

# Greyhound Racing Authority Act 1985 No 119

[1985-119]



New South Wales

## Status Information

### Currency of version

Repealed version for 8 July 2002 to 9 February 2003 (accessed 11 July 2024 at 21:32)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Previously named**  
Greyhound Racing Control Board Act 1985
- **Repeal**  
The Act was repealed by the [Greyhound Racing Act 2002 No 38](#), sec 60 (1) with effect from 10.2.2003.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 10 February 2003

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New South Wales

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# Greyhound Racing Authority Act 1985 No 119



New South Wales

An Act to constitute the Greyhound Racing Authority (NSW); to define its functions; to repeal Part 4A of the *Gaming and Betting Act 1912*, and for other purposes.

## Part 1 Preliminary

### 1 Name of Act

This Act may be cited as the *Greyhound Racing Authority Act 1985*.

### 2 Commencement

- (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.

### 3 Definitions

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

**Authority** means the Greyhound Racing Authority (NSW) constituted by this Act.

**Board** means the Board of the Authority as established by section 6.

**chairperson** means the chairperson of the Authority appointed under section 8C.

**chief executive officer** means the chief executive officer of the Authority employed by the Authority under section 8E.

**deputy chairperson** means the deputy chairperson of the Authority appointed under section 8C.

**director** means a director of the Board, and includes a director in his or her capacity as a member of the Regulatory Committee.

**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 speed of a greyhound or of greyhounds competing separately.

**greyhound racing club** means a non-proprietary association holding a racecourse licence under the [Racing Administration Act 1998](#), and includes an association of greyhound racing clubs.

**greyhound trial track** means land (not being a racecourse licensed under the [Racing Administration Act 1998](#) 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.

**regulation** means a regulation made under this Act.

**Regulatory Committee** means the Regulatory Committee of the Authority as established by section 8A.

**regulatory functions**—see section 8.

**rule** means a rule made under this Act.

**Tribunal** means the Greyhound Racing Appeals Tribunal as established by section 18F.

- (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) (Repealed)

#### **4 (Repealed)**

## **Part 2 Greyhound Racing Authority**

### **Division 1 Constitution of the Authority**

#### **5 Constitution of Authority**

- (1) There is constituted by this Act a body corporate with the corporate name of the Greyhound Racing Authority (NSW).
- (2) The Authority has the functions conferred or imposed on the Authority by or under this or any other Act or law.

(3) The Authority is, for the purposes of any Act, a statutory body representing the Crown.

## **Division 2 Board of Authority**

### **6 Constitution of Board**

- (1) The Authority is to have a Board consisting of 7 directors appointed by the Governor.
- (2) Of the directors:
  - (a) one is to be jointly nominated by The New South Wales Greyhound Breeders Owners and Trainers' Association Ltd and the New South Wales National Coursing Association Limited, and
  - (b) two are to be nominated by greyhound racing clubs (other than those referred to in paragraph (a)), with at least one of those nominees being nominated as a representative of TAB clubs, and
  - (c) one is to be nominated by participants in the greyhound racing industry (being owners, trainers, bookmakers or other persons involved with greyhound racing), and
  - (d) three are to be nominated by the Minister.
- (3) The chairperson of the Authority is to be the chairperson of the Board and the deputy chairperson of the Authority is to be deputy chairperson of the Board.
- (4) The Minister is to determine, by order published in the Gazette, the manner in which, and the criteria on which, the persons referred to in subsection (2) (b) and (c) are to be nominated.
- (5) For the purposes of subsection (2) (b), a **TAB club** is a greyhound racing club on a majority of whose race meetings TAB Limited conducts an off-course totalizator (within the meaning of the [Totalizator Act 1997](#)).

### **7 Role of Board**

- (1) The Board is responsible for exercising the functions of the Authority other than its regulatory functions.
- (2) Any act, matter or thing done in the name of, or on behalf of, the Authority by, or with the authority of, the Board is taken to have been done by the Authority.
- (3) The Board is not subject to the control or direction of the Minister.

## **Division 3 Regulatory Committee of Authority**

## **8 Meaning of “regulatory functions”**

- (1) For the purposes of this Act, the **regulatory functions** of the Authority are the following functions of the Authority:
  - (a) the functions relating to the control and regulation of greyhound racing as specified in section 9 (including the functions of initiating or conducting inquiries in relation to the control and regulation of greyhound racing, and any disciplinary or decision-making functions with respect to such inquiries),
  - (b) the function of making rules under this Act,
  - (c) the functions of hearing and deciding appeals to the Authority and of holding special inquiries under section 18C,
  - (d) the functions under sections 14 and 15 (to the extent that those functions are exercised for the purpose of the regulatory functions of the Authority),
  - (e) the function under section 19 (to the extent that the function is exercised to delegate regulatory functions),
  - (f) such functions as the Board may allocate to the Regulatory Committee,
  - (g) such functions as are determined or designated to be regulatory functions in accordance with subsection (2) or the regulations.
- (2) If a dispute arises as to whether a function is a regulatory function, the Minister may resolve the dispute. The Minister’s determination is final and conclusive of the matter.

## **8A Establishment of Regulatory Committee**

- (1) There is established a committee of the Authority known as the Regulatory Committee.
- (2) The Regulatory Committee is to consist of the 3 directors appointed on the nomination of the Minister.
- (3) The chairperson of the Authority is to be the chairperson of the Committee and the deputy chairperson of the Authority is to be deputy chairperson of the Committee.

## **8B Role of Regulatory Committee**

- (1) The Regulatory Committee is responsible for exercising the regulatory functions of the Authority.
- (2) Any act, matter or thing done in the name of, or on behalf of, the Authority by, or with the authority of, the Regulatory Committee is taken to have been done by the Authority.

- (3) The Regulatory Committee is subject to the control and direction of the Minister except in relation to the following matters:
  - (a) the contents of a report or recommendation made by it to the Minister,
  - (b) the decision on any appeal or other disciplinary proceedings.
- (4) Subsection (1) does not limit the functions of stewards appointed by the Authority under the rules.

## **Division 4 Officers and staff of Authority**

### **8C Chairperson and deputy chairperson**

- (1) One of the directors appointed on the nomination of the Minister is to be appointed as chairperson of the Authority by the instrument appointing the person as director or by a subsequent instrument executed by the Governor.
- (2) One of the directors appointed on the nomination of the Minister is to be appointed as the deputy chairperson of the Authority by the instrument appointing the person as director or by a subsequent instrument executed by the Governor.

### **8D Provisions relating to directors and procedure of Board and Regulatory Committee**

- (1) Schedule 1 has effect with respect to the directors.
- (2) Schedule 2 has effect with respect to the procedure of the Board and the Regulatory Committee.

### **8E Chief executive officer of Authority**

- (1) The Authority may, in consultation with the Minister, employ a chief executive officer of the Authority.
- (2) The chief executive officer is responsible for the day-to-day management of the Authority subject to, and in accordance with, the policies and other decisions of:
  - (a) the Regulatory Committee, with respect to the day-to-day management of the Authority concerning its regulatory functions, and
  - (b) the Board, with respect to the day-to-day management of the Authority concerning its other functions.

### **8F Staff of Authority**

- (1) The Authority may employ such other staff as it requires to exercise its functions.
- (2) The Authority may fix the salary, wages and other conditions of its staff (including the chief executive officer) in so far as they are not fixed by or under any other Act or law.

(3) Part 2 of the *Public Sector Management Act 1988* does not apply to or in respect of the staff (including the chief executive officer) of the Authority.

(4) The Authority may engage consultants for the purposes of getting expert advice.

### **Part 3 Functions of the Authority**

#### **9 Control and regulation of greyhound racing**

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

(2) The Authority may, in accordance with the rules:

(a) register or refuse to register:

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

(ii) any greyhound,

(a1) cancel the registration of:

(i) any greyhound racing club, or

(ii) any greyhound trial track, or

(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 20 penalty units, 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 Authority 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,
  - (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) (Repealed)
- (5) Any fine imposed under subsection (2) (f) shall be paid to and be the property of the Authority.
- (6) Nothing in this Act confers on the Authority power to conduct meetings for greyhound racing on its own behalf.

#### **9AA Registration of bookmakers**

- (1) An application for registration as a bookmaker may be made:
  - (a) by a natural person of or over the age of 18 years, or
  - (b) by a proprietary company.
- (2) The Authority must refuse to grant an application for registration of a proprietary company as a bookmaker unless satisfied that the company is an eligible company.
- (3) For the purposes of this section, an **eligible company** means a proprietary company that is taken to be registered in New South Wales for the purposes of the [Corporations Act 2001](#) of the Commonwealth and in which:
  - (a) each director, shareholder and person concerned in the management of the company is of or over the age of 18 years, and
  - (b) each director is registered as an individual as a bookmaker under this Act, and
  - (c) each director is a shareholder and person concerned in the management of the company, and
  - (d) each shareholder who is not a director is a close family member of a director, and

- (e) each shareholder or person concerned in the management of the company who is not a director is, in the opinion of the Authority, a fit and proper person to be registered as an individual as a bookmaker under this Act, and
  - (f) subject to the regulations, no person (other than a shareholder) has any interest in the shares or assets of the company.
- (4) It is a condition of a company's registration as a bookmaker that:
- (a) the company continues to be an eligible company, and
  - (b) no shareholder or person concerned in the management of the company, other than a director, is registered as an individual as a bookmaker under this Act, and
  - (c) no director, shareholder or person concerned in the management of the company:
    - (i) carries on the business of a bookmaker, otherwise than on behalf of the company, in relation to any greyhound, horse or harness race, at a meeting for greyhound racing in New South Wales, or
    - (ii) carries on the business of an authorised sports betting bookmaker, otherwise than on behalf of the company, at a racecourse licensed for greyhound racing, or
    - (iii) is a director, shareholder or person concerned in the management of, or is an employee or agent of, any other company that is registered as a bookmaker under this Act, or
    - (iv) has a financial interest in any business of a bookmaker that is carried on by any such other company under the authority of its registration under this Act, and
  - (d) no director, shareholder or person concerned in the management of the company:
    - (i) is registered or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent, or a totalizator business, in another Australian State or Territory, or
    - (ii) is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is registered or otherwise authorised to carry on, or that carries on, any such business in another Australian State or Territory, or
    - (iii) is an employee or agent of any individual, partnership or corporation referred to in the preceding subparagraphs, or
    - (iv) has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, that is authorised to be carried on or is carried

on in another Australian State or Territory, and

- (e) no director, shareholder or person concerned in the management of the company:
- (i) is registered or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, in another country, or
  - (ii) is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is registered or otherwise authorised to carry on, or that carries on, any such business in another country, or
  - (iii) is an employee or agent of any individual, partnership or corporation referred to in the preceding subparagraphs, or
  - (iv) has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, that is authorised to be carried on or is carried on in another country.
- (5) In subsection (4) (c), (d) and (e), a reference to carrying on the business of a bookmaker, or the business of a bookmaker's clerk or turf commission agent, includes a reference to acting as a bookmaker, or a bookmaker's clerk or turf commission agent.
- (6) The condition set out in subsection (4) (d) does not extend to a person who is a director of a company that is registered as a bookmaker under this Act if:
- (a) the person is the sole director of the company, and
  - (b) the relevant matters referred to in subsection (4) (d) (i), (ii), (iii) or (iv) are disclosed in writing to the Authority at the time the company applies for registration as a bookmaker under this Act or, if they do not occur until after that time, within 2 working days after they occur.
- (7) The Authority may suspend or cancel the registration of a company as a bookmaker if satisfied that any condition referred to in subsection (4) is contravened in respect of the company. This does not limit the powers of the Authority to suspend or cancel the registration of a company as a bookmaker under section 9.
- (8) Any debt that is incurred by a company in carrying on business as a bookmaker registered under this Act is enforceable jointly and severally against all persons who are directors of the company at the time the debt is incurred (whether or not they are directors at the time the debt is sought to be enforced).

(9) In this section:

**authorised sports betting bookmaker** has the same meaning as in section 4 of the [Racing Administration Act 1998](#).

**close family member of a director** means:

- (a) a spouse, de facto partner, parent, child, brother or sister of the director, or
- (b) a person who has a relationship with the director that is prescribed by the regulations for the purposes of this definition.

**financial interest** in a bookmaking business means an entitlement to receive any of the income from the business.

**meeting for greyhound racing** has the same meaning as in section 4 of the [Racing Administration Act 1998](#).

**racecourse licensed for greyhound racing** means a racecourse in respect of which a licence for meetings for greyhound racing granted under section 7 of the [Racing Administration Act 1998](#) is in force.

#### **9A Registration of clubs and tracks**

- (1) The Authority may, in accordance with the rules, register or refuse to register:
  - (a) any greyhound racing club, or
  - (b) any greyhound trial track.
- (2) The Authority may not refuse to register a club or track under this section for the purpose of taking disciplinary action.

#### **10 Authority may make rules**

- (1) The Authority 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 Authority may make rules for or with respect to the following:
  - (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 Authority (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,
- (h) (Repealed)
- (i) the appointment of stewards by the Authority and the functions of those stewards (including functions that do not relate to meetings for greyhound racing),
- (j) conferring on stewards appointed by the Authority the same functions as are exercisable by the Authority under section 9 (2),
- (k) (Repealed)
- (l) the extent to which and the circumstances in which stewards appointed by the Authority may exercise their functions to the exclusion of stewards of greyhound racing clubs,
- (m) (Repealed)
- (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.

(2A) The Authority may make rules, not inconsistent with this Act, for or with respect to:

- (a) the registration of greyhound racing clubs and greyhound trial tracks, and
- (b) the fees and charges referred to in section 17B.

(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.

(4) (Repealed)

(5) Where rules made by the Authority 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 4 penalty units.

### **11, 12 (Repealed)**

### **13 Authority may affiliate with other organisations**

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

### **14 Reports and recommendations by Authority**

The Authority 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.

### **15 Production of club records to Authority**

(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 Authority 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 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.

Maximum penalty: 5 penalty units.

- (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.

## **Part 4 Finance**

### **16 Financial year**

- (1) The financial year of the Authority is the year commencing on 1 July.
- (2) A different financial year may be determined by the Treasurer under section 4 (1A) of the [Public Finance and Audit Act 1983](#).

### **17 Expenses**

The Authority is liable for the following expenses:

- (a) all expenses (including remuneration and allowances payable to directors, the chief executive officer and other staff of the Authority) incurred by the Authority in the exercise of its functions,
- (b) all expenses (including remuneration and allowances payable under clause 3 of Schedule 2A) incurred by the Tribunal in the exercise of its functions under this Act.

### **17A Accounts**

The Authority may establish such accounts as it thinks appropriate for the money received and expended by the Authority.

### **17B Fees and charges**

- (1) If a steward appointed by the Authority acts at a meeting for greyhound racing held by a greyhound racing club, the Authority may charge the club for the services of the steward.
- (2) The Authority may determine the fees and charges payable for registration or for the transaction of other business with the Authority.

## **Part 4A Appeals and disciplinary inquiries**

### **Division 1 Rights and procedures concerning appeals and inquiries**

#### **18 Definitions**

In this Part:

***appeal*** means an appeal under this Part.

***disciplinary inquiry*** means a special inquiry under section 18C or any other inquiry by the Authority for the purpose of taking disciplinary action.

#### **18A Appeals**

- (1) A person who is aggrieved by a decision:
  - (a) of the stewards or the committee of a greyhound racing club, or
  - (b) of a steward appointed by the Authority,may, in accordance with the regulations, appeal against the decision to the Authority or the Tribunal as determined by the regulations.
- (2) A person who is aggrieved by a decision of the Authority (other than a decision in respect of an appeal under subsection (1)) may, in accordance with the regulations, appeal against the decision to the Tribunal.
- (3) The decision of the Authority or the Tribunal on appeal under this section is final and conclusive and is taken to be a decision of the person or body whose decision is the subject of the appeal.
- (4) Subsection (3) does not preclude the operation of section 18C.

#### **18B Proceedings on appeal and disciplinary inquiries**

- (1) Proceedings on an appeal to the Authority under section 18A are to be held as in open court at a meeting of the Regulatory Committee at which a quorum is present.
- (2) Proceedings on an appeal to the Tribunal under section 18A are to be held as in open court before the Tribunal.

- (3) Proceedings in respect of a disciplinary inquiry of the Authority may be conducted in public or in private, or partly in public and partly in private, as the Authority may decide.
- (4) In conducting a disciplinary inquiry, the Authority may examine any witness on oath or affirmation, or by use of a statutory declaration.

**18C Special inquiry following appeal to Tribunal**

- (1) The Authority may hold a special inquiry into a matter that the Tribunal has decided on an appeal if:
  - (a) the Authority receives information that was not available as evidence at the hearing of the appeal, and
  - (b) the Authority 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 Authority 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 Authority may:
  - (a) decide to take no further action, or
  - (b) make a decision that differs from the decision of the Tribunal, in which case the different decision has effect as the decision of the Tribunal instead of the Tribunal's decision.
- (4) Section 18A (2) does not apply to a decision made under this section.

**18D Regulations concerning appeals**

- (1) The regulations may make provision for or with respect to the following:
  - (a) appeals to the Authority or Tribunal under this Act,
  - (b) special inquiries under section 18C,
  - (c) the procedure at or in connection with appeals under this Act and special inquiries under section 18C,
  - (d) the suspension of a decision appealed against under this Act, or the subject of a special inquiry under section 18C, pending the determination of the appeal or inquiry,
  - (e) the payment of fees and costs in respect of appeals under this Act and special inquiries under section 18C,
  - (f) any matters incidental to or connected with appeals under this Act and special

inquiries under section 18C.

(2) Without affecting the generality of subsection (1), the regulations may:

- (a) prescribe classes of matters in respect of which appeals may not be made under this Act, or
- (b) provide that no appeals may be made under this Act except in respect of prescribed classes of matters.

## **Division 2 Greyhound Racing Appeals Tribunal**

### **18E Definitions**

In this Part:

**assessor** means a person appointed as an assessor of the Tribunal under section 18I.

**court** includes the Industrial Relations Commission of New South Wales.

**qualified person** means a judge of any court in New South Wales, a retired judge of any court (whether or not in New South Wales) or a person qualified to be appointed as a Judge of the District Court.

### **18F Greyhound Racing Appeals Tribunal**

For the purposes of this Act, there is established a Tribunal to be known as the Greyhound Racing Appeals Tribunal.

### **18G Appointment of Tribunal**

The Minister may, on the recommendation of the Attorney General, appoint a qualified person as the Tribunal.

### **18H Appointment of acting Tribunal**

- (1) The Minister may from time to time, on the recommendation of the Attorney General, appoint:
  - (a) a qualified person to act as the Tribunal:
    - (i) during the illness or absence of the person appointed as the Tribunal, or
    - (ii) during a vacancy in the office of the Tribunal, or
    - (iii) on such occasions or in respect of such appeals as the person appointed as the Tribunal directs, and
  - (b) another qualified person to act as the Tribunal in accordance with paragraph (a) but only during the illness or absence of the person appointed to act as the Tribunal under paragraph (a).

- (2) A qualified person is taken to be the Tribunal while acting as the Tribunal.
- (3) More than one sitting of the Tribunal may be held at the same time, but the person appointed as the Tribunal and a person appointed to act as the Tribunal must not sit on the same appeal.

### **18I Appointment of assessors**

The Minister may, for the purposes of this Act, appoint persons the Minister believes have special knowledge of, and experience in, the racing industry to be assessors of the Tribunal.

### **18J Functions of assessors**

- (1) The Tribunal may, in hearing appeals under this Act, be assisted by one or more assessors.
- (2) An assessor assisting the Tribunal as referred to in subsection (1) may assist and advise the Tribunal, but must not adjudicate on any matter before the Tribunal.

### **18K Provisions relating to Tribunal**

Schedule 2A has effect.

## **Part 5 Miscellaneous**

### **19 Delegation**

- (1) Subject to subsection (2), the Authority may delegate the exercise of its functions to:
  - (a) a director, the chief executive officer or other member of the staff of the Authority, or
  - (b) a committee comprised of, or a combination of, those persons.
- (2) The Authority may not delegate the following of its functions:
  - (a) the power of delegation conferred by subsection (1),
  - (b) the regulatory functions of the Authority (other than those referred to in section 9 (2) (a)).
- (3) Subsection (2) does not limit the functions of stewards appointed by the Authority under the rules.

### **19A Protection from personal liability**

Anything done or omitted to be done by:

- (a) the Authority, or

- (b) the Board, or
- (c) the Regulatory Committee, or
- (d) any director, or
- (e) the chief executive officer, or
- (f) any steward appointed by the Authority, or
- (g) any person acting under the direction of the Authority,

does not subject a director, the chief executive officer, a steward, or a person so acting, personally to any action, liability, claim or demand if the thing was done or omitted to be done in good faith for the purposes of executing this or any other Act or the rules.

## **20 (Repealed)**

## **21 Authentication of certain documents**

Any summons, process, demand, order, notice, statement, direction or other document requiring authentication by the Authority is sufficiently authenticated without the seal of the Authority if signed by the chairperson, the chief executive officer, or any other member of staff authorised to do so by the chief executive officer.

## **22 Recovery of charges etc by Authority**

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

## **23 Proof of certain matters not required**

In any legal proceedings, proof is not required (until evidence is given to the contrary) of the following matters:

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

## **23A No challenge on ground that function exercised by wrong body**

The exercise of a function of the Authority by the Board or the Regulatory Committee cannot be challenged on the ground that it should have been exercised by the other body.

## **24 Proceedings for offences**

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.

## **25 Regulations**

- (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
  - (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 5 penalty units.
- (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) or section 9A 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) or section 9A.

## **26 Savings, transitional and other provisions**

Schedule 3 has effect.

## **27 Repeal**

Part 4A of the *Gaming and Betting Act 1912* is repealed.

## **Schedule 1 Provisions relating to directors**

(Section 8D)

### **1 Employee of club not eligible for appointment**

A person who is an employee of a greyhound racing club is not eligible to be appointed as a director.

### **1A Person disqualified or prohibited not eligible**

A person who is disqualified under section 9 (2) (b) or who is prohibited from participating in or associating with greyhound racing under section 9 (2) (d) is not eligible to be nominated or appointed as a director while the disqualification or prohibition remains in force.

### **2 Acting directors and acting chairperson**

- (1) The Governor may, from time to time, appoint a person to act in the office of a director during the illness or absence of the director, and the person, while so acting, shall have and may exercise all the functions of the director and shall be deemed to be a director.
- (2) Such an acting director is to be appointed from the same category of nomination (as specified in section 6 (2)) as the person he or she is replacing.
- (3) The Governor may, from time to time, appoint a director to act in the office of chairperson during the illness or absence of the chairperson, and the director, while so acting, shall have and may exercise all the functions of the chairperson and shall be deemed to be the chairperson.
- (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 director 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 director or the chairperson shall be deemed to be an absence from office of the director or chairperson, as the case may be.
- (7) A person is not eligible to be appointed to act in the office of a director if he or she is an officer or employee of a greyhound racing club or is otherwise concerned in the management or control of any such club.

### **3 Terms of office**

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

### **4 Remuneration**

A director 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 director.

## **5 Filling of vacancy in office of director**

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

## **6 Casual vacancies**

(1) A director shall be deemed to have vacated office if the director:

- (a) dies,
- (b) absents himself or herself from 3 consecutive meetings of the Board or the Regulatory Committee of which reasonable notice has been given to the director personally or in the ordinary course of post, except on leave granted by the Board or the Regulatory Committee or unless, before the expiration of 4 weeks after the last of those meetings, the director is excused by the Board or the Regulatory Committee 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 7 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) is an employee of a greyhound racing club,
- (f1) is disqualified under section 9 (2) (b) or prohibited from participating in or associating with greyhound racing under section 9 (2) (d),
- (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 director from office.

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

## **7 Disclosure of pecuniary interests**

(1) A director 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 the Regulatory Committee, or

(b) in a thing being done or about to be done by the Board or the Regulatory Committee,

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

(2) A disclosure by a director at a meeting of the Board or the Regulatory Committee that the director:

(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.

(3) The Board or the Regulatory Committee 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 or the Regulatory Committee from time to time.

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

(a) be present during any deliberation of the Board or the Regulatory Committee, or take part in any decision of the Board or the Regulatory Committee, 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 director contravenes the provisions of this clause, that contravention does not invalidate any decision of the Board or the Regulatory Committee or the exercise of any function under this Act.

(6) Nothing in this clause applies to or in respect of an interest of a director in a matter or thing which arises by reason only that the director 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 or the Regulatory Committee includes a reference to a meeting of a committee of the Board or the Regulatory Committee.

## **8 Effect of certain other Acts**

(1) The *Public Service Act 1979* does not apply to or in respect of the appointment of a director and a director is not, as a director, 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 director or from accepting and retaining any remuneration payable to the person under this Act as a director.

(3) The office of a director shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

## **9 (Repealed)**

## **Schedule 2 Provisions relating to procedure of Board and Regulatory Committee**

(Section 8D)

### **1 General procedure**

The procedure for the calling of meetings of the Board or the Regulatory Committee and for the conduct of business at those meetings is, subject to this Act, to be determined by the Board or the Committee.

### **2 Failure to nominate**

A failure to nominate a person to a category of nomination specified in section 6 (2) does not affect the appointment of the directors who are nominated in accordance with that section.

### **3 Quorum**

The quorum:

(a) for a meeting of the Board is a majority of directors for the time being, and

(b) for a meeting of the Regulatory Committee is 2 members.

#### **4 Person presiding at Board meetings**

- (1) The chairperson is to preside at a meeting of the Board, or in the absence of the chairperson, the deputy chairperson, or in the absence of both, another director elected as the chairperson for the meeting by the directors present.
- (2) The chairperson is to preside at a meeting of the Regulatory Committee, or in the absence of the chairperson, the deputy chairperson.
- (3) The person presiding at a meeting of the Board or the Regulatory Committee has a deliberative vote and, if the votes cast at the meeting are equal in number, has a second or casting vote.

#### **5 Voting**

A decision supported by a majority of the votes at a meeting of the Board or the Regulatory Committee at which a quorum is present is the decision of the Board or the Committee.

### **Schedule 2A Provisions relating to Tribunal**

(Section 18K)

#### **1 Term of office**

Subject to this Act, a person appointed as:

- (a) the Tribunal, or
- (b) an assessor,

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

#### **2 Effect of appointment of a judge as Tribunal**

- (1) A person's tenure of the office of judge of a court, or the person's rank, title, status, precedence, salary or other rights or privileges as a holder of that office, is not affected by:
  - (a) the appointment of the person as, or to act as, the Tribunal, or
  - (b) the person's service as the Tribunal.
- (2) A judge of any court may exercise the functions of a judge of that court despite holding office as, or acting as, the Tribunal.
- (3) The service, as the Tribunal, of a judge of any court is, for all purposes, taken to be

service as a judge of that court.

### **3 Remuneration**

A person (not being a judge of any court) holding office as, or acting as, the Tribunal and an assessor are entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of each of them.

### **4 Vacation of office**

- (1) A person (being a judge of any court) holding office as the Tribunal is taken to have vacated that office if the person:
  - (a) ceases to be a judge of that court, or
  - (b) resigns that office by instrument in writing addressed to the Minister.
- (2) A person (not being a judge of any court) holding office as the Tribunal or a person holding office as an assessor is taken to have vacated that office if the person:
  - (a) dies, or
  - (b) 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, or
  - (c) becomes a mentally incapacitated person, or
  - (d) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or upwards, or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
  - (e) resigns that office by instrument in writing addressed to the Minister, or
  - (f) is removed from office by the Minister under subclause (3).
- (3) The Minister may remove from office:
  - (a) a person (not being a judge of any court) holding office as, or appointed to act as, the Tribunal, or
  - (b) an assessor.

### **5 Effect of [Public Sector Management Act 1988](#)**

The [Public Sector Management Act 1988](#) does not apply to or in respect of the appointment of:

- (a) a person as, or to act as, the Tribunal, or
- (b) an assessor,

and a person holding office as, or acting as, the Tribunal or an assessor is not, as the Tribunal or an assessor, subject to that Act.

## **6 Staff to assist Tribunal**

For the purposes of this Act, and if the Minister so approves, the Tribunal may make use of the services of:

- (a) any staff of the Authority, or
- (b) any staff of a Department in the Minister's administration.

## **Schedule 3 Savings, transitional and other provisions**

(Section 26)

### **Part 1 General**

#### **1A Regulations**

- (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the following Acts:

    this Act

*Greyhound Racing Authority Amendment Act 1998*

*Racing Legislation Amendment (Bookmakers) Act 2002*

- (2) A provision of a regulation authorised by this clause may, if the regulations so provide, take effect as from the date of assent to the Act concerned or as from a later day.
- (3) To the extent to which a provision of a regulation authorised by this clause takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate:
- (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, 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.

#### **1 Definitions**

In this Schedule:

**affiliate** means:

- (a) the New South Wales National Coursing Association Registrations Pty Ltd, or
- (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.

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

(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.

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

(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.

#### **4 Continuation of Board**

- (1) 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 4A of the *Gaming and Betting Act 1912*.
- (2) The change of name of the corporation constituted under section 5 (from the Greyhound Racing Control Board to the Greyhound Racing Authority (NSW)) by the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996* does not affect the identity or continuity of status of that corporation.

#### **4A Continuation of Fund**

The change of name of the Greyhound Racing Control Board Fund to the Greyhound Racing Authority (NSW) Fund by the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996* does not affect the identity or continuity of those funds.

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

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*.

#### **6 Continuation of rules and regulations**

Any rules or regulations made under Part 4A 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.

#### **7 Construction of certain references**

- (1) 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 4A 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 Authority.
- (2) On and from the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*, in any other Act, in any instrument made under any Act or in any other

instrument of any kind:

- (a) a reference to the Greyhound Racing Control Board is to be read as a reference to the Greyhound Racing Authority (NSW), and
- (b) a reference to the Greyhound Racing Control Board Fund is to be read as a reference to the Greyhound Racing Authority (NSW) Fund, and
- (c) a reference to the secretary of the Greyhound Racing Control Board is to be read as a reference to the chief executive of the Greyhound Racing Authority (NSW).

## **Part 2 Provisions consequent on enactment of [Greyhound Racing Authority Amendment Act 1998](#)**

### **8 Definitions**

In this Part:

**amending Act** means the [Greyhound Racing Authority Amendment Act 1998](#).

**new Authority** means the Authority as constituted by Schedule 1 [4] to the amending Act.

**old Authority** means the Authority as constituted immediately before the commencement of Schedule 1 [4] to the amending Act.

### **9 Continuation of Authority**

The new Authority is a continuation of, and the same legal entity as, the old Authority.

### **10 Members of Authority**

- (1) On the commencement of Schedule 1 [4] to the amending Act, a person who held office as a member of the old Authority:
  - (a) ceases to hold that office, and
  - (b) is eligible (if otherwise qualified) to be appointed as a director.
- (2) A person who so ceases to hold office is not entitled to any remuneration or compensation because of the loss of that office.
- (3) A reference in any other Act or instrument to a member of the Authority is taken to be a reference to a director.

### **11 Chief executive**

The person employed by the Authority as chief executive immediately before the commencement of Schedule 1 [4] to the amending Act is taken to be duly employed as chief executive officer under section 8E for the balance of his or her term of employment

as chief executive.

## **12 Appeals**

- (1) An appeal to the Authority that is lodged but not heard immediately before the commencement of Schedule 1 [15] to the amending Act is to be heard and determined, and the decision on the appeal given effect to, in accordance with this Act as amended by the amending Act.
- (2) An appeal to the Authority that is partly heard, or fully heard but not yet determined, immediately before the commencement of Schedule 1 [15] to the amending Act, is to be reheard and determined, and the decision on appeal given effect to, in accordance with this Act as amended by the amending Act. The rehearing is taken to be a new hearing and the previous hearing has no effect.
- (3) The right to appeal to the Tribunal under section 18A (as inserted by the amending Act) extends to decisions made before the commencement of Schedule 1 [15] to the amending Act.

## **13 Fees and charges**

The fees and charges for registration or for the transaction of other business with the Authority that are prescribed by the rules (as in force immediately before the commencement of Schedule 1 [9] to the amending Act) continue in force until such time as the Authority determines other fees and charges in accordance with this Act as amended by the amending Act.

## **14 Rules**

The rules in force under this Act are taken to be made under this Act as amended by the amending Act.

## **15 Greyhound Racing Authority (NSW) Fund**

All money in the Greyhound Racing Authority (NSW) Fund immediately before the commencement of Schedule 1 [15] to the amending Act is to be paid into an account established by the Authority in accordance with section 17A.