

Western Australia

**Western Australian
Greyhound Racing Authority
Act 1981**

Reprinted as at 1 January 1999

Western Australia

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CONTENTS

Part I — Preliminary

1.	Short title	2
2.	Commencement	2
3.	Act 16 of 1927 not to apply to greyhound racing	2
4.	Interpretation	2

Part II — Western Australian Greyhound Racing Authority

5.	Establishment of Authority	5
6.	Authority does not represent the Crown	6
7.	Functions of Authority	6
7A.	Powers of the Authority	6
7B.	Authority may make rules of racing	7
8.	Delegation	9

Part III — The board, Chairman, Deputy Chairman and staff of the Authority

9.	The board	10
10.	Functions, duties and powers	10

Contents

11.	Board subject to Minister	10
12.	Composition of board	10
13.	Chairman and Deputy Chairman of Authority	10
14.	Schedule 1 applicable to board	11
15.	Staff of Authority	11

Part IV — Finance

16.	The Fund	12
17.	Financial assistance to clubs	12
18.	Investment	13
19.	Application of <i>Financial Administration and Audit Act 1985</i>	13

Part V — Offences and enforcement

21.	Preventing performance of powers and functions	14
22.	False or misleading statements	14
23.	Warning off	15

Part VI — Restrictions on race meetings

27.	Restriction on holding of race meetings	16
28.	Licensing of race courses	16
29.	Permits to conduct race meetings	17
30.	Maximum number of race meetings	17
31.	Unauthorized race meetings	18

Part VII — Miscellaneous

32.	Information and annual report	19
33.	Recovery of money	19
34.	How legal proceedings taken	19
35.	Protection from liability etc.	20
36.	Publication of proceedings, etc., of greyhound racing inquiries privileged	20
37.	Regulations	21

Part VIII — Repeal, transitional and saving

39.	Repeal	22
40.	Conduct of greyhound racing at Cannington race course	22

Schedule 1

1.	Term of office of member	23
2.	Term of office of Chairman and Deputy Chairman	23
3.	Meetings of the board	24
4.	Remuneration	25
5.	Validity of acts	25

Schedule 2

Schedule 3

1.	Definitions of terms in this Schedule	27
2.	Lease of Cannington race course	27
3.	Termination of licence and permit	27
4.	Transfer of assets, liabilities, obligations and staff of club	28
5.	Staff	29

Notes

**Reprinted under the
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at 1 January 1999**

Western Australia

Western Australian Greyhound Racing Authority Act 1981

**An Act relating to greyhound racing; establishing the Western
Australian Greyhound Racing Authority; and for incidental and
other purposes.**

[Long title amended by No. 23 of 1998 s.16(1).]

Part I — Preliminary

1. Short title

This Act may be cited as the *Western Australian Greyhound Racing Authority Act 1981*.

[Section 1 amended by No. 23 of 1998 s.16(1).]

2. Commencement

The provisions of this Act shall come into operation on such date or dates as is or are respectively fixed by proclamation.

3. Act 16 of 1927 not to apply to greyhound racing

Nothing in the *Racing Restriction Act 1927* applies to or in relation to —

- (a) any race meeting lawfully conducted under this Act by the Authority or at a licensed race course; or
- (b) any greyhound trial lawfully conducted under this Act by the Authority or at a registered greyhound trial track.

[Section 3 amended by No. 23 of 1998 s.16(1).]

4. Interpretation

In this Act unless the contrary intention appears —

“**Authority**” means the Western Australian Greyhound Racing Authority established by this Act;

“**Chairman**” means Chairman of the Authority;

“**Chief Executive Officer**” means Chief Executive Officer of the Authority;

“**Deputy Chairman**” means Deputy Chairman of the Authority;

“**Fund**” means the Western Australian Greyhound Racing Authority Fund established and maintained under section 16;

“greyhound racing” means racing between greyhounds in competitive pursuit of an artificial lure;

“greyhound racing club” means a club, society or other association established for the purpose of conducting or promoting greyhound racing, but does not include the Authority;

“greyhound trial track” means land, not being a race course at which greyhound racing is conducted by the Authority or a licensed race course, that is held out by any person having the management or control thereof as owner, lessee, occupier or otherwise, as being available for the purpose of enabling greyhounds, other than those owned or trained by or leased to that person, to compete in trials or be trained in racing;

“lessee” means lessee of a greyhound;

“licensed”, in relation to a race course, means licensed under Part VI;

“member” or **“member of the board”** means member of the board of the Authority and includes the Chairman and the Deputy Chairman of the Authority;

“owner” means owner of a greyhound;

“race course” means any place at which greyhound racing is or may be conducted;

“race meeting” means a meeting for greyhound racing;

“registered” means registered by the Authority under this Act;

“rules of racing” means rules made by the Authority under section 7B;

“trainer” means trainer of a greyhound;

“warn off” means to prohibit from entering upon and remaining on any race course at which greyhound racing is conducted by the Authority, any greyhound trial track at which greyhound trials are conducted by the Authority, any

s. 4

licensed greyhound race course and any registered
greyhound trial track.

[Section 4 amended by No. 23 of 1998 ss.4, 16(1) and 17(1).]

Part II — Western Australian Greyhound Racing Authority

[Heading amended by No. 23 of 1998 s.16(1).]

5. Establishment of Authority

- (1) A body to be known as the “Western Australian Greyhound Racing Authority” is hereby established.
- (2) The Authority is a body corporate with perpetual succession and shall have a common seal.
- (3) Subject to and in accordance with this Act the Authority may, under its corporate name —
 - (a) sue and be sued in any court;
 - (b) acquire, hold and dispose of real and personal property;
 - (c) enter into agreements, guarantees, indemnities and other contractual arrangements;
 - (d) borrow money;
 - (e) mortgage or charge any of its property as security for the repayment of any money borrowed; and
 - (f) do and suffer all such other acts and things as bodies corporate may lawfully do and suffer.
- (4) All courts and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to any document and shall presume that it was duly affixed thereto.
- (5) The powers of the Authority in relation to real or leasehold property shall not be exercised except with the consent of the Minister and subject to such conditions as he may, in giving his consent, impose.

[Section 5 amended by No. 23 of 1998 s.16(1).]

s. 6

6. Authority does not represent the Crown

The Authority does not represent, and is not an agent or servant of, the Crown.

[Section 6 amended by No. 23 of 1998 s.16(1).]

7. Functions of Authority

The functions of the Authority are —

- (a) to control, supervise, promote and regulate greyhound racing, including the keeping and training of greyhounds;
- (b) to conduct greyhound racing and provide facilities to enable greyhounds to compete in trials and be trained in racing;
- (ba) to regulate betting in relation to greyhound races and to be the authority controlling race courses for the purposes of section 12 of the *Betting Control Act 1954*;
- (bb) to supervise greyhound racing clubs and their affairs; and
- (c) to exercise and discharge such powers, functions and duties as are conferred on the Authority by this Act or any other Act.

[Section 7 amended by No. 23 of 1998 ss.5 and 16(1).]

7A. Powers of the Authority

- (1) The Authority has all the powers it needs to perform its functions.
- (2) Without limiting subsection (1) the Authority's powers for the purpose of exercising its functions under section 7(bb) include power to —
 - (a) make orders and give directions as to the establishment, operation, management or dissolution of greyhound racing clubs; and

- (b) dissolve the committee of a greyhound racing club and appoint an administrator to conduct the club's affairs for such period as the Authority thinks fit.

[Section 7A inserted by No. 23 of 1998 s.6.]

7B. Authority may make rules of racing

- (1) The Authority may make such rules (“**rules of racing**”) as it considers necessary or convenient for the performance of its functions and the exercise of its powers.
- (2) Without limiting subsection (1), rules of racing may —
 - (a) fix fees and charges to be paid to the Authority in accordance with the rules of racing;
 - (b) provide for the imposition of pecuniary penalties (payable to the Authority) of up to \$5 000 for breaches of the rules of racing (other than breaches by persons who are only bound by the rules by reason of subsection (4)(g)) and for the recovery of those penalties by the Authority;
 - (c) provide for the imposition by the Authority of non-pecuniary penalties for breaches of the rules of racing;
 - (d) set out the powers and duties of —
 - (i) stewards and other officers, employees and agents of the Authority; and
 - (ii) greyhound racing clubs and their managing bodies, members, officers, employees and agents;and
 - (e) subject to the *Racing Penalties (Appeals) Act 1990*, provide for appeals to the board from decisions made by a person or body referred to in paragraph (d).

s. 7B

- (3) Without limiting the operation of subsections (1) and (2), rules of racing may —
- (a) authorize stewards or other officers, employees or agents of the Authority to enter and inspect premises at which greyhounds are kept, trained or raced;
 - (b) authorize a person referred to in subsection (2)(d) to —
 - (i) impose pecuniary and non-pecuniary penalties as referred to in subsection (2)(b) and (c); and
 - (ii) warn off any person.
- (4) Rules of racing apply to, and are binding on —
- (a) the Authority, the board, members of the board, stewards and other officers, employees and agents of the Authority;
 - (b) greyhound racing clubs and their managing bodies, members, officers, employees and agents;
 - (c) persons having the management or control of greyhound trial tracks or race courses and their employees and agents;
 - (d) trainers, owners and lessees and their employees and agents;
 - (e) bookmakers who hold licences under the *Betting Control Act 1954* and who accept bets (whether in relation to greyhound races or otherwise) at race courses;
 - (f) all other persons participating in, or associated with the keeping, training and racing of greyhounds; and
 - (g) all persons attending race meetings or trials or betting in relation to race meetings or trials.
- (5) Notice of the making of rules of racing is to be published in the *Gazette*.
- (6) A notice under subsection (5) must either set out the text of the rules or state where a copy of the rules may be obtained.

- (7) Rules of racing come into operation on the day of publication of the notice referred to in subsection (5) or such later day as is provided for in the rules.
- (8) Sections 41, 42 and 43(6) of the *Interpretation Act 1984* do not apply to rules of racing.

[Section 7B inserted by No. 23 of 1998 s.6.]

8. Delegation

- (1) With the consent of the Minister the Authority may by an instrument in writing in relation to such matter or class of matters as is specified in that instrument and to the extent therein set out delegate any of its powers or functions under this Act (except this power of delegation and its powers in relation to the making of rules of racing) to a member of the board, a steward or other officer or employee of the Authority, or any other person.
- (2) The Authority or the Minister may at any time vary or revoke a delegation given under subsection (1), and a delegation so given does not prevent the exercise by the Authority of any of its powers or functions.
- (3) A power or function delegated by the Authority may be exercised or performed by the delegate —
 - (a) subject to and in accordance with the terms of the instrument of delegation; and
 - (b) if the exercise of the power or the performance of the function is dependent upon the opinion, belief or state of mind of the Authority — upon the opinion, belief or state of mind of the delegate.

[Section 8 amended by No. 23 of 1998 ss.7, 16(1) and 17(1).]

Part III — The board, Chairman, Deputy Chairman and staff of the Authority

[Heading amended by No. 23 of 1998 ss.16(1) and 17(1).]

9. The board

The control and management of the Authority are vested in a board of the Authority, which shall be constituted as prescribed by this Part.

[Section 9 amended by No. 23 of 1998 ss.16(1) and 17(1).]

10. Functions, duties and powers

Subject to section 11 the board shall perform all the functions and duties, and may exercise all the powers, of the Authority under this Act or any other Act.

[Section 10 amended by No. 23 of 1998 ss.16(1) and 17(1).]

11. Board subject to Minister

The Minister may from time to time give directions to the board with respect to its functions, powers and duties, either generally or with respect to a particular matter, and the board shall give effect to those directions.

[Section 11 amended by No. 23 of 1998 s.17(1).]

12. Composition of board

The board shall consist of 5 members appointed by the Governor on the nomination of the Minister.

[Section 12 amended by No. 23 of 1998 s.17(1).]

13. Chairman and Deputy Chairman of Authority

- (1) One member of the board shall be appointed by the Governor to be Chairman of the Authority, but a person is not capable of being appointed Chairman, or of continuing in office as Chairman, if he is, except in his capacity as Chairman of the

Authority and member of the board, engaged or financially interested in the racing of greyhounds in any capacity as owner, lessee, breeder or trainer or if he holds any licence issued by the Betting Control Board under the *Betting Control Act 1954* to carry on the business of a bookmaker.

- (2) One member of the board shall be appointed by the Governor to be Deputy Chairman of the Authority.

[Section 13 amended by No. 23 of 1998 ss.16(1) and 17(1).]

14. Schedule 1 applicable to board

The provisions of Schedule 1 shall have effect in relation to the board, the Chairman, Deputy Chairman and other members, and the acts, proceedings and determinations of the board.

[Section 14 amended by No. 23 of 1998 s.17(1)].

15. Staff of Authority

- (1) The Authority may appoint a Chief Executive Officer and such other stewards and other officers and employees as it considers necessary for the effectual performance of its functions and duties.
- (2) Persons appointed under subsection (1) may be employed on a full-time or part-time basis.
- (3) Subject to any relevant award or industrial agreement the terms and conditions of office or employment of persons appointed under subsection (1), including the salary or wages payable, are such terms and conditions as the Authority determines after consultation with the Public Service Board.
- (4) Acceptance of or holding an office or position as a steward or other officer or employee of the Authority does not render Part 3 of the *Public Sector Management Act 1994* or any other Act applying to persons as officers of the Public Service applicable to that person.

[Section 15 amended by No. 32 of 1994 s.3(2); No. 23 of 1998 ss.8 and 16(1).]

Part IV — Finance

16. The Fund

- (1) The Authority shall establish and maintain a fund to be called the Western Australian Greyhound Racing Authority Fund.
- (2) There shall be paid to the credit of the Fund —
 - (a) all fees for licences, permits or registrations granted or effected by the Authority under this or any other Act;
 - (b) all other moneys that are received by the Authority under this Act or are directed or authorized to be paid to the Authority by or under any other Act; and
 - (c) any moneys borrowed by the Authority.
- (3) The Authority may, with the approval of the Minister, borrow moneys on such terms and conditions as the Minister approves.
- (4) All expenses, including —
 - (a) the repayment of moneys borrowed by the Authority and the payment of interest thereon; and
 - (b) the payment of members of the board, stewards and other officers and employees, of the Authority,

incurred by the Authority in the exercise of or discharge of its powers, functions and duties under this Act, shall be paid out of the Fund.

[Section 16 amended by No. 23 of 1998 ss.9, 16(1) and 17(1).]

17. Financial assistance to clubs

- (1) Regulations may authorize the distribution among registered greyhound racing clubs of moneys paid into the Fund by the Totalisator Agency Board constituted under the *Totalisator Agency Board Betting Act 1960*, after the retention for the Association's own use of such proportion of those moneys as is prescribed in the regulations.

- (2) In addition to distributing moneys in accordance with regulations made under subsection (1) the Authority may give financial assistance to a registered greyhound racing club by way of grants or loans from the Fund or by way of guarantee or indemnity.

[Section 17 amended by No. 23 of 1998 ss.10 and 16(1).]

18. Investment

Any moneys standing to the credit of the Fund may, until required by the Authority for the purposes of this Act, be temporarily invested in such securities as the Treasurer of the State approves and all income derived from any such investment shall be paid to the credit of the Fund.

[Section 18 amended by No. 23 of 1998 s.16(1).]

19. Application of *Financial Administration and Audit Act 1985*

- (1) The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to an in respect of the Authority and its operations.
- (2) Notwithstanding the provisions of the *Financial Administration and Audit Act 1985*, the financial year of the Authority shall end on 31 July.

[Section 19 inserted by No. 98 of 1985 Schedule 1; amended by No. 23 of 1998 s.16(1).]

[20. Repealed by No. 98 of 1985 Schedule 1.]

Part V — Offences and enforcement

[Heading inserted by No. 23 of 1998 s.11.]

21. Preventing performance of powers and functions

A person shall not obstruct, threaten or insult —

- (a) the Authority, the board, a member of the board, a steward or another officer, employee or agent of the Authority; or
- (b) a greyhound racing club or its managing body, or a member, officer, employee or agent of a greyhound racing club,

while that body or person is exercising powers or functions conferred by or under this Act.

Penalty: \$5 000.

[Section 21 inserted by No. 23 of 1998 s.11.]

22. False or misleading statements

- (1) A person shall not, in relation to greyhound racing, make a statement, whether oral or written, which is false or which is, or is likely to be, misleading.

Penalty: \$5 000.

- (2) Without limiting subsection (1) a statement is made in relation to greyhound racing if it is made to —

- (a) the Authority, the board, a member of the board, a steward or other officer, employee or agent of the Authority; or
- (b) a greyhound racing club or its managing body, or a member, officer, employee or agent of a greyhound racing club,

while that body or person is exercising powers or functions conferred by or under this Act.

[Section 22 inserted by No. 23 of 1998 s.11.]

23. Warning off

- (1) The Authority may warn off any person.
- (2) A person who has been warned off by the Authority or under the rules of racing shall not enter or remain on any race course, greyhound trial track or other property owned by, or under the control of, the Authority or a greyhound racing club.

Penalty: \$5 000.

- (3) Subsection (2) does not restrict any right the Authority or a greyhound racing club may have to pursue an action for trespass against a person who has been warned off.

[Section 23 inserted by No. 23 of 1998 s.11.]

[24, 25, 26. Repealed by No. 23 of 1998 s.11.]

Part VI — Restrictions on race meetings

27. Restriction on holding of race meetings

No race meeting shall be held unless it is conducted —

- (a) by the Authority; or
- (b) by a registered greyhound racing club, pursuant to a permit issued under this Part and at a race course licensed under this Part.

[Section 27 amended by No. 23 of 1998 s.16(1).]

28. Licensing of race courses

- (1) A registered greyhound racing club may apply to the Authority in the form approved by the Authority for the issue by the Authority of a licence authorizing the conduct of race meetings at the race course specified in the application.
- (2) The Authority may, with the prior approval of the Minister, —
 - (a) issue a licence authorizing the conduct of race meetings at a race course specified in an application made in accordance with subsection (1); and
 - (b) revoke any licence issued under paragraph (a).
- (3) A licence issued under subsection (2) may be issued subject to such conditions as the Authority, with the approval of the Minister, determines.
- (4) Nothing in this section authorizes or shall be construed as authorizing a greyhound racing club to conduct a race meeting other than in accordance with the terms specified in a permit issued to the club under section 29(2).

[Section 28 amended by No. 23 of 1998 s.16(1).]

29. Permits to conduct race meetings

- (1) A registered greyhound racing club may apply to the Authority for the issue of a permit authorizing the club to conduct race meetings during the period specified in the application.
- (2) Where an application made under subsection (1) is received by the Authority, the Authority may, subject to section 30, issue to the applicant a permit in writing authorizing it to conduct such number of race meetings as are specified in the permit, or may refuse to issue a permit.
- (3) A permit issued under subsection (2) shall also specify —
 - (a) the days on which the club may conduct the race meetings specified in the permit;
 - (b) the hours during which the club may conduct those race meetings; and
 - (c) the licensed race course at which those race meetings may be conducted.

[Section 29 amended by No. 23 of 1998 s.16(1).]

30. Maximum number of race meetings

- (1) The Authority shall not conduct more than 60 race meetings per year —
 - (a) in the area within a radius of 50 kilometres from the Town Hall in Perth; or
 - (b) at any one race course.
- (2) In issuing a permit under section 29(2) the Authority shall not authorize a registered greyhound racing club to conduct more than 60 race meetings per year.
- (3) The Authority may apply to the Minister for approval to conduct a race meeting in addition to those that it is permitted to conduct under subsection (1).

s. 31

- (4) A registered greyhound racing club may apply through the Authority to the Minister for approval to conduct a race meeting in addition to those that it is authorized to conduct pursuant to a permit issued under section 29(2).
- (5) The Minister may approve an application made under subsection (3) or (4) on such conditions, if any, as he thinks fit or may refuse the application.
- (6) In subsections (1) and (2) “**year**” means a year ending on 31 July.

[Section 30 amended by No. 23 of 1998 s.16(1).]

31. Unauthorized race meetings

- (1) Where any race meeting is conducted by a person or an association or body of persons, whether incorporated or not and —
 - (a) that race meeting is conducted at a place that is not licensed as a race course under section 28(2); or
 - (b) that person or association or body of persons is not registered under Part V as a registered greyhound racing club,

that person, or each member of the managing body of that association or body of persons, and any person acting at the race meeting as steward or judge commits an offence and is liable to a fine not exceeding \$5 000.

- (2) Subsection (1) does not apply in relation to a race meeting conducted by the Authority.
- (3) Where any registered greyhound racing club conducts a race meeting on a day or during any hours of a day on which the club was not so authorized pursuant to section 29, the registration under Part V of the club as a registered greyhound racing club is revoked by force of this subsection.

[Section 31 amended by No. 23 of 1998 s.16(1).]

Part VII — Miscellaneous

32. Information and annual report

- (1) The board shall furnish the Minister with such information concerning the activities, achievements, expenditure and financial position of the Authority as the Minister may from time to time require.

[(2) Repealed]

[(3) Repealed]

[Section 32 amended by No. 98 of 1985 Schedule 1; No. 23 of 1998 ss.16(1) and 17(1).]

33. Recovery of money

Any charge, fee, penalty or other money due and payable to the Authority may be recovered by the Authority by action in a court of competent jurisdiction.

[Section 33 amended by No. 23 of 1998 s.16(1).]

34. How legal proceedings taken

- (1) Any proceedings under section 33 or in respect of an offence against this Act may be taken in the name of the Authority by the Chief Executive Officer or by any other officer of the Authority authorized in that behalf by the board.
- (2) No proof shall be required of the appointment of an officer of the Authority, or of the authority of an officer to take proceedings in the name of the Authority but the averment on the process that an officer of the Authority has such authority shall be deemed to be conclusive proof of the fact.

[Section 34 amended by No. 23 of 1998 ss.16(1) and 17(1).]

s. 35

35. Protection from liability etc.

A matter or thing done or omitted by —

- (a) a member of the board;
- (b) a steward or other officer, employee or agent of the Authority; or
- (c) a person who otherwise performs a function under this Act,

does not, if the matter or thing was done or omitted in good faith for the purposes of this Act, subject the person to any action, liability, claim or demand.

[Section 35 inserted by No. 23 of 1998 s.12.]

36. Publication of proceedings, etc., of greyhound racing inquiries privileged

Without limiting the operation of section 35 no action, claim or demand whatever lies against —

- (a) the Authority, the board, any member of the board, a steward or any other officer, employee or agent of the Authority;
- (b) any registered greyhound racing club or any managing body, member, officer, employee or agent of such a club; or
- (c) the proprietor, editor, printer or publisher of any newspaper, journal or periodical,

in respect of the publication, in good faith, of the whole or any part of a report of any proceedings, inquiry or findings before or by the board, the committee of any registered greyhound racing club or any stewards concerning any matter touching the conduct of greyhound racing.

[Section 36 amended by No. 23 of 1998 ss.13, 16(1), 17(1) and (2).]

37. Regulations

The Governor may make regulations prescribing all matters that are required or permitted by the provisions of this Act to be prescribed or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act.

[38. *Repealed by No. 23 of 1998 s.14.*]

Part VIII — Repeal, transitional and saving

39. Repeal

[Omitted under s.7(4) of the Reprints Act 1984.]

40. Conduct of greyhound racing at Cannington race course

- (1) Without prejudice to the generality of sections 7 and 22, on and after such day as is fixed by the Minister for the purposes of this subsection by notice published in the *Gazette* the Authority has power to conduct all operations involving and relating to greyhound racing and greyhound trials at the race course referred to in Schedule 3 as Cannington race course.
- (2) The provisions of Schedule 3 shall have effect in relation to the take-over by the Authority of the conduct of the operations referred to in subsection (1).

[Section 40 amended by No. 23 of 1998 s.16(1).]

Schedule 1

[s. 14.]

Provisions as to board

[Heading amended by No. 23 of 1998 s.17(1).]

1. Term of office of member

- (1) Subject to this Act a member shall hold office for such period not exceeding 3 years as is specified in the instrument of his appointment and is eligible for re-appointment.
- (2) The Minister may grant leave of absence to a member on such terms and conditions as the Minister determines.
- (3) The Governor may terminate the appointment of a member for inability, inefficiency, or misbehaviour.
- (4) The office of a member becomes vacant if —
 - (a) his term of office expires;
 - (b) his appointment is terminated pursuant to subclause (3);
 - (c) he becomes an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
 - (d) he becomes permanently incapable of performing his duties as a member;
 - (e) he resigns his office by written notice addressed to the Minister; or
 - (f) he absents himself, except on leave duly granted by the Minister from 3 consecutive meetings of the board.

[(g) deleted]

2. Term of office of Chairman and Deputy Chairman

- (1) Subject to this Act the Chairman or Deputy Chairman shall hold office for such period not exceeding 3 years as is specified in the instrument of his appointment and is eligible for re-appointment.

Schedule 1

- (2) The office of the Chairman or Deputy Chairman becomes vacant if —
 - (a) his term of office expires;
 - (b) his office as a member becomes vacant;
 - (c) he resigns his office by written notice addressed to the Minister;
 - (d) in the case of the Chairman, he ceases to be capable of continuing in his office pursuant to section 13(1); or
 - (e) in the case of the Deputy Chairman, he is appointed to the office of Chairman.
- (3) The office of a member shall not be regarded as having become vacant for the purposes of subclause (2)(a) where his term of office as a member expires but he is re-appointed a member with effect from the expiration of his previous term.

3. Meetings of the board

- (1) The board shall hold meetings at such times and places as are necessary to enable it to discharge its functions and duties under this Act and the Minister may at any time require the Chairman to convene a meeting of the board.
- (2) The Chairman shall preside at all meetings of the board at which he is present and the Deputy Chairman shall preside at all meetings at which he, but not the Chairman, is present, but where neither the Chairman nor the Deputy Chairman is present at a meeting of the board, the members present shall appoint one of their number present to preside at the meeting.
- (3) At a meeting of the board such number of members as is not less than one-half of the members for the time being holding office constitutes a quorum.
- (4) Any question arising at a meeting of the board shall be decided, in open voting, by a majority of the votes of the members present and voting.
- (5) The member presiding at a meeting of the board has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

- (6) The board shall cause accurate minutes to be kept of its proceedings at its meetings.
- (7) To the extent that it is not set out in this Schedule or in regulations the board shall determine its own procedure.

4. Remuneration

- (1) Members shall be entitled to be paid such remuneration and allowances as are determined by the Minister on the recommendation of the Public Service Board.
- (2) Acceptance of or acting in the office of member shall not of itself render the provisions of Part 3 of the *Public Sector Management Act 1994* or any other Act applying to persons as officers of the Public Service applicable to that member or affect or prejudice the application to him of those provisions if they applied to him at the time of the acceptance of or acting in that office.

5. Validity of acts

No act, proceeding, or determination of the board shall be invalid on the ground only of any vacancy in the office of any member or of any defect in the appointment of any member.

[Schedule 1 amended by No. 32 of 1994 s.3; No. 42 of 1997 s.8; No. 23 of 1998 ss.15 and 17(1).]

Schedule 2

Schedule 2

[Section 39]

**Provisions as to repeal of *Greyhound Racing Control Act 1972* and
dissolution of Greyhound Racing Control Board.**

[Omitted under s.7(4) of the Reprints Act 1984.]

Schedule 3

[Section 40.]

Provisions as to take-over by Association of conduct of operations at Cannington race course

1. Definitions of terms in this Schedule

In this Schedule —

“**appointed day**” means the day fixed by the Minister pursuant to section 40(1);

“**Cannington race course**” means all that land being portion of Canning Location 5 and being Lot 18 the subject of Diagram 24185 and being part of the land comprised in Certificate of Title Volume 1223 Folio 633 together with the improvements thereon;

“**the club**” means the Canning Greyhound Racing Association (W.A.) (Inc.);

“**the Society**” means the Canning Agricultural Horticultural and Recreational Society (Inc.).

2. Lease of Cannington race course

- (1) On the appointed day the lease of the Cannington race course by the Society to the club shall, by force of this subclause, cease and determine.
- (2) Without prejudice to the generality of section 22 the Association may, with effect on and from the appointed day, lease the Cannington race course from the Society upon and subject to such terms, covenants, conditions and stipulations as are agreed to by the Association and the Society.

3. Termination of licence and permit

On or after the appointed day a licence or permit —

- (a) issued or deemed to have been issued under Part VI in respect of the Cannington race course; and

Schedule 3

(b) in force immediately before that day,

shall have no effect.

4. Transfer of assets, liabilities, obligations and staff of club

(1) On the appointed day —

(a) all rights, property and assets that were, immediately before that day, vested in the club and were acquired or used by the club in connection with the operations conducted by it at the Cannington race course, are, by force of this subclause, vested in the Association; and

(b) the Association becomes, by force of this subclause, liable to pay and discharge all the debts, liabilities and obligations of the club that existed immediately before that day and were incurred by or imposed on the club in connection with the operations conducted by it at the Cannington race course,

and on and from that day the Association shall have all powers necessary to enforce such rights, take possession of, recover and deal with such property and pay and discharge such debts, liabilities and obligations.

(2) On the appointed day, or as soon as practicable thereafter, the club shall deliver to the Association or as the Association may order, all movable property to which subclause (1)(a) applies and all books, papers, documents, minutes, receipts and ledgers appertaining to the operations conducted by the club at the Cannington race course.

(3) Any person who was, during the period of one year immediately preceding the appointed day, an office-bearer or employee of the club shall on being required so to do by a person authorized in that behalf by the Committee, give to that person all assistance that he is reasonably able to give in connection with any matter recorded in any book, papers, document, minutes, receipt or ledger referred to in subclause (2).

Penalty: \$1 000.

(4) Subject to clause 2 any agreement or instrument subsisting immediately before the appointed day to which the club is a party and

which relates to the operations conducted by the club at the Cannington race course has effect on and after that day as if —

- (a) the Association were substituted for the club as a party to the agreement or instrument; and
 - (b) any reference in the agreement or instrument to the club were (except in relation to matters that occurred before that day) a reference to the Association.
- (5) Any proceedings pending immediately before the appointed day to which the club is a party and which relate to the operations conducted by the club at the Cannington race course may be continued on or after that day as if the Association was a party thereto in lieu of the club.
- (6) Any question arising as to whether or not a provision of this clause applies to any particular right, property, asset, debt, liability, obligation, book, papers, document, minutes, receipt, ledger, agreement, instrument or proceedings shall be determined by the Minister and the decision of the Minister is final.

5. Staff

- (1) On the appointed day any person who, immediately before that day, held an office as a salaried officer of the club or occupied a position as an employee of the club and who has, before the appointed day, indicated in writing to the Association that he wishes this subclause to apply to him, shall become the holder of an office as an officer of the Association or the occupant of a position as an employee of the Association, as the case may be.
- (2) A person who becomes an officer or employee of the Association pursuant to subclause (1) shall retain his existing and accruing rights and in particular his rights in relation to leave and retirement benefits and for the purpose of determining such rights his service with the Association shall be regarded as continuous with his service with the club.



Notes

¹ This reprint is a compilation as at 1 January 1999 of the *Western Australian Greyhound Racing Authority Act 1981* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Western Australian Greyhound Racing Association Act 1981</i>	10 of 1981	22 May 1981	15 June 1981 (see <i>Gazette</i> 12 June 1981 p.2048)	(See note ²)
<i>Acts Amendment (Financial Administration and Audit) Act 1985</i>	98 of 1985	4 December 1985	1 July 1986 (see <i>Gazette</i> 30 June 1986 p.2255)	
<i>Acts Amendment (Public Sector Management) Act 1994, Part 2</i>	32 of 1994	29 June 1994	1 October 1994 (see <i>Gazette</i> 30 September 1994 p.4948)	
<i>Equal Opportunity Amendment Act (No. 3) 1997, section 8</i>	42 of 1997	9 December 1997	6 January 1998 (see section 2)	
<i>Western Australian Greyhound Racing Association Amendment Act 1998, sections 1 to 19</i>	23 of 1998	30 June 1998	1 August 1998 (see section 3 and <i>Gazette</i> 21 July 1998 p.3825)	Sections 16 and 17: saving ^{2,3} ; section 18: validation ⁴ ; section 19: transitional ⁵

² Section 16(2), (3) and (4) of the *Western Australian Greyhound Racing Association Amendment Act 1998* (No. 23 of 1998) reads as follows —

“

- (2) The body renamed as the Western Australian Greyhound Racing Authority by subsection (1) is the same body as the Western Australian Greyhound Racing Association previously established under section 5 of the principal Act.

- (3) The fund renamed as the Western Australian Greyhound Racing Authority Fund by subsection (1) is the same fund as the Western Australian Greyhound Racing Association Fund previously referred to in section 16 of the principal Act.
- (4) Where, in a written law (including the principal Act on or after the commencement of this Act) or in any document of any kind, there is —
 - (a) a reference to the Western Australian Greyhound Racing Association; or
 - (b) a reference that was directed by clause 7 of Schedule 2 to the principal Act to be read and construed as a reference to the Western Australian Greyhound Racing Association,

that reference is, unless because of the context it would be inappropriate to do so, to be read and construed as if it had been amended to be a reference to the Western Australian Greyhound Racing Authority.

”

³ Section 17(3) and (4) of the *Western Australian Greyhound Racing Association Amendment Act 1998* (No. 23 of 1998) reads as follows —

“

- (3) The body renamed as the board by subsection (1) is the same body as the Committee previously established under section 9 of the principal Act.
- (4) Where, in a written law or in any document of any kind, there is a reference to the Committee that reference is, unless because of the context it would be inappropriate to do so, to be read and construed as if it had been amended to be a reference to the board.

”

⁴ Section 18 of the *Western Australian Greyhound Racing Association Amendment Act 1998* (No. 23 of 1998) reads as follows —

“

18. Validation of rules

- (1) A rule made under section 24 or 25 of the principal Act is taken to have been validly made and to have, and to have always had, full force and effect as a rule under that section even if it was not published and dealt with in accordance with the *Interpretation Act 1918* or the *Interpretation Act 1984*, whichever was applicable at the time.
- (2) No action lies in respect of a matter determined, or an action taken or omitted to be taken, by a person or body in good faith under a rule to which subsection (1) applies, by reason only that the rule was not published and dealt with in accordance with the *Interpretation Act 1918* or the *Interpretation Act 1984*, whichever was applicable at the time.

”

⁵ Section 19 of the *Western Australian Greyhound Racing Association Amendment Act 1998* (No. 23 of 1998) reads as follows —

“

19. Transitional provision regarding rules

Unless and until they are amended, rules made under section 24 or 25 of the principal Act and in force immediately before the commencement of this Act (including any rule to which section 18 applies) continue in force as, and are taken to be, rules of racing made by the Authority under section 7B of the principal Act as amended by this Act.

”