

1994—No. 419

**GREYHOUND RACING CONTROL BOARD ACT 1985—  
REGULATION**

(Greyhound Racing Control Board (Appeals) Regulation 1994)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Greyhound Racing Control Board Act 1985, has been pleased to make the Regulation set forth hereunder.

CHRISTOPHER DOWNY, M.P.,  
Minister for Sport Recreation and Racing.

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**Citation**

1. This Regulation may be cited as the Greyhound Racing Control Board (Appeals) Regulation 1994.

**Commencement**

2. This Regulation commences on 1 September 1994.

**Repeal and savings**

3. (1) The Greyhound Racing Control Board (Appeals) Regulation 1985 is repealed.

(2) Any appeal made under the repealed Regulation and not determined before the commencement of this Regulation is taken to be an appeal made under this Regulation.

**Definition**

4. In this Regulation:

“the Act” means the Greyhound Racing Control Board Act 1985.

**Appeals to Board**

**5. (1)** A person aggrieved by any one or more of the following decisions may appeal to the Board against the decision:

- (a) a decision to disqualify the person;
- (b) a decision to suspend, for a period exceeding one month, any right or privilege conferred on the person by the Act or by the rules of the Board;
- (c) a decision to fine the person an amount exceeding \$50;
- (d) a decision to refuse to register or cancel the registration of the person;
- (e) in the case of an owner or trainer of a greyhound— a decision to:
  - (i) refuse to register or cancel the registration of a greyhound (including registration of a greyhound as a sire and registration of a litter of greyhounds); or
  - (ii) disqualify the greyhound; or
  - (iii) place an endorsement on the registration certificate of the greyhound for fighting or failing to pursue the lure which gives rise to a disqualification of the greyhound for a period exceeding 1 month;
- (f) a decision relating to the payment of a bet.

**(2)** If the rules of a greyhound-racing club or the rules made by the Board confer a right of appeal against a decision of the stewards or committee of the club, an appeal does not lie to the Board under this Regulation unless the right conferred by those rules has been duly exercised and the appeal made under those rules has been dismissed.

**(3)** In this clause, “**decision**” means a decision:

- (a) by the stewards or the committee of a greyhound-racing club in relation to a race meeting or a qualifying trial meeting; or
- (b) by a steward appointed by the Board.

**Notice of appeal**

**6. (1)** An appeal is to be initiated by lodging a notice of appeal at the office of the Board and, if the decision appealed against is a decision of the stewards or committee of a club, by giving a copy of such notice to the secretary of that club.

(2) The notice of appeal must specify the decision appealed against and the grounds of appeal. The appeal is limited to the grounds specified in the notice, except by leave of the Board.

#### **Deposit to be lodged with appeal**

7. (1) An appeal may not be heard unless a deposit of \$10 has been lodged with the notice of appeal.

(2) Any such deposit must be refunded to the appellant as soon as practicable after the appeal has been determined by the Board unless, in the opinion of the Board, the appeal was frivolous or vexatious.

#### **Time for lodging appeal**

8. (1) An appeal may not be heard by the Board unless the notice of appeal is lodged within 21 days of the date on which notification is given to the appellant of the decision appealed against.

(2) However, the Board may, in a particular case, extend that period of time if in its opinion there is good cause to do so.

#### **Time for hearing of appeal**

9. (1) The Board is to commence the hearing of an appeal as soon as practicable within 28 days of the lodging of the notice of appeal.

(2) However, the Board may, in a particular case, extend that period of time if in its opinion there is good cause to do so.

#### **Withdrawal of appeal**

10. An appeal duly lodged with the Board may not be withdrawn except with the leave of the Board. In granting any such leave, the Board may impose such conditions as to the payment of costs or otherwise as it thinks fit.

#### **Evidence on appeal**

11. The Board, when hearing an appeal, is to consider as the evidence in the matter the evidence adduced at any hearing in respect of the decision appealed against. The Board may not consider any other evidence unless satisfied that it is significantly relevant to the subject-matter of the appeal and that there is good reason why it was not adduced at any such earlier hearing.

**Further investigation of appeal**

**12. (1)** If the Board, at any time before determining an appeal, is of the opinion that the subject-matter of the appeal or any matter connected with it should be investigated, or that the evidence considered on the appeal should be reconsidered, the Board may:

- (a) itself conduct the investigation; or
- (b) direct that the investigation be conducted by the person or body against whose decision the appeal is brought, and that the person or body report the result of the investigation to the Board; or
- (c) remit the whole or any part of the subject-matter of the appeal for reconsideration by the person or body against whose decision the appeal is brought and may give such directions as it thinks fit in relation to that reconsideration.

**(2)** A right of appeal lies to the Board in respect of any decision given by a person or body arising out of any reconsideration referred to in subclause (1) (c) as if the decision were an original decision of that person or body.

**Determination of appeal**

**13. (1)** The Board may in respect of an appeal:

- (a) adjourn or dismiss the appeal; or
- (b) uphold, reverse or vary the decision appealed against; or
- (c) order the refund of any stake paid or monetary prize given in connection with any race to which the appeal relates; or
- (d) order the return of any prize (other than a monetary prize) given in connection with any race to which the appeal relates; or
- (e) exercise its powers under clause 12; or
- (f) make such other orders in relation to the disposition of the appeal as it thinks proper.

**(2)** On service on a person, personally or by post, of an order made under subclause (1) (c) requiring the refund of any stake paid or monetary prize given to the person, the amount of the stake or prize becomes a debt payable by that person to the person to whom the stake or prize is required by the order to be refunded.

**(3)** If:

- (a) an order made under subclause (1) (d) requiring a person to return a prize within a period specified in the order is served, personally or by post, on the person; and

(b) the person does not comply with the order within the time so specified,

an amount equal to the value of the prize becomes a debt payable by that person to the person to whom the prize is required to be returned.

#### **Board may order costs**

**14. (1)** On dismissing an appeal, the Board may order the appellant to pay to it the actual costs incurred by the Board in hearing the appeal, including costs of any lawyer retained to assist the Board in determining the appeal, but not including any costs incurred by members of the Board in hearing the appeal.

**(2)** On service on an appellant of an order for the payment of costs, the amount of the costs specified in the order becomes a debt payable by the appellant to the Board.

#### **Board may direct manner in which appeal conducted**

**15.** The Board may, subject to this Regulation, direct the manner in which any appeal before it is conducted.

#### **Board's decision on appeal final**

**16.** Subject to clause 18, the decision of the Board on an appeal under this Regulation is:

- (a) final and not subject to appeal; and
- (b) binding on all parties to the appeal; and
- (c) to be given effect to by Board stewards, by greyhound-racing clubs and by their committees and stewards.

#### **Record of proceedings of Board on appeal**

**17. (1)** The Board may cause the proceedings relating to any appeal, inquiry or investigation before it to be recorded by means of shorthand, steno-type machine, sound recording apparatus or by such other means as the Board determines.

**(2)** The record of any such proceedings is to be retained for a period of 12 months after the date of the Board's decision on the appeal, inquiry or investigation is given.

#### **Special inquiry following appeal**

**18. (1)** The Board may hold a special inquiry into a matter that has been decided on an appeal if

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- (a) the Board receives information that was not available as evidence at the hearing of the appeal; and
  - (b) the Board is satisfied that the information may have resulted in a substantially different decision if it had been given in evidence at the hearing of the appeal.
- (2) The Board may determine the manner in which a special inquiry is to be held.
- (3) After holding a special inquiry into a matter that has been decided on an appeal, the Board may:
- (a) decide to take no further action; or
  - (b) make a decision on the matter that differs from the earlier decision, in which case the different decision has effect as the decision of the Board on the matter instead of the earlier decision.

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**NOTES**

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal the Greyhound Racing Control Board (Appeals) Regulation 1985 and to replace it with this Regulation which is in substantially the same terms as the Regulation to be repealed.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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