

WESTERN AUSTRALIAN GREYHOUND RACING ASSOCIATION ACT 1981.

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WESTERN AUSTRALIAN
GREYHOUND RACING
ASSOCIATION.

No. 10 of 1981.

AN ACT relating to greyhound racing; establishing the Western Australian Greyhound Racing Association; and for incidental and other purposes.

[Assented to 22 May 1981.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Western Australian Greyhound Racing Association Act 1981*. Short title.

Commence-
ment.

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

Act 16 of
1927 not to
apply to
greyhound
racing.

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

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

Interpreta-
tion.

4. In this Act unless the contrary intention appears—

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

“Chairman” means Chairman of the Association;

“Chief Executive Officer” means Chief Executive Officer of the Association;

“Deputy Chairman” means Deputy Chairman of the Association;

“Fund” means the Western Australian Greyhound Racing Association 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 Association;

“greyhound trial track” means land, not being a race course at which greyhound racing is conducted by the Association 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 of this Act;

“member” or “member of the Committee” means member of the Committee of the Association and includes the Chairman and the Deputy Chairman of the Association;

“owner” means owner of a greyhound;

“prescribed” means prescribed by regulations except in Part V of this Act in which it means prescribed by rules;

“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 Association under this Act;

“rules” means rules made by the Association with the approval of the Minister under Part V of this Act;

“section” means section of this Act;

“Schedule” means Schedule to this Act;

“subsection” means subsection of the section wherein the term is used;

“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 Association, any greyhound trial track at which greyhound trials are conducted by the Association, any licensed greyhound race course and any registered greyhound trial track.

PART II—WESTERN AUSTRALIAN GREYHOUND RACING ASSOCIATION.

Establishment of Association.

5. (1) A body to be known as the “Western Australian Greyhound Racing Association” is hereby established.

(2) The Association is a body corporate with perpetual succession and shall have a common seal.

(3) Subject to and in accordance with this Act the Association 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 Association affixed to any document and shall presume that it was duly affixed thereto.

(5) The powers of the Association 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.

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

Association does not represent the Crown.

7. The functions of the Association are—

Functions of Association.

- (a) to control, supervise, promote and regulate greyhound racing;
- (b) to conduct greyhound racing and provide facilities to enable greyhounds to compete in trials and be trained in racing; and
- (c) to exercise and discharge such powers, functions and duties as are conferred on the Association by this Act or any other Act.

8. (1) With the consent of the Minister the Association 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) to a member of the Committee, an officer or employee of the Association, or any other person.

Delegation.

(2) The Association 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 Association of any of its powers or functions.

(3) A power or function delegated by the Association 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 Association—upon the opinion, belief or state of mind of the delegate.

PART III—THE COMMITTEE, CHAIRMAN, DEPUTY CHAIRMAN AND STAFF OF THE ASSOCIATION.

The Committee.

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

Functions, duties and powers.

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

Committee subject to Minister.

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

Composition of Committee.

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

Chairman and Deputy Chairman of Association.

13. (1) One member of the Committee shall be appointed by the Governor to be Chairman of the Association, 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 Association and member of the

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Committee, 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 Committee shall be appointed by the Governor to be Deputy Chairman of the Association.

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

Schedule 1
applicable
to
Committee.

15. (1) The Association may appoint a Chief Executive Officer and such other officers and employees as it considers necessary for the effectual performance of its functions and duties.

Staff of
Association.

(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 Association determines after consultation with the Public Service Board.

(4) Acceptance of or holding an office or position as an officer or employee of the Association does not render the Public Service Act 1978 or any other Act applying to persons as officers of the Public Service applicable to that officer or employee.

PART IV—FINANCE.

16. (1) The Association shall establish and maintain a fund to be called the Western Australian Greyhound Racing Association Fund.

The 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 Association under this or any other Act;

(b) all other moneys that are received by the Association under this Act or are directed or authorized to be paid to the Association by or under any other Act; and

(c) any moneys borrowed by the Association.

(3) The Association 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 Association and the payment of interest thereon;

and

(b) the payment of members of the Committee and officers and employees, of the Association,

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

Financial
assistance
to clubs.

17. (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.

(2) In addition to distributing moneys in accordance with regulations made under subsection (1) the Association 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.

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18. Any moneys standing to the credit of the Fund may, until required by the Association 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.

Investment.

19. The first financial year of the Association shall be the period commencing on the day on which section 39 comes into operation and ending on 31 July next ensuing and thereafter the financial year of the Association shall be the period of 12 months ending on 31 July in each year.

Financial year.

20. (1) The Committee shall cause to be kept proper accounts and records of the transactions and affairs of the Association and shall do all things necessary to ensure that all payments out of the Fund are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Association and over the incurring of liabilities by the Association.

Accounts and audit.

(2) In respect of each financial year of the Association the Committee shall cause financial statements of the Fund to be prepared comprising an income and expenditure statement, a balance sheet and such other accounts and statements (if any) as are prescribed.

(3) The Auditor General shall inspect and audit the accounts and records of the financial transactions of the Association generally, and in respect of the Fund, and records relating to the assets of, or in the custody of, the Association and shall have in respect of those accounts and records all powers conferred on the Auditor General by any law in force relating to the audit of public accounts.

(4) The Association shall, in respect of the functions performed by the Auditor General under subsection (3), pay to the Treasurer such reasonable fees as the Treasurer fixes.

PART V—POWERS AND DUTIES OF ASSOCIATION.

Powers generally.

21. (1) The Association has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

(2) In particular and without prejudice to the generality of subsection (1) the Association shall have the powers set out in the succeeding sections of this Part.

Conduct and promotion of greyhound racing.

22. The Association may—

(a) acquire, lay out, prepare, maintain and keep grounds as courses or tracks for greyhound racing or greyhound trials conducted by the Association and, at any such grounds—

(i) make provision for the conduct of any kind of sport, amusement, recreation, or entertainment so that the grounds may be profitably put to use when not being actually used for greyhound racing or greyhound trials;

(ii) erect, make or provide, and maintain, such buildings, improvements and amenities as may, in the opinion of the Association, add to the comfort or convenience of persons attending the grounds;

(iii) cater for and provide all refreshments, matters and things that are usually provided and available for the comfort and convenience of persons attending race courses and, for such purposes, carry on the business of caterers, refreshment purveyors and licensed victuallers and obtain and hold any licence necessary for any such purpose;

(b) erect, conduct and maintain totalisators and obtain and hold licences under the Totalisator Regulation Act 1911;

- (c) erect and maintain offices for the Committee and the staff of the Association;
- (d) undertake research and make investigations into all aspects of the breeding of greyhounds and of greyhound racing generally; and
- (e) consult, join, affiliate and maintain liaison with other associations or bodies concerned with the breeding or racing of horses or greyhounds.

23. (1) The Association may, in accordance with the rules,—

Regulation
and control
of greyhound
racing.

- (a) register or refuse to register, and renew or refuse to renew the registration of,—
 - (i) any greyhound;
 - (ii) any lease agreement or training agreement relating to a greyhound;
 - (iii) any owner, trainer or lessee;
 - (iv) any greyhound racing club or greyhound trial track;
 - (v) any other prescribed person or thing associated or connected with greyhound racing;
- (b) prohibit from participating in greyhound racing any greyhound that is not registered;
- (c) prohibit from participating in greyhound racing in any specified capacity any person who is not registered in that capacity;
- (d) cancel or suspend any registration referred to in paragraph (a) of this subsection;
- (e) disqualify any greyhound from participating in greyhound racing;
- (f) disqualify any owner, trainer, lessee or other person from participating in, or associating with, greyhound racing;

- (g) warn off any person;
 - (h) grant or refuse to grant, and renew or refuse to renew, a permit under section 12 of the Betting Control Act 1954; and
 - (i) cancel or suspend a permit granted by it under section 12 of the Betting Control Act 1954.
- (2) Any decision of the Association in respect of—
- (a) the refusal to register or to renew the registration of any greyhound, person or thing referred to in paragraph (a) of subsection (1) or grant or renew a permit under section 12 of the Betting Control Act 1954; or
 - (b) any of the matters referred to in paragraph (d), (e), (f), (g) or (i) of subsection (1),
- shall be final and without appeal.

(3) The Association may impose such conditions on the registration or the renewal of the registration of any greyhound, person or thing referred to in paragraph (a) of subsection (1), as it thinks fit.

(4) No greyhound racing club shall be registered by the Association unless the Association is satisfied, after considering the constitution, rules or other documents by which the club is formed, established or regulated and any other relevant matters, that—

- (a) the profits, if any, and other income of the club are to be applied for the promotion of the purposes for which its members are associated together; and
- (b) the payment of dividends and distribution of profits or income to or amongst the members of the club (other than by way of payment for services rendered or reimbursement of expenses incurred on behalf of the club) are prohibited.

24. (1) The Association may, with the approval of the Minister, make rules for and with respect to the control, supervision, promotion, conduct and regulation of greyhound racing.

Association
may make
rules.

(2) Without prejudice to the generality of subsection (1) the Association may so make rules—

- (a) regulating the holding and conduct of greyhound race meetings and regulating the admission of persons to race courses;
- (b) for or with respect to the matters referred to in section 23 (1);
- (c) prescribing fees for any registration or renewal thereof referred to in paragraph (a) of section 23 (1) and any permit or renewal thereof granted by the Association under section 12 of the Betting Control Act 1954;
- (d) for or with respect to the powers, authorities, duties and functions of stewards, graders and other officers appointed by the Association;
- (e) conferring upon stewards appointed by the Association to the extent and in the circumstances specified in the rules, the same powers in relation to greyhound race meetings or greyhound trial tracks as are exercisable by the Association under paragraphs (e), (f) and (g) of section 23 (1);
- (f) for or with respect to the charges payable by a registered greyhound racing club when stewards, graders or other officers appointed by the Association act at a greyhound race meeting conducted by the club;
- (g) regulating the holding and conduct of greyhound trials or training races and regulating the admission of persons to any place at which any greyhound trial or training race is held;

- (h) 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, valuable thing or privilege;
- (i) authorizing any steward or officer or employee of the Association to enter and inspect any—
 - (i) race course;
 - (ii) premises at which any greyhound is kept;
 - (iii) greyhound trial track or other place where greyhounds compete in trials or are trained in racing,and prohibiting any person from obstructing, or refusing entry to, any such steward, officer or employee;
- (j) for or with respect to the fees or charges payable in relation to any matter dealt with in the rules.

(3) The fees payable in respect of the registration or renewal of registration of any greyhound racing club may be so prescribed as to differ according to all or any of the following, namely—

- (a) the area in which the club ordinarily conducts its activities;
- (b) the number of race meetings which the club conducted in the preceding 12 months;
- (c) the amounts received by the club from or in connection with the conduct of greyhound racing during the preceding 12 months.

(4) Rules made under this Part of this Act may impose a penalty of \$500 for any breach thereof.

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(5) All sums for penalties paid in respect of any conviction for any breach of the rules made under this Part of this Act shall be paid to the Fund and be the property of the Association.

25. The Association may, with the approval of the Minister, make rules—

Association's
appellate
jurisdiction.

- (a) conferring on the Association power to hear and determine appeals against the decisions of stewards of the Association or of stewards, or committees, of registered greyhound racing clubs in such classes of cases as may be prescribed;
- (b) prescribing the procedure at or in connection with such appeals and for the payment of fees and costs in respect thereof.

26. (1) The Association may—

Supervision
of greyhound
racing
clubs.

- (a) whenever and so often as the Association is of the opinion that such action is necessary, order that an audit of the books and accounts of a registered greyhound racing club be conducted by a registered company auditor nominated by the Association;
- (b) supervise the dissolution of a greyhound racing club that is refused registration or ceases to be registered under this Act;
- (c) give such directions to a registered greyhound racing club with respect to its affairs, or with respect to any course at which it conducts greyhound racing, as the Association considers necessary or desirable for the advancement of greyhound racing; and
- (d) direct a registered greyhound racing club to alter the constitution of the club.

(2) Notwithstanding any Act, rule of law or practice, whenever the Association is of the opinion that such action is necessary the Association may,

by notice published in a newspaper circulating in the district in which a greyhound racing club ordinarily conducts its activities, dissolve the committee of that club and—

- (a) appoint a person to be the administrator of that club and to conduct and manage the affairs of that club; or
- (b) make provision and give directions for the election of a committee to conduct the affairs of the club.

(3) Subject to subsection (4) a person appointed as administrator of a greyhound racing club under subsection (2) shall hold office for such period as is specified in the notice appointing him but a further appointment may be made from time to time by notice published in the manner set out in subsection (2).

(4) Where a notice under subsection (2) appoints a person as administrator of a greyhound racing club that notice, or any subsequent notice published in the manner set out in subsection (2) may provide and give directions for the election of a committee to conduct the affairs of the club and on the election of that committee the administrator so appointed shall cease to hold office.

(5) Where under subsection (2) or (4) provision is made and directions are given in a notice for the election of a committee to conduct the affairs of a greyhound racing club that provision and those directions shall have effect notwithstanding anything to the contrary contained in the constitution of the club.

(6) A notice published under subsection (2) shall come into effect on the day of its publication or on such later day as is specified in the notice.

(7) On the day of the coming into effect of a notice published under subsection (2) in relation to a greyhound racing club the members of the committee of that club shall cease to hold office.

(8) While the affairs of a greyhound racing club are being conducted by an administrator appointed by a notice published under this section or a committee elected pursuant to a notice so published—

- (a) any reference in the constitution of the club to the committee or an office bearer of the club shall be deemed to be a reference to that administrator or committee as the case may be;
- (b) all members of the committee of the club dissolved under subsection (2) and every officer and member of the club shall provide, without delay, disruption or interference, free and complete access by the administrator or committee, as the case may be, to all assets, records and other property of the club and shall provide all information, advice and assistance reasonably requested by the administrator or committee;
- (c) a provision in the constitution of the club requiring the election of the committee of the club, or of any person to an office of the club shall be deemed to be suspended and inoperative until the Association publishes a notice in the manner set out in subsection (2) authorizing such an election to be held.

(9) On the election of the committee of a greyhound racing club pursuant to the authority of a notice published under subsection (8) (c) the administrator or committee then conducting the affairs of the club pursuant to this section shall cease to conduct those affairs.

(10) In this section—

“the committee”, in relation to a greyhound racing club, means the managing body of that club;

“the constitution” in relation to a greyhound racing club, means the constitution, rules or other documents by which the club is formed, established or regulated.

PART VI—RESTRICTIONS ON RACE MEETINGS.

Restrictions
on holding
of race
meetings.

27. No race meeting shall be held unless it is conducted—

- (a) by the Association; 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.

Licensing
of race
courses.

28. (1) A registered greyhound racing club may apply to the Association in the form approved by the Association for the issue by the Association of a licence authorizing the conduct of race meetings at the race course specified in the application.

(2) The Association 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) of this subsection.

(3) A licence issued under subsection (2) may be issued subject to such conditions as the Association, 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).

29. (1) A registered greyhound racing club may apply to the Association for the issue of a permit authorizing the club to conduct race meetings during the period specified in the application.

Permits to
conduct
race
meetings.

(2) Where an application made under subsection (1) is received by the Association, the Association 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.

30. (1) The Association shall not conduct more than 60 race meetings per year—

Maximum
number of
race
meetings.

- (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 Association shall not authorize a registered greyhound racing club to conduct more than 60 race meetings per year.

(3) The Association 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).

(4) A registered greyhound racing club may apply through the Association 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.

Unauth-
orized race
meetings.

31. (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 of this Act 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 Association.

(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 this Act of the club as a registered greyhound racing club is revoked by force of this subsection.

PART VII—MISCELLANEOUS.

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

Information
and annual
report.

(2) The Committee shall as soon as practicable after the end of each financial year of the Association and not later than 30 November next ensuing furnish to the Minister—

- (a) a general report on the performance by the Association of its functions during that financial year;
- (b) a copy of the financial statements prepared in respect of that financial year under section 20 (2); and
- (c) a copy of the Auditor General's report on the accounts of the Association for that financial year.

(3) The Minister shall cause copies of the reports and statements furnished under subsection (2) to be laid before each House of Parliament as soon as practicable after receiving them from the Committee.

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

Recovery of
money.

34. (1) Any proceedings under section 33 or in respect of an offence against this Act may be taken in the name of the Association by the Chief Executive Officer or by any other officer of the Association authorized in that behalf by the Committee.

How legal
proceedings
taken.

(2) No proof shall be required of the appointment of an officer of the Association, or of the authority of an officer to take proceedings in the name of the Association but the averment on the process that an officer of the Association has such authority shall be deemed to be conclusive proof of the fact.

Protection
of members.

35. A person who is, or has at any time been, a member of the Committee is not personally liable for any act done, or omitted to be done, in good faith by the Committee or by him acting as a member.

Publication
of proceed-
ings, etc.,
of greyhound
racing
inquiries
privileged.

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

- (a) the Association, the Committee, any member of the Committee, or any officer, employee or agent of the Association;
- (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 Committee, the committee of any registered greyhound racing club or any stewards concerning any matter touching the conduct of greyhound racing.

Regulations.

37. 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. (1) Rules and regulations may be made under this Act—

General provision as to rules and regulations.

- (a) so as to apply—
 - (i) generally or in a particular class of case or in particular classes of cases;
 - (ii) at all times or at a specified time or at specified times; and
 - (iii) throughout the State or in a specified part or specified parts of the State;
- (b) so as to require a matter affected by them to be—
 - (i) in accordance with a specified standard or specified requirement; or
 - (ii) as approved by, or to the satisfaction of, a specified person or body or a specified class of person or body;
- (c) so as to confer on a specified person or body or a specified class of person or body a discretionary authority; and
- (d) so as to provide that, in specified cases or a specified class of case or specified classes of cases whether on specified conditions or unconditionally, persons or things of a class or classes of persons or things may be exempted from the provisions of the rules or regulations, either wholly or to such extent as is specified.

(2) In subsection (1) “specified” means specified in the relevant rules or regulations.

PART VIII—REPEAL, TRANSITIONAL AND SAVING.

39. (1) The Greyhound Racing Control Act 1972 is repealed. Repeal.

(2) The provisions of Schedule 2 shall have effect in relation to the repeal effected by subsection (1) and the dissolution of the Greyhound Racing Control Board established by the Act so repealed. Schedule 2.

Conduct of
greyhound
racing at
Cannington
race course.

40. (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 Association 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.

Schedule 3.

(2) The provisions of Schedule 3 shall have effect in relation to the take-over by the Association of the conduct of the operations referred to in subsection (1).

SCHEDULES.

SCHEDULE 1.

s. 14.

PROVISIONS AS TO COMMITTEE.

Term of
office of
member.

1. (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 sub-clause (3) of this clause;
- (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;
- (f) he absents himself, except on leave duly granted by the Minister from 3 consecutive meetings of the Committee; or
- (g) he attains the age of 70 years.

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2. (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.

Term of
office of
Chairman
and Deputy
Chairman.

(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) of this clause 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. (1) The Committee 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 Committee.

Meetings of
the
Committee.

(2) The Chairman shall preside at all meetings of the Committee 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 Committee, the members present shall appoint one of their number present to preside at the meeting.

(3) At a meeting of the Committee 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 Committee 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 Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(6) The Committee 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 prescribed the Committee shall determine its own procedure.

Remuneration.

4. (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 the Public Service Act 1978 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.

Validity of acts.

5. No act, proceeding, or determination of the Committee 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 2.

s. 39.

PROVISIONS AS TO REPEAL OF GREYHOUND RACING CONTROL ACT 1972 AND DISSOLUTION OF GREYHOUND RACING CONTROL BOARD.

Definition of terms in this Schedule.

1. In this Schedule—

“the Board” means the Greyhound Racing Control Board established by the repealed Act;

“the commencement day” means the day on which section 39 comes into operation;

“the repealed Act” means the Act repealed by section 39.

Transfer of assets, liabilities, obligations, and staff of Board.

2. (1) On the commencement day—

(a) all rights, property and assets that were, immediately before that day, vested in the Board 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 Board that existed immediately before that day.

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(2) Any agreement or instrument subsisting immediately before the commencement day to which the Board was a party has effect on and after that day as if—

- (a) the Association were substituted for the Board as a party to the agreement or instrument; and
- (b) any reference in the agreement or instrument to the Board were (except in relation to matters that occurred before that day) a reference to the Association.

(3) Any proceedings pending immediately before the commencement day to which the Board was a party may be continued on or after that day as if the Association was a party thereto in lieu of the Board.

3. (1) On the commencement day—

Transfer of
staff.

- (a) the person who, immediately before that day, held the office of Secretary of the Board shall become the holder of the office of Chief Executive Officer of the Association;
- (b) any person who, immediately before that day, held an office as an officer of the Board or occupied a position as an employee of the Board 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) of this clause 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 Board.

4. (1) Notwithstanding the repeal of the repealed Act, the Board, as constituted immediately before the commencement day, shall prepare and furnish to the Minister a report on proceedings of the Board during the period from the conclusion of the last period reported on under section 26 (1) of the repealed Act to the day preceding the commencement day.

Final report
of Board.

(2) The Minister shall cause a copy of the report referred to in subclause (1) of this clause to be laid before each House of Parliament as soon as practicable after receiving it from the Board.

(3) The Committee shall provide the Board with such clerical and other assistance as is reasonably required for the preparation of the report referred to in subclause (1) of this clause.

Licences,
permits etc.

5. (1) Subject in all respects to this Act and, in particular to clause 3 of Schedule 3, all licences, permits, registrations or acts of authority granted, issued, effected or done by the Board under the repealed Act and subsisting immediately before the commencement day shall, on and after that day, be deemed to have been granted, issued, effected or done by the Association under the corresponding provisions of this Act and shall continue in force for the purposes of this Act.

(2) All disqualifications, suspensions and other penalties imposed by the Board under the repealed Act and subsisting immediately before the commencement day shall, on and after that day, be deemed to have been imposed by the Association under the corresponding provisions of this Act and, unless the Association otherwise directs, shall continue to have effect for the purposes of this Act.

Rules.

6. On and after the commencement day any rule that is in force under Part III of the repealed Act immediately before that day shall, subject to this Act and in so far as it is not inconsistent with this Act, continue in force and be deemed to be a rule made by the Association with the approval of the Minister under Part V of this Act.

References.

7. (1) References to the Board and the Secretary of the Board in an Act or in a regulation, rule, by-law or other statutory instrument shall, unless because of the context it would be incorrect so to do, be read and construed as references to the Association and the Chief Executive Officer of the Association, respectively.

(2) Where a reference to the Board or the Secretary of the Board in an Act, regulation, rule or by-law is required, pursuant to subclause (1) of this clause, to be read and construed as a reference to the Association or the Chief Executive Officer of the Association, that reference may be altered accordingly on a reprint of the Act, regulation, rule or by-law pursuant to any Act.

Transfer of
Fund.

8. All moneys standing to the credit of, and all investments forming part of, the Greyhound Racing Control Fund immediately before the commencement day shall, on and after that day stand to the credit of, or form part of, the Fund.

Interpreta-
tion
Act 1918 not
affected.

9. The provisions of this Schedule do not prejudice or affect the application of the Interpretation Act 1918 to and in relation to the repeal effected by section 39.

PROVISIONS AS TO TAKE-OVER BY ASSOCIATION
OF CONDUCT OF OPERATIONS AT CANNINGTON
RACE COURSE.

1. In this Schedule—

Definitions
of terms
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. (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.

Lease of
Cannington
race course.

(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. On or after the appointed day a licence or permit—

Termination
of licence
and permit.

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

(b) in force immediately before that day,

shall have no effect.

4. (1) On the appointed day—

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

(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

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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 sub-clause (1) (a) of this clause 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) of this clause.

Penalty: \$1 000.

(4) Subject to clause 2 of this Schedule 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. (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.

Staff.

(2) A person who becomes an officer or employee of the Association pursuant to subclause (1) of this clause 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.
