

RACING (AMENDMENT) ACT.

Act No. 39, 1948.

George VI.
No. 39, 1948.

An Act to provide for betting at night trotting meetings; to constitute a Greyhound Racing Control Board and to define its powers and functions; to make certain provisions as to appeals from decisions of certain racing clubs and stewards to the Committee of the Australian Jockey Club; for these and other purposes to amend the Gaming and Betting Act, 1912-1942, the Australian Jockey Club Act 1873; the Economic Stability and War-time Provisions Continuance Act, 1946-1947, and certain other Acts; and for purposes connected therewith. [Assented to, 16th December, 1948.]

BE it enacted by the King'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
and
citation.

1. (1) This Act may be cited as the "Racing (Amendment) Act, 1948."

(2) The Gaming and Betting Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Gaming and Betting Act, 1912-1948.

(3) The Australian Jockey Club Act 1873, as amended by subsequent Acts and by this Act, may be cited as the Australian Jockey Club Act, 1873-1948.

Amendment
of Act No.
25, 1912.

2. The Gaming and Betting Act, 1912-1942, is amended—

Sec. 7.
(Wagering
or betting
prohibited.)

(a) by omitting from section seven the words "Provided that in the case of a race-course specially licensed for greyhound-racing upon which a meeting for greyhound-racing is being held, the prohibition of betting or wagering at any time after sunset shall not extend to betting or wagering after sunset upon such greyhound-racing during the hours specified for the purpose

purpose in the special license issued for the race-course” and by inserting in lieu thereof the words “Provided that, in the case of a race-course specially licensed for greyhound-racing or of a race-course licensed for trotting races or contests, the prohibition of betting or wagering at any time after sunset shall not extend to betting or wagering after sunset upon greyhound-races or trotting races or contests, as the case may be, on any such race-course during the hours specified for the purpose in the special license or license issued for such race-course.”

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- (b) (i) by omitting from paragraph (b) of subsection three of section fifty-one the words “The Governor if satisfied that in any year one or more days available for meetings for horse-racing on any of such race-courses will not be used for that purpose, may by proclamation allow the Newcastle Jockey Club Limited to hold a meeting or meetings for horse-racing on such day or days on its race-course at Hamilton, but not more than ten of such additional meetings in all shall be so allowed in any one year” and by inserting in lieu thereof the words “Provided further the number of days on which meetings may be held on the race-course of the Newcastle Jockey Club Limited at Hamilton shall be thirty, of which meetings two shall be conducted by the Newcastle Tattersall’s Club in aid of charitable or patriotic purposes”;
- (ii) by inserting after paragraph (a) of subsection five of section fifty-one the following proviso:—

Sec. 51.
(Race-course to be licensed.)

Provided that, where only one such race-course is so specially licensed during any such year the maximum number of days during that year upon which meetings for trotting contests may be held on such race-course shall be forty.

(iii)

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(iii) by omitting from paragraph (b) of the same subsection the word "six" and by inserting in lieu thereof the word "twelve";

Sec. 52.
(Issue of
licenses.)

(c) (i) by omitting from subsection four of section fifty-two the word "twenty-five" and by inserting in lieu thereof the word "forty";

(ii) by omitting from the same subsection the word "fifteen" and by inserting in lieu thereof the word "twenty";

(iii) by omitting from the same subsection the word "five" and by inserting in lieu thereof the word "ten";

Sec. 53.
(Days of
race-
meetings.)

(d) by omitting from section fifty-three the words "Mondays, Tuesdays, Thursdays or Fridays except on Good Friday, Christmas Day, or other public holidays" and by inserting in lieu thereof the words "any day of the week not being Sunday, Good Friday or Christmas Day";

New sec.
53D.

(e) by inserting next after section 53c the following new section:—

53D. (1) For the purposes of this section licenses issued under this Part of this Act shall be deemed to be of the following classes:—

(a) licenses for meetings for horse-racing;

(b) licenses for meetings for trotting races or contests;

(c) licenses for meetings for greyhound-racing.

(2) A non-proprietary association shall not in any year be entitled to be the holder of more than one class of license referred to in subsection one of this section:

Provided that in respect of race-courses situated beyond sixty-five miles of the General Post Office, Sydney, or forty miles of the principal post office, Newcastle, the Governor may by proclamation published in the Gazette permit a non-proprietary association to hold licenses of the classes referred to in paragraphs (a) and (b) of that subsection. The Governor may in like manner revoke any such proclamation.

Limitation
as to
number
of licenses
non-pro-
prietary
association
may hold.

(3) This section shall commence upon No. 39, 1948.
the first day of January, one thousand nine
hundred and fifty.

(f) by inserting next after section fifty-six the New Part
following new Part:— IVA.

PART IVA.

GREYHOUND RACING CONTROL BOARD.

56A. This Part of this Act shall commence Date of
upon a day to be appointed by the Governor commence-
and notified by proclamation published in the ment.
Gazette.

56B. In this Part of this Act unless Definitions.
inconsistent with the context or subject matter—

“Board” means the Greyhound Racing
Control Board constituted under this
Part of this Act.

“Greyhound-racing club” means a non-
proprietary association holding a
special license referred to in sub-
section (1A) of section fifty-one of this
Act.

“Rules” means rules made by the Board
pursuant to this Part of this Act.

56c. (1) There shall be a Greyhound Racing Greyhound
Control Board which shall have and may Racing
exercise and discharge the powers, authorities, Control
duties and functions conferred and imposed on Board.
the Board by or under this Act.

(2) The Board shall consist of seven
members who shall be appointed by the
Governor.

(3) Of the members so appointed—

(a) one shall, in and by the instrument of
appointment, be Chairman of the
Board;

(b) two shall be appointed on the
nomination of the New South Wales
Breeders, Owners, and Trainers
Association Limited;

(c)

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(c) two shall be appointed on the nomination of the Minister from persons nominated by greyhound-racing clubs;

(d) two shall be appointed on the nomination of the Minister of whom one shall be an officer of the Chief Secretary's Department.

(4) The members of the Board shall, subject to this Part of this Act, hold office for a term of three years and shall be eligible for re-appointment.

(5) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to any appointment of members of the Board, and such members shall not in their capacity as members of the Board, be subject to the provisions of any such Act.

(6) The office of any member of the Board shall become vacant if he—

(a) dies;

(b) becomes bankrupt, compounds with his creditors or makes an assignment of his fees, salary or estate for their benefit;

(c) is absent from three consecutive meetings of the Board, except upon leave granted by the Minister;

(d) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1947;

(e) resigns his office by writing under his hand addressed to the Governor;

(f) ceases to reside in the State;

(g) is removed from office by the Governor;

(h) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or is convicted elsewhere than in New South Wales of

an

an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid. No. 39, 1948.

(7) On the occurrence of a vacancy in the office of a member, a person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

56D. (1) The Chairman shall preside at all meetings of the Board at which he is present and in his absence such member of the Board as is chosen by the members present to be Chairman of the meeting shall preside. Meetings of Board.

(2) Four members of the Board shall form a quorum and any meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

At any meeting of the Board the Chairman shall have an original and where the votes are equal a casting vote.

(3) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced, there was a vacancy in the offices of members.

(4) No matter or thing done or suffered by the Board or by any member or the secretary of the Board, bona fide in the execution, or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties, shall subject the Board or any member, or the secretary or any other person to any liability in respect thereof.

56E. (1) The Board may appoint a fit and proper person to be secretary of the Board and such other officers as may be required. Appoint-ment of secretary.

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

56F.

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Fees of
members.

56F. Each member of the Board shall be entitled to receive such fees or salaries and travelling expenses as are prescribed by the regulations.

Functions
of the
Board.

56G. (1) The Board—

- (a) shall control and regulate greyhound-racing;
- (b) shall, when so directed by the Minister, investigate and furnish to the Minister a report and recommendation with respect to any matter relevant to greyhound-racing which may be referred to the Board by the Minister;
- (c) may, in accordance with the rules—
 - (i) register or refuse to register or cancel the registration of any greyhound-racing club, or any local or district association of greyhound-racing clubs, or any owner, trainer, bookmaker or bookmaker's clerk, or other person associated with greyhound-racing;
 - (ii) impose the fees prescribed by such rules for any such registration;
 - (iii) disqualify either permanently or temporarily any greyhound, or owner, trainer, bookmaker or bookmaker's clerk, or other person associated with greyhound-racing from participating in or associating with greyhound-racing;
 - (iv) exclude from participation in greyhound-racing any greyhound which is not registered under the rules of the New South Wales National Coursing Association Limited;
 - (v)

(v) 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. No. 39, 1943.

(2) Any decision of the Board in respect of any of the matters referred to in paragraph (c) of subsection one of this section shall be final and without appeal.

56H. (1) The Board may make rules for and with respect to the control and regulation of greyhound-racing and without prejudice to the generality of the foregoing power may make rules for and with respect to the matters referred to in paragraph (c) of subsection one of section 56G of this Act. Board may make rules.

(2) Any such rule may from time to time be altered or repealed by any other rule.

(3) No rule shall be made which is repugnant to the laws for the time being in force in the State of New South Wales.

(4) Every rule shall be reduced into writing and shall be signed by the Chairman.

56I. (1) No rule made under the authority of this Part of this Act shall be of any force or effect until the expiration of one month after the same or a copy thereof signed by the Chairman shall have been sent to the Minister and until publication as hereinafter in this section provided. Commencement of rules.

(2) The Governor may at any time within the said month disallow any such rule and if so disallowed such rule shall not come into operation.

(3) Every such rule shall at the expiration of such month, if not so disallowed, be published in the Gazette together with a notice stating when the rule was sent to the Minister and that such rule has not been disallowed and upon the publication such rule shall come into operation.

(4)

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(4) The production of a copy of the Gazette containing any such rule and notice shall be conclusive proof that such rule was duly made and had not been disallowed.

(5) The Governor may at any time by proclamation published in the Gazette declare that from a time to be specified in such proclamation and not less than six months from the date of publication thereof any rule made under this Part of this Act shall be repealed and from and after the time specified such rule, unless previously repealed by rules made by the Board, shall be absolutely repealed and of no effect.

Any such repeal pursuant to this subsection shall not interfere with or affect any action, suit, prosecution or other proceeding commenced before the time of such repeal, but the same may be continued as if no such repeal had taken place.

(6) Such rules shall be binding upon and be observed by all parties and shall be sufficient to justify all persons acting under the same.

(7) The rules may impose a penalty not exceeding fifty pounds for any breach thereof.

Such penalty may be recovered in a summary manner before a stipendiary magistrate.

All sums for penalties paid in respect of any conviction for any breach of the rules under this Part of this Act shall be paid to and be the property of the Board.

Greyhound
Racing
Control
Board
Fund.

56r. (1) The Board shall establish a fund to be called the Greyhound Racing Control Board Fund (in this Part of this Act referred to as the Fund).

(2) All moneys received by the Board under this Part of this Act shall be paid into the Fund.

(3) All expenses (including payments to members and officers of the Board) incurred by the Board in the exercise and discharge of its powers, authorities, duties and functions under this Part of this Act shall be paid out of the said Fund.

56k.

56κ. (1) Each greyhound-racing club shall in each year pay to the Fund a contribution calculated at the rate of one pound ten shillings per centum, or at such lower rate as the Governor may from time to time fix by notification published in the Gazette in respect of any year, on its income from racing during the year ending on the thirtieth day of June then last past.

No. 39, 1948.
Contributions to Fund by greyhound-racing clubs.

For the purposes of this subsection the expression "income from racing" means the amount which remains after deducting from the gross income derived by the greyhound-racing club from all race-meetings conducted by it on any race-course during the year ending on the thirtieth day of June any sums paid by way of taxation on fees from bookmakers or entertainment or admission tax and any amount paid to the Colonial Treasurer pursuant to the Totalizator Act, 1916, as amended by subsequent Acts.

The payments shall be accompanied by an account and statement in the prescribed form.

(2) The first contribution under subsection one of this section shall be paid within one month after the date of commencement of this Part of this Act and the contribution in each subsequent year shall be paid not later than the thirty-first day of July.

(3) In the event of a greyhound-racing club making default in the payment of any moneys payable to the Fund under this section within the time prescribed such moneys shall constitute a debt due and payable to the Board and shall be recoverable in any court of competent jurisdiction.

(4) If after the expiration of two years from the commencement of this Part of this Act the Board determines that the Fund is in a position of sufficiently sound credit to permit of payments to such Fund by greyhound-racing clubs being suspended in respect of any year it may suspend such payments in respect of such year.

(5).

No. 39, 1948.

(5) The Colonial Treasurer may at any time pay into the Fund sums by way of advance to provide the Board with temporary finance and such sums shall be refundable by the Board as soon as practicable with interest at the rate of three per centum per annum.

Report of proceedings of Board.

56L. (1) The Board shall on or before the thirtieth day of September in each year furnish to the Minister a report of the proceedings of the Board during the year ending on the thirtieth day of June then last past and each such report shall contain a full statement of the income and expenditure of the Board audited by a public accountant registered under the Public Accountants Registration Act, 1945-1948, and appointed by the Board.

(2) The Governor may at any time direct that the accounts of the Board be audited by the Auditor-General who shall have in respect of such audit all the powers conferred on him by any law relating to the audit of public accounts.

Towards defraying the cost and expenses of any such audit the Board shall pay to the Consolidated Revenue Fund out of the Greyhound Racing Control Board Fund such sum as the Colonial Treasurer may decide.

Regulations.

56M. (1) The power to make regulations conferred upon the Governor by section fifty-nine of this Act shall include power to make regulations prescribing all matters and things which are necessary or convenient to be prescribed for giving effect to this Part of this Act.

Without affecting the generality of the foregoing provisions of this section, the Governor may in and by such regulations—

- (a) provide for appeals against decisions of stewards or committees of greyhound-racing clubs or local or district associations;
- (b) prescribe the procedure at or in connection with such appeals;

(c)

(c) provide for payment of fees and costs No. 39, 1948.
in respect of such appeals;

(d) make such provision as he thinks fits
for and with respect to all matters
incidental to or connected with such
appeals.

(2) A penalty not exceeding fifty pounds
may be imposed for any breach of such
regulations.

(g) by inserting in section one next after the Sec. 1.
matter relating to the heading "Part IV" the (Conse-
following new matter:— quential.)

PART IV A.—GREYHOUND RACING CONTROL
BOARD—SS. 56A.-56M.

3. The Australian Jockey Club Act 1873, is amended Amend-
by inserting next after section thirty-one the following ment of
new section:— Australian
Jockey
Club Act
1873.

32. (1) In any of the following cases, that is to New sec.
say:— 32.
Special
provisions
as to
hearing of
certain
appeals by
committee.

(a) where the stewards of the Australian Jockey
Club or the committee or stewards of any
other club or race meeting registered by the
Australian Jockey Club under the Rules of
Racing of the Australian Jockey Club
have—

- (i) disqualified or warned off any person,
- (ii) disqualified any horse,
- (iii) revoked the license of any trainer,
jockey or rider or suspended any such
license for a period exceeding one
month, or

(iv) fined any person a sum of not less
than five pounds; or

(b) where any body, empowered by the club, in
accordance with the Rules of Racing of the
Australian Jockey Club, to hear and
determine appeals from any decision of the
committee or stewards of any club
registered

registered as aforesaid which is within the jurisdiction of such body, has dismissed any appeal in respect of any matter referred to in paragraph (a) of this subsection or neglected or refused to hear and determine any such appeal,

any person considering himself aggrieved thereby may appeal to the Committee of the Australian Jockey Club:

Provided that no appeal under this subsection shall lie to the Committee of the Australian Jockey Club unless the appellant has first exercised any other right of appeal which may be conferred on him by the Rules of Racing of the Australian Jockey Club.

(2) (a) Any appeal to the Committee of the Australian Jockey Club under subsection one of this section shall be in the nature of a re-hearing. Such Committee in hearing any such appeal shall sit as in open court.

(b) The decision of such Committee on any such appeal shall be final and shall be given effect to by the stewards of the Australian Jockey Club or the committee or stewards of any other club or race meeting to whose jurisdiction the appellant is subject.

(3) (a) For the purpose of hearing and determining any such appeal the Committee of the Australian Jockey Club and the chairman or other person presiding at the hearing of any such appeal shall have the powers, authorities, protections and immunities conferred by the Royal Commissions Act, 1923, as amended by subsequent Acts, on a commissioner and the chairman of a commission respectively appointed under Division 1 of Part II of that Act, as so amended, and the said Act, as so amended, section thirteen and Division 2 of Part II excepted, shall, mutatis mutandis, apply to any witness summoned by or appearing before such Committee.

(b) An appellant shall be entitled to be represented before such Committee and may be so represented by a barrister, solicitor or agent.

(4)

(4) The decision of such Committee on any such appeal shall be upon the real merits and justice of the case and it shall not be bound to follow strict legal precedent. No. 39, 1948.

(5) (a) Expressions used in this section shall have the meanings respectively ascribed thereto in the Rules of Racing of the Australian Jockey Club.

(b) This section shall be construed as supplemental to and not in derogation of or limited by the Rules of Racing of the Australian Jockey Club.

4. (1) The Defamation Act, 1912-1940, is amended—

(a) by inserting next after paragraph (h) of subsection one of section twenty-nine the following new paragraph:—

(i) a fair and accurate report of the proceedings of the Committee of the Australian Jockey Club upon the hearing of any appeal to such Committee in accordance with the provisions of section thirty-two of the Australian Jockey Club Act, 1873-1948.

(b) by omitting from the same subsection the word and symbols “and (h)” and by inserting in lieu thereof the word and symbols “(h) and (i)”.

(2) The Defamation Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Defamation Act, 1912-1948.

5. (1) The Economic Stability and War-time Provisions Continuance Act, 1946-1947, is amended by inserting at the end of subsection one of section thirty-two the following new paragraph:—

This section shall apply only to meetings for trotting and greyhound racing held before sunset and any meeting for horse racing.

(2) The Economic Stability and War-time Provisions Continuance Act, 1946, as amended by subsequent Acts and by this Act, may be cited as the Economic Stability and War-time Provisions Continuance Act, 1946-1948.

Amendment
of Act No.
33, 1912.
Sec. 29.
(Publica-
tion
by news-
papers of
matters of
public
interest.)