



New South Wales

Sydney Turf Club Amendment (Directors) Regulation 2001

under the

Sydney Turf Club Act 1943

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Turf Club Act 1943*.

J. RICHARD FACE, M.P.,

Minister for Gaming and Racing

Explanatory note

The Regulations for the Sydney Turf Club are contained in the First Schedule to the *Sydney Turf Club Act 1943*. The object of this Regulation is to amend those Regulations so as to reduce the number of directors of the Club from 12 to 9, and to make certain consequential amendments.

This Regulation is made under the *Sydney Turf Club Act 1943*, including section 4 (8).

2001 No 583

Clause 1 Sydney Turf Club Amendment (Directors) Regulation 2001

**Sydney Turf Club Amendment (Directors)
Regulation 2001**

1 Name of Regulation

This Regulation is the *Sydney Turf Club Amendment (Directors) Regulation 2001*.

2 Amendment of Sydney Turf Club Act 1943 No 22

The *Sydney Turf Club Act 1943* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] First Schedule Regulations for the Sydney Turf Club

Omit clauses 40 and 41. Insert instead:

40 Number and qualification of directors

- (1) A person is not eligible to be a director of the Club unless the person is a member of the Club.
- (2) There are to be 12 directors of the Club, reducing to 9 directors in accordance with this clause.
- (3) From the election of directors at the Annual General Meeting of the Club held in 2001, there are to be 10 directors of the Club.
- (4) From the election of directors at the Annual General Meeting of the Club held in 2002, there are to be 9 directors of the club.

41 Certain directors to retire at Annual General Meetings

- (1) At each Annual General Meeting, each director who has held office (or is taken to have held office) since election at the Annual General Meeting held 2 years previously must retire.
- (2) For the purposes of this clause, a member who is elected as a director to fill a casual vacancy is taken to have held office since the last election of the director whose place the member has taken.
- (3) A director who is required to retire from office under this clause is eligible for re-election (if otherwise eligible).
- (4) This clause extends to directors holding office on the substitution of this clause by the *Sydney Turf Club Amendment (Directors) Regulation 2001*.

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Sydney Turf Club Amendment (Directors) Regulation 2001

Schedule 1 Amendments

[2] Clause 42

Omit the clause. Insert instead:

42 Members eligible for election

- (1) A member is not eligible to become a director while he or she is a member of the governing body of any other racing club registered with the NSW Thoroughbred Racing Board.
- (2) A member is not eligible to become a director unless:
 - (a) the member consents in writing to be nominated for election, and
 - (b) the member is nominated in writing by 2 members of the Club at least 21 days before the Annual General Meeting or Extraordinary General Meeting at which the election is to take place.
- (3) However, retiring directors are eligible for re-election without nomination.

42A Nominations

- (1) The Secretary is to cause the names of the members nominated to be exhibited at the office of the Club.
- (2) If the number of candidates nominated for election together with the number of retiring directors seeking re-election is less than the number required to fill the vacancies among the directors (including any casual vacancy the election for which has been deferred to the meeting under clause 49) any vacancy thereby occurring is taken to be a casual vacancy.

42B When election not required to be held

- (1) This clause applies when the number of candidates does not exceed the number of vacancies among the directors (including any casual vacancy the election for which has been deferred to the meeting under clause 49).
- (2) The candidates are elected without any ballot being held, subject to subclause (3).

- (3) If the vacancies to be filled include any casual vacancy the election for which has been deferred to the meeting under clause 49 and the retirement of the vacating director was not due at the meeting:
- (a) the candidates are elected without any ballot being held when the number of candidates does not exceed the number of non-casual vacancies, or
 - (b) when the number of candidates exceeds the number of non-casual vacancies, the candidates may agree among themselves or, if no agreement is reached before the meeting, must determine by lot at the meeting, which of the candidates will fill any such casual vacancy and the other candidates are elected to fill the non-casual vacancies without any ballot being held.
- (4) In this clause:
- non-casual vacancies* means the vacancies among the directors excluding any casual vacancy the election for which has been deferred to the meeting under clause 49.
- number of candidates* means the number of candidates nominated for election together with the number of retiring directors seeking re-election.

[3] Clause 43 (2)

Omit “the six candidates”.

Insert instead “the number of candidates required to fill the vacancies”.

[4] Clause 43 (2A)

Insert after clause 43 (2):

- (2A) Subclause (2) is subject to clause 49 (5) when the vacancies to be filled include any casual vacancy the election for which has been deferred to the meeting under clause 49 and the retirement of the vacating director was not due at the meeting.

2001 No 583

Sydney Turf Club Amendment (Directors) Regulation 2001

Schedule 1 Amendments

[5] Clause 44 (1)

Omit “Seven shall form a quorum.”.

Insert instead:

Until the Annual General Meeting held in 2001, 7 directors form a quorum. From that Annual General Meeting until the following Annual General Meeting held in 2002, 6 directors form a quorum. From that Annual General Meeting, 5 directors form a quorum.

[6] Clause 49

Omit the clause. Insert instead:

49 Casual vacancies

- (1) Subject to this clause, a casual vacancy in the office of a director is to be filled at an election at an Extraordinary General Meeting of the Club to be called by the directors for that purpose.
- (2) The Secretary is to advertise the fact of the vacancy and the date of the Extraordinary General Meeting at least 28 days before the meeting is held.
- (3) If a casual vacancy occurs within 3 months before any Annual General Meeting, the directors may defer the election to fill the casual vacancy until the next Annual General Meeting.
- (4) The directors may also defer the election to fill a casual vacancy until the next Annual General Meeting if:
 - (a) the vacancy occurs before the Annual General Meeting of the Club in 2001 and the number of directors remaining in office is not thereby reduced below 10, or
 - (b) the vacancy occurs at any time after that Annual General Meeting and before the Annual General Meeting held in 2002, and the number of directors remaining in office is not thereby reduced below 9.

- (5) The following provisions apply when an election is deferred under this clause:
- (a) if the retirement of a vacating director was due at the Annual General Meeting, the director is taken to have retired at the meeting and the director's place is included in the number of directors required to be elected,
 - (b) if the retirement of a vacating director was not due at the Annual General Meeting, the number of the casual vacancies is to be added to the number of directors required to be elected and a ballot for the total number of places conducted,
 - (c) if a ballot is conducted under paragraph (b), the most successful candidates are to be declared to be elected to fill the places of the number of directors required to be elected and (for the purpose of filling the places of the casual vacancies added to that number under paragraph (b)), the candidate receiving the next highest number of votes is to be declared elected to fill the place of the director who first vacated his or her place and so on.