greyhound or of greyhounds competing separately;



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“greyhound racing club” means a non-proprietary association holding a special license referred to in section 51 (1A) of the Gaming and Betting Act 1912, and includes an association of greyhound racing clubs;

“greyhound trial track” means land (not being a racecourse specially licensed under the Gaming and Betting Act 1912 for meetings for greyhound racing) that is held out by any person having the management or control of the land, whether as owner, lessee, occupier or otherwise, as being available for the purpose of enabling greyhounds, other than those owned by, or leased to, that person, to compete in trials or be trained in racing;

“member” means a member of the Board;

“regulation” means a regulation made under this Act;

“rule” means a rule made under this Act.

(2) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) The Chairman may be referred to as the Chairperson or (if appropriate) as the Chairwoman.

**Gaming and Betting Act 1912 prevails**

4. The provisions of or made under the Gaming and Betting Act 1912 have effect notwithstanding anything to the contrary in this Act.

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PART II

CONSTITUTION OF THE BOARD

**Constitution of Board**

5. (1) There is constituted by this Act a corporation under the corporate name of the “Greyhound Racing Control Board”.

*Greyhound Racing Control Board 1985*

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**(2) The Board—**

- (a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act;
- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise of its functions, be subject to the control and direction of the Minister, except in relation to—
  - (i) its power to decide appeals under this Act; and
  - (ii) the contents of a report or recommendation made by it to the Minister.

**Members of Board**

6. (1) The Board shall consist of 7 members who shall be appointed by the Governor on the recommendation of the Minister.

(2) Before recommending the appointment of any members, the Minister shall consult such greyhound racing clubs, persons or bodies as the Minister thinks fit.

(3) Of the members, one shall, in and by the instrument by which the member is appointed, or by another instrument, be appointed as Chairman of the Board.

(4) Schedule 1 has effect with respect to the members.

**Procedure of Board**

7. Schedule 2 has effect with respect to the procedure of the Board.

**Secretary and other staff of Board**

8. (1) The Board may appoint such staff (including a secretary) as may be necessary to enable the Board to exercise its functions.

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

(3) The Public Service Act 1979 does not apply to or in respect of the appointment of members of the staff of the Board and a member of that staff is not, as such a member, subject to that Act.

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*Greyhound Racing Control Board 1985*

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## PART III

## FUNCTIONS OF THE BOARD

**Control and regulation of greyhound racing**

9. (1) The Board is responsible for the control and regulation of greyhound racing.

(2) The Board may, in accordance with the rules—

(a) register or refuse to register or cancel the registration of—

(i) any greyhound racing club;

(ii) any greyhound trial track;

(iii) any owner, trainer or bookmaker or other person associated with greyhound racing; or

(iv) any greyhound;

(b) disqualify, either permanently or temporarily, any owner, trainer or bookmaker or other person associated with greyhound racing;

(c) disqualify any greyhound, either permanently or temporarily;

(d) prohibit any person from participating in or associating with greyhound racing in any specified capacity;

(e) prohibit any greyhound from competing in any greyhound race or trial;

(f) impose fines, not exceeding \$500, on any greyhound racing club or on any owner, trainer or bookmaker or other person associated with greyhound racing for breaches of the rules;

(g) suspend, for such term as the Board thinks fit, any right or privilege conferred by this Act or the rules on any owner, trainer or bookmaker or other person associated with greyhound racing; and

(h) prohibit any person registered under the rules from taking part in any meeting for greyhound racing held by any greyhound racing club which is not registered under the rules.

(3) A reference in subsection (2) to a person associated with greyhound racing includes a reference to—

(a) a person who handles greyhounds at a greyhound race or trial;



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- (b) a bookmaker's clerk;
- (c) a greyhound breeder;
- (d) a person who manages or controls a greyhound trial track; and
- (e) a person who is an officer or employee of a greyhound racing club or is otherwise concerned in the management or control of any such club.

(4) A decision of the Board in respect of any of the matters referred to in subsection (2) shall be final and without appeal.

(5) Any fine imposed under subsection (2) (f) shall be paid to and be the property of the Board.

(6) Nothing in this Act confers on the Board power to conduct meetings for greyhound racing on its own behalf.

**Board may make rules**

10. (1) The Board may make rules, not inconsistent with this Act, for or with respect to the control and regulation of greyhound racing.

(2) Without prejudice to the generality of subsection (1), the Board may make rules for or with respect to—

- (a) any of the matters referred to in section 9 (2);
- (b) the effect of a disqualification of, or other penalty imposed on, a person or greyhound under section 9 (2);
- (c) the holding and conduct of meetings for greyhound racing and of races or trials at any such meeting;
- (d) the keeping of greyhounds which are in the care or custody of persons registered under the rules;
- (e) the breeding of greyhounds (including the registration or recording of sires, services and litters);
- (f) the naming and identification of greyhounds;
- (g) the adoption by the Board (with or without inquiry) of penalties imposed by clubs or authorities conducting or controlling greyhound racing, horse racing or harness racing, whether in or out of New South Wales;

*Greyhound Racing Control Board 1985*

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- (h) the appointment of an executive officer and a deputy executive officer from among the members of the Board and the functions of those officers;
  - (i) the appointment of stewards by the Board and the functions of those stewards (including functions that do not relate to meetings for greyhound racing);
  - (j) conferring on stewards appointed by the Board the same functions as are exercisable by the Board under section 9 (2);
  - (k) the charges payable by a greyhound racing club when stewards appointed by the Board act at a meeting for greyhound racing held by the club;
  - (l) the extent to which and the circumstances in which stewards appointed by the Board may exercise their functions to the exclusion of stewards of greyhound racing clubs;
  - (m) the fees payable for registration or the transaction of other business under the rules; and
  - (n) prohibiting—
    - (i) betting or wagering at any place where a greyhound trial or training race is held;
    - (ii) the award, in respect of any greyhound trial or training race, of any money; and
    - (iii) the making of a charge for the admission of persons (not being persons in charge of greyhounds) to a greyhound trial track.
- (3) A provision of a rule may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
  - (b) apply differently according to different factors of a specified kind;  
or
  - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,
- or may do any combination of those things.

*Greyhound Racing Control Board 1985*

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

(5) Where rules made by the Board providing for the registration of greyhound trial tracks are in force, any person who, whether as owner, lessee, occupier or otherwise, has the management or control of a greyhound trial track which is not registered in accordance with those rules shall be guilty of an offence and liable to a penalty not exceeding \$400.

**Appeals to the Board**

11. The regulations may make provision for or with respect to—

- (a) appeals to the Board against decisions of stewards appointed by the Board or stewards or committees of greyhound racing clubs in such classes of cases as may be specified in the regulations;
- (b) the procedure at or in connection with any such appeals;
- (c) the payment of fees and costs in respect of any such appeals; and
- (d) all matters incidental to or connected with any such appeals.

**Board may grant or lend money from Fund**

12. The Board may, upon such terms and conditions as it may determine, grant or advance on loan money from the Fund—

- (a) to increase stake money and prizes at meetings for greyhound racing;
- (b) to improve racecourses specially licensed under the Gaming and Betting Act 1912 for meetings for greyhound racing and to improve facilities at those racecourses;
- (c) to assist greyhound racing clubs;
- (d) for any purpose relating to the welfare of greyhounds which are in the care or custody of persons registered under the rules, to any person principally concerned in, or any body principally established to ensure, the welfare of animals, including greyhounds, or to any person or body engaged in carrying out research in relation to greyhounds; or
- (e) for any other purpose conducive to the advancement and development of greyhound racing.



*Greyhound Racing Control Board 1985*

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**Board may affiliate with other organisations**

13. The Board may affiliate with such organisations, whether in or out of New South Wales, as the Board deems appropriate.

**Reports and recommendations by Board**

14. The Board shall, when so directed by the Minister, or may, of its own motion, investigate and furnish to the Minister a report and recommendation with respect to any matter relevant to greyhound racing, including any matter with respect to which rules may be made.

**Production of club records to Board**

15. (1) In this section—

“records” includes—

- (a) any document, register and other record of information;
- (b) invoices, receipts, orders for the payment of money, bills of exchange, promissory notes, vouchers and other records of transactions; and
- (c) such working papers and other documents as are necessary to explain the methods and calculations by which accounts are made up,

however compiled, recorded or stored.

(2) The Board may at any time, by notice in writing, give a direction to—

- (a) a greyhound racing club; or
- (b) a person who is or has been an officer or employee of, or an agent, banker, solicitor, auditor or other person acting in any capacity for or on behalf of, a greyhound racing club (including a greyhound racing club that is in the course of being wound up or has been dissolved),

requiring the production, at such time and place as are specified in the direction, of such records relating to the affairs of the greyhound racing club as are so specified.

(3) Where any records relating to the affairs of a greyhound racing club are compiled, recorded or stored by means of a mechanical, electronic or other device, a direction under subsection (2) may require the production



*Greyhound Racing Control Board 1985*

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of a document containing a clear reproduction in writing of the whole or any part of those records.

(4) A person shall not, when required under subsection (2) to produce a record—

- (a) refuse or neglect to produce the record; or
- (b) produce a record that contains information that to the person's knowledge is false or misleading in a material particular unless the person discloses that fact when producing the record.

Penalty: \$500.

(5) A reference in this section to the affairs of a greyhound racing club is a reference to the affairs of the greyhound racing club that relate, directly or indirectly, to greyhound racing.

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PART IV

FINANCE

**Financial year of Board**

16. The financial year of the Board shall be—

- (a) where no period is prescribed as referred to in paragraph (b)—the year commencing on 1 July; or
- (b) the period prescribed for the purposes of this section.

**Greyhound Racing Control Board Fund**

17. (1) The Board shall establish a fund to be called the "Greyhound Racing Control Board Fund".

(2) There shall be paid into the Fund money received by the Board under this Act or under the Totalizator Act 1916, the Totalizator (Off-course Betting) Act 1964 or any other Act.

*Greyhound Racing Control Board 1985*

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**(3) There shall be paid out of the Fund—**

- (a) all expenses (including payments to the members and staff of the Board) incurred by the Board in the exercise of its functions under this Act; and
- (b) money granted or advanced on loan pursuant to section 12.

**Contributions to Fund by greyhound racing clubs**

**18. (1) In this section—**

“financial year” means a financial year of the Board as referred to in section 16;

“income from greyhound racing”, in relation to a greyhound racing club in any financial year, means the amount which remains after deducting from the aggregate of—

- (a) the gross income derived by the club from all meetings for greyhound racing conducted by it on any racecourse during that year;
- (b) all money received by the club from the Totalizator Agency Board during that year; and
- (c) such other money as may be prescribed,

any amounts paid during that year by the club by way of taxation on fees from bookmakers, any amounts paid during that year pursuant to the Totalizator Act 1916 to be credited to the Consolidated Fund and any amounts paid in prescribed circumstances.

(2) Each greyhound racing club shall, within 1 month after the end of each financial year, pay to the Fund a contribution calculated at the rate of 3 per cent, or at such lower rate as may be prescribed, of its income from greyhound racing during that financial year.

(3) The payment of a contribution under subsection (2) shall be accompanied by a statement of accounts in a form approved by the Board.

(4) The Board may waive wholly or in part the payment of contributions to the Fund by greyhound racing clubs in respect of any financial year.

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## PART V

## MISCELLANEOUS

**Delegation**

- 19. (1)** The Board may delegate to—
- (a) a member of the Board or of the staff of the Board; or
  - (b) a committee comprised of members of the Board or of the staff of the Board, or both,
- the exercise of any of the functions of the Board, other than—
- (c) this power of delegation;
  - (d) the power to decide appeals under this Act;
  - (e) the power to make rules; and
  - (f) a function referred to in section 9 (2).
- (2)** A delegation under this section—
- (a) shall be in writing;
  - (b) may be general or limited; and
  - (c) may be revoked, wholly or partly, by the Board.
- (3)** A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.
- (4)** A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Board.
- (5)** A delegation under this section does not prevent the exercise of a function by the Board.
- (6)** A function purporting to have been exercised by a delegate of the Board shall, until the contrary is proved, be deemed to have been duly exercised by a delegate of the Board.
- (7)** Subsection (1) (f) does not limit the operation of section 10 (2) (j).

**Annual report**

- 20. (1)** The Board shall, as soon as practicable, but within 3 months, after the end of each financial year of the Board, prepare and forward to the Minister a report of its work and activities for that financial year, including a duly audited statement of its income and expenditure.



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(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 the Minister of the report.

**Authentication of certain documents**

21. Every summons, process, demand, order, notice, statement, direction or other document requiring authentication by the Board may be sufficiently authenticated without the seal of the Board if signed by the Chairman or by a member of the staff of the Board authorised to do so by the Chairman.

**Recovery of charges, etc., by Board**

22. Any charge, fee, fine (as referred to in section 9 (2) (f)) or money due to the Board may be recovered by the Board as a debt in a court of competent jurisdiction.

**Proof of certain matters not required**

23. In any legal proceedings, proof is not required (until evidence is given to the contrary) of—

- (a) the constitution of the Board;
- (b) any resolution of the Board;
- (c) the appointment of, or the holding of office by, any member; or
- (d) the presence of a quorum at any meeting of the Board.

**Proceedings for offences**

24. Proceedings for an offence against this Act or the regulations shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

**Regulations**

25. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to—

- (a) 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; and



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(b) any matter for or with respect to which rules may be made.

(2) If there is any inconsistency between the regulations and the rules, the regulations shall prevail.

(3) A regulation may create an offence punishable by a penalty not exceeding \$500.

(4) A provision of a regulation may—

(a) apply generally or be limited in its application by reference to specified exceptions or factors;

(b) apply differently according to different factors of a specified kind;  
or

(c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

(5) A reference in section 9 (2) to the rules includes a reference to regulations in so far as the regulations make provision for or with respect to any of the matters mentioned in section 9 (2).

**Savings, transitional and other provisions**

26. Schedule 3 has effect.

**Repeal**

27. Part IVA of the Gaming and Betting Act 1912 is repealed.

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## SCHEDULE 1

(Sec. 6 (4))

## PROVISIONS RELATING TO THE MEMBERS OF THE BOARD

**Age of members**

1. A person of or above the age of 70 years is not eligible to be appointed as a member or to act in the office of a member.

**Acting members and acting Chairman**

2. (1) The Governor may, from time to time, appoint a person to act in the office of a member during the illness or absence of the member, and the person, while so acting, shall have and may exercise all the functions of the member and shall be deemed to be a member.

(2) The Governor may, under subclause (1), appoint 2 or more persons to act in the offices of all or any of the members and, if an occasion arises for a person to act in any such office, such one of those 2 or more persons as the Minister determines may act in the office on that occasion.

(3) The Governor may, from time to time, appoint a member to act in the office of Chairman during the illness or absence of the Chairman, and the member, while so acting, shall have and may exercise all the functions of the Chairman and shall be deemed to be the Chairman.

(4) The Governor may remove any person from any office to which the person was appointed under subclause (1) or (3).

(5) A person while acting in the office of a 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 the person.

(6) For the purposes of this clause, a vacancy in the office of a member or the Chairman shall be deemed to be an absence from office of the member or Chairman, as the case may be.

**Terms of office**

3. Subject to this Schedule, a member shall hold office for such period, not exceeding 3 years, as may be specified in the instrument of appointment of the member, but is eligible (if otherwise qualified) for re-appointment.

**Remuneration**

4. A 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 the member.

**Filling of vacancy in office of member**

5. If the office of any member becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

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SCHEDULE 1—*continued*

PROVISIONS RELATING TO THE MEMBERS OF THE BOARD—*continued*

**Casual vacancies**

6. (1) A member shall be deemed to have vacated office if the member—
- (a) dies;
  - (b) absents himself or herself from 3 consecutive meetings of the Board of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Board or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Board for being absent from those meetings;
  - (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
  - (d) 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;
  - (e) is convicted in New South Wales of an offence which is punishable by imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;
  - (f) attains the age of 70 years;
  - (g) resigns the office by instrument in writing addressed to the Minister; or
  - (h) is removed from office by the Governor under subclause (2) or (3).

(2) The Governor may remove a member from office.

(3) Without affecting the generality of subclause (2), the Governor may remove from office a member who contravenes the provisions of clause 7.

**Disclosure of pecuniary interests**

7. (1) A member who has a direct or indirect pecuniary interest—
- (a) in a matter that is being considered, or is about to be considered, at a meeting of the Board; or
  - (b) in a thing being done or about to be done by the Board,

shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board.

- (2) A disclosure by a member at a meeting of the Board that the member—
- (a) is a member, or is in the employment, of a specified company or other body;
  - (b) is a partner, or is in the employment, of a specified person; or
  - (c) has some other specified interest relating to a specified company or other body or a specified person,

shall be deemed to be a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or to that person which may arise after the date of the disclosure.



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SCHEDULE 1—*continued*PROVISIONS RELATING TO THE MEMBERS OF THE BOARD—*continued*

(3) The Board shall cause particulars of any disclosure made under subclause (1) or (2) to be recorded in a book kept for the purpose and that book shall be open at all reasonable hours to the inspection of any person on payment of such fee as may be determined by the Board from time to time.

(4) After a member has, or is deemed to have, disclosed the nature of an interest in any matter or thing pursuant to subclause (1) or (2), the member shall not, unless the Minister otherwise determines—

(a) be present during any deliberation of the Board, or take part in any decision of the Board, with respect to that matter; or

(b) exercise any functions under this Act with respect to that thing,

as the case requires.

(5) Notwithstanding that a member contravenes the provisions of this clause, that contravention does not invalidate any decision of the Board or the exercise of any function under this Act.

(6) Nothing in this clause applies to or in respect of an interest of a member in a matter or thing which arises by reason only that the member is—

(a) concerned in the management of a greyhound racing club or a greyhound trial track; or

(b) the owner or trainer of greyhounds.

(7) A reference in this clause to a meeting of the Board includes a reference to a meeting of a committee of the Board.

**Effect of certain other Acts**

8. (1) The Public Service Act 1979 does not apply to or in respect of the appointment of a member and a member is not, as a member, subject to that Act.

(2) Where by or under any other Act provision is made requiring a person who is the holder of an office specified therein to devote the whole of his or her time to the duties of that office, or prohibiting the person from engaging in employment outside the duties of that office, that provision shall not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

(3) 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.

**Liability of members, etc.**

9. No matter or thing done by the Board, any member, the secretary of the Board, a steward appointed by the Board or any person acting under the direction of the Board



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SCHEDULE 1—*continued*PROVISIONS RELATING TO THE MEMBERS OF THE BOARD—*continued*

shall, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject a member, the secretary, any such steward or a person so acting personally to any action, liability, claim or demand.

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SCHEDULE 2

(Sec. 7)

## PROVISIONS RELATING TO THE PROCEDURE OF THE BOARD

**General procedure**

1. The procedure for the calling of meetings of the Board and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Board.

**Quorum**

2. The quorum for a meeting of the Board is 4 members.

**Presiding member**

3. (1) The Chairman or, in the absence of the Chairman, another member elected as chairman for the meeting by the members present shall preside at a meeting of the Board.

(2) The person presiding at any meeting of the Board has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**Voting**

4. A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present shall be the decision of the Board.

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SCHEDULE 3

(Sec. 26)

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

**Interpretation**

1. In this Schedule—

“affiliate” means—

(a) the New South Wales National Coursing Association Registrations Pty Ltd; or

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SCHEDULE 3—*continued*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

- (b) any company in which the N.C.A. has a controlling interest by virtue of its shareholding in the capital of the company;

“N.C.A.” means the New South Wales National Coursing Association Limited.

**Transfer to Board of registration staff of N.C.A.**

2. (1) In this clause—

“member of the registration staff of the N.C.A.” means a member of the staff of the N.C.A. or of an affiliate—

- (a) who is not a part-time or casual member of that staff;
- (b) who has been a member of the staff of the N.C.A. or of an affiliate for at least 3 months and was a member of that staff on the date of assent to this Act; and
- (c) whose duties on that date were solely or principally related to the registration of greyhounds.

(2) A member of the registration staff of the N.C.A. is entitled, on application made to the Board before the expiration of 1 month after the commencement of this Act, to be appointed as a member of the staff of the Board at a salary which is not lower than the salary payable on that date to that member by the N.C.A. or an affiliate under the relevant industrial award or agreement.

**Delivery to Board of registration records of N.C.A.**

3. (1) In this clause—

“registration records” means records kept by the N.C.A. or an affiliate in connection with the registration of greyhounds, and includes any records kept for the purposes of the administration of the Rules of Registration of the N.C.A.

(2) The Board may, by notice in writing served on the N.C.A. or an affiliate, require the N.C.A. or affiliate to deliver to the Board, within such time and at such place as are specified in the notice, all or any specified registration records which are in the possession or under the custody or control of the N.C.A. or affiliate.

(3) The Board may, with respect to any registration record delivered to it pursuant to the requirements of a notice under subclause (2)—

- (a) take a copy of the record and return the record as soon as practicable to the N.C.A. or affiliate, as the case may require; or
- (b) retain the record in the office of the Board.

(4) If the N.C.A. or affiliate fails, without reasonable cause, to comply with the requirements of a notice served on the N.C.A. or affiliate under subclause (2), the Board may refuse to register, or cancel the registration of, the N.C.A. pursuant to this Act.

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SCHEDULE 3—*continued*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued***Continuation of Board**

4. The Greyhound Racing Control Board constituted by this Act is a continuation of, and the same legal entity as, the Greyhound Racing Control Board constituted by Part IVA of the Gaming and Betting Act 1912.

**Continuation of appointment of existing members of Board**

5. The persons who were, immediately before the commencement of this Act, members of the Greyhound Racing Control Board shall, on that commencement, be deemed to have been appointed as members of the Board under this Act for the balance of their term of office under the Gaming and Betting Act 1912.

**Continuation of rules and regulations**

6. Any rules or regulations made under Part IVA of the Gaming and Betting Act 1912 and in force immediately before the commencement of this Act shall, on that commencement, be deemed to have been made under this Act.

**Construction of certain references**

7. On and from the commencement of this Act, a reference in any other Act, in any instrument made under any Act or in any other instrument of any kind—

- (a) to Part IVA of the Gaming and Betting Act 1912 shall be read as a reference to this Act; or
- (b) to a greyhound registered by the N.C.A. shall be read as a reference to a greyhound registered by the Board.

**Regulations**

8. (1) The regulations may make provision of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision of a regulation made under subclause (1) may take effect as from the commencement of this Act or as from a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

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(4) A provision of a regulation made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding any other clause of this Schedule, except this clause.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985



