

WESTERN AUSTRALIA

**WESTERN AUSTRALIAN
GREYHOUND RACING
ASSOCIATION AMENDMENT
ACT 1998**

No. 23 of 1998

AN ACT to amend the *Western Australian Greyhound Racing Association Act 1981* and for related purposes.

[Assented to 30 June 1998.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Western Australian Greyhound Racing Association Amendment Act 1998*.

Principal Act

2. In this Act the *Western Australian Greyhound Racing Association Act 1981** is referred to as the principal Act.

[* *Act No. 10 of 1981.*
For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, p. 247 and
Act No. 42 of 1997.]

Commencement

3. This Act comes into operation on such day as is fixed by proclamation.

Section 4 amended

4. Section 4 of the principal Act is amended —

(a) by deleting the definition of “rules” and substituting the following definition —

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

(b) by deleting the definitions of “prescribed”, “section”, “Schedule” and “subsection”.

Section 7 amended

5. (1) Section 7 (a) of the principal Act is amended by deleting “racing;” and substituting the following —

“ racing, including the keeping and training of greyhounds; ”.

- (2) Section 7 of the principal Act is amended —
- (a) at the end of paragraph (b) by deleting “and”; and
 - (b) after paragraph (b) by inserting the following —

“

(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

”.

Sections 7A and 7B inserted

6. After section 7 of the principal Act the following sections are inserted —

“

Powers of the Authority

7A. (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.

Authority may make rules of racing

7B. (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).

(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 8 amended

7. Section 8 (1) of the principal Act is amended —

(a) by inserting after “rules” the following —

“ of racing ”; and

(b) by deleting “an officer” and substituting the following —

“ a steward or other officer ”.

Section 15 amended

8. (1) Section 15 (1) of the principal Act is amended by deleting “officers” and substituting the following —

“ stewards and other officers ”.

(2) Section 15 (4) of the principal Act is amended —

(a) by deleting “an officer” and substituting the following —

“ a steward or other officer ”; and

- (b) by deleting “that officer or employee.” and substituting the following —

“ that person. ”.

Section 16 amended

9. Section 16 (4) (b) of the principal Act is amended by deleting “and officers” and substituting the following —

“ , stewards and other officers ”.

Section 17 amended

10. Section 17 (1) of the principal Act is amended by inserting after “prescribed” the following —

“ in the regulations ”.

Part V repealed and a Part substituted

11. Part V of the principal Act is repealed and the following Part is substituted —

“

PART V — OFFENCES AND ENFORCEMENT

Preventing performance of powers and functions

21. 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.

False or misleading statements

22. (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.

Warning off

23. (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 35 repealed and a section substituted

12. Section 35 of the principal Act is repealed and the following section is substituted —

“

Protection from liability etc.

35. 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 36 amended

13. Section 36 (a) of the principal Act is amended by deleting “or any officer,” and substituting the following —

“ a steward or any other officer, ”.

Section 38 repealed

14. Section 38 of the principal Act is repealed.

Schedule 1 amended

15. Clause 3 (7) of Schedule 1 to the principal Act is amended by deleting “prescribed” and substituting the following —

“ in regulations ”.

Various references to “Association” amended and saving

16. (1) The principal Act is amended in each provision listed in the Table to this subsection by deleting “Association” (whether in ordinary type, italics, bold or capitals) and substituting the following (in corresponding type) —

“ Authority ”.

Table

Long title	s. 9 (twice)	s. 29 (1),
s. 1	s. 10	(2) (twice)
s. 3 (a), (b)	s. 13 (1) (twice),	s. 30 (1), (2), (3),
s. 4 other than	(2)	(4)
defn. of rules	s. 15 (1), (3), (4)	s. 31 (2)
Heading to	s. 16 (1) (twice),	s. 32 (1)
Part II	(2) (a),	s. 33 (twice)
s. 5 (1), (2), (3),	(b) (twice), (c),	s. 34 (1) (twice),
(4), (5)	(3), (4),	(2) (3 times)
s. 6	(4) (a), (b)	s. 36 (a) (twice)
s. 7, 7 (c)	s. 17 (2)	s. 40 (1), (2)
s. 8 (1) (twice),	s. 18	
(2) (twice),	s. 19 (1), (2)	
(3), (3) (b)	s. 27 (a)	
Heading to	s. 28 (1) (3 times)	
Part III	(2), (3)	

(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.

Various references to “Committee” amended and saving

17. (1) The principal Act is amended in each provision listed in the Table to this subsection by deleting “Committee” (whether in ordinary type, italics, bold or capitals) and substituting the following (in corresponding type) —

“ board ”.

Table

s. 4 defn. of member (twice)	s. 34 (1) s. 35 (twice)
s. 8	s. 36 (a) (twice)
Heading to Part III	Heading to Schedule 1.
s. 9	Sch 1 —
s. 10	cl. 1 (4) (f)
s. 11 (twice)	cl. 3 (1) (twice), (2) (twice), (3), (4), (5), (6), (7)
s. 12	
s. 13 (1) (twice), (2)	
s. 14 (twice)	
s. 16 (4) (b)	cl. 5
s. 32 (1)	

(2) Section 36 of the principal Act is amended by deleting “by the Committee” and substituting the following —

“ by the board ”.

(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.

Validation of rules

18. (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.

Transitional provision regarding rules

19. 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.

Consequential amendments

20. Schedule 1 has effect.

SCHEDULE 1 — CONSEQUENTIAL AMENDMENTS

[Section 20]

***Betting Control Act 1954* amended**

1. (1) Section 33 (3) (c) of the *Betting Control Act 1954* is amended by inserting after “rules” the following —

“ of racing ”.

(2) Section 34 (b) (iii) of the *Betting Control Act 1954* is amended by deleting “Part V of”.

***Constitution Acts Amendment Act 1899* amended**

2. Part 3 of Schedule V to the *Constitution Acts Amendment Act 1899* is amended —

(a) by deleting the item relating to the Committee of the Western Australian Greyhound Racing Association; and

(b) by inserting in the appropriate alphabetical position the following item —

“
The board of the Western Australian Greyhound Racing Authority constituted under the *Western Australian Greyhound Racing Authority Act 1981*.
”.

***Racing Penalties (Appeals) Act 1990* amended**

3. Clause 3 (2) (d) of the Schedule to the *Racing Penalties (Appeals) Act 1990* is amended by inserting after “member of the” the following —

“ board or ”.

***Totalisator Agency Board Betting Act 1960* amended**

4. Section 57 (3) (b) of the *Totalisator Agency Board Betting Act 1960* is amended by inserting after “rules” in the second place where it occurs the following —

“ of racing ”.

Various references to “Association” amended

5. Each Act listed in the Table to this clause is amended in each place specified next to that Act by deleting “Association” (whether in ordinary type or italics) where it appears after “Greyhound Racing” and substituting the following (in corresponding type) —

“ Authority ”.

Table

<i>Betting Control Act 1954</i>	s. 6 (2) (e), (4) (d) s. 20 (2) s. 23 (1) (a) (i) (twice) s. 27 (b) (i) (twice) s. 33 (3) (c) s. 34 (b) (iii)
<i>Dog Act 1976</i>	s. 30 (3) (a) (twice) s. 33 (2) (b) (twice)
<i>Financial Administration and Audit Act 1985</i>	Schedule 1
<i>Government Employees Superannuation Act 1987</i>	Schedule 1, Part B
<i>Public Sector Management Act 1994</i>	Schedule 1, item 19 (twice)
<i>Racing Penalties (Appeals) Act 1990</i>	s. 3, paragraph (a) of the definition of “controlling authority”
<i>Sentencing Act 1995</i>	Schedule 1
<i>Totalisator Agency Board Betting Act 1960</i>	s. 3, definition of WAGRA (twice) s. 57 (3) (b)