

GREYHOUND RACING CONTROL.

No. 83 of 1972.

AN ACT relating to Greyhound Racing and matters incidental thereto; and for incidental and other purposes.

[Assented to 20th November, 1972.]

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 *Greyhound Racing Control Act, 1972.* Short title.

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

Act No. 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 at a licensed race course; or
- (b) any greyhound trial lawfully conducted under this Act at a registered greyhound trial track.

Arrange-
ment.

4. This Act is arranged in Parts, as follows:—

PART I.—PRELIMINARY, ss. 1-5.

PART II.—GREYHOUND RACING CONTROL BOARD, ss. 6-17.

PART III.—GENERAL POWERS AND FUNCTIONS OF BOARD, ss. 18-20.

PART IV.—RESTRICTIONS ON RACE MEETINGS, ss. 21-24.

PART V.—MISCELLANEOUS, ss. 25-30.

Interpreta-
tion.

5. In this Act unless the contrary intention appears—

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

“Chairman” means Chairman of the Board;

“Fund” means the Greyhound Racing Control 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 Board;

“greyhound trial track” means land, not licensed as a 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 IV of this Act;

“member” means member of the Board, and includes the Chairman and the Deputy Chairman;

“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 Board under this Act;

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

“section” means section of this Act;

“trainer” means trainer of a greyhound;

“warn off” means to prohibit from entering upon and remaining on any licensed greyhound race course and any registered greyhound trial track.

PART II.—GREYHOUND RACING CONTROL BOARD.

6. (1) There shall be established a Greyhound Racing Control Board which, subject to the Minister, shall be responsible for the administration of this Act. Establishment of Board.

(2) Subject to subsection (5) of this section, the Board shall consist of seven members appointed by the Governor, of whom—

- (a) one shall be an officer of the department of the Public Service of the State known as the Chief Secretary’s Department;
- (b) one shall be a practitioner within the meaning of section 3 of the Legal Practitioners Act, 1893;

- (c) one shall be a person selected by the Minister from a panel of persons nominated in the prescribed manner by such body or bodies representative of owners, breeders, or trainers of greyhounds, as are prescribed; and
- (d) one shall be a person selected by the Minister from a panel of persons nominated in the prescribed manner by such registered greyhound racing club or clubs as are prescribed.

(3) One member of the Board shall be appointed by the Governor to be Chairman of the Board, 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 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.

(4) One member of the Board shall be appointed by the Governor to be Deputy Chairman of the Board.

(5) It shall not be necessary on the occasion of the first appointment of members of the Board to appoint members referred to in paragraphs (c) or (d) of subsection (2) of this section, but the Minister shall call for the nomination to him of persons for appointment as referred to in those paragraphs as soon as he is satisfied that such bodies are formed within the State as will enable the appointment of persons properly representative of the interests referred to in those paragraphs.

Terms of
Office,
deputies, etc.

7. (1) Subject to this Act, each member may be appointed for a term not exceeding three years that is specified at the time of his appointment.

(2) Subject to this Act, where the term of office of any member expires by effluxion of time, the member is eligible for re-appointment.

(3) Each member may, at any time, be removed from office by the Governor for disability, insolvency, neglect of duty or misconduct or if, being Chairman, he ceases to be qualified pursuant to subsection (3) of section 6.

(4) Any member may, at any time, resign his office by writing addressed to the Minister.

(5) If any member dies, resigns, or is removed from office, the vacancy in the office of member shall be filled in the manner in which the appointment to the vacant office was originally made and the person appointed to that office shall be appointed for the residue of the term for which his predecessor was appointed.

(6) The Minister may grant leave of absence to a member upon such terms and conditions as he determines.

(7) The powers of the Board are not affected by any vacancy in the membership thereof, and if a quorum is present, all acts and proceedings of the Board are valid and effectual notwithstanding the vacancy.

(8) All acts and proceedings of the Board are, notwithstanding any defect in the appointment of any member, or that any member was disqualified or not entitled to act, as valid as if the member had been duly appointed and was qualified to act and had acted as member and as if the Board had been duly and fully constituted.

8. (1) Subject to this Act, the business of the Board shall be conducted in such manner as the Board determines.

Meetings of
Board, etc.

(2) The first meeting of the Board shall be convened by the Chairman and thereafter, subject to subsection (3) of this section, meetings shall be held at the times and places determined by the Board, but the Chairman, or any three members, may, on reasonable notice to all members, call a meeting at any time.

(3) The Chairman shall ensure that a meeting of the Board is conducted in each month.

Proceedings
of Board.

9. (1) At any meeting of the Board such number of members as is not less than one-half of the members for the time being appointed to the Board, constitutes a quorum.

(2) The Chairman shall preside at all meetings of the Board at which he is present, and the Deputy Chairman shall preside at any meeting at which he, but not the Chairman is present, but if neither the Chairman nor the Deputy Chairman is present at a meeting, the members present shall select one of their number to act as Chairman at the meeting.

(3) Questions arising at a meeting of the Board shall be decided, in open voting, by a majority of the members present.

(4) The Board shall keep a record of its proceedings.

Delegation.

10. (1) The Board may, with the approval of the Minister, delegate to any member, officer or employee of the Board or other person, any of its powers and functions, except this power of delegation.

(2) The Board or the Minister may at any time vary or revoke a delegation given under subsection (1) of this section, and a delegation so given does not prevent the exercise by the Board of any of its powers or functions.

11. Subject to section 12 members shall be paid such remuneration and allowances as the Governor determines. Remuneration and expenses of members.

12. No determination shall be made under section 11 in respect of the remuneration and allowances to be paid to a person to whom the Public Service Act, 1904, applies except with the prior approval in writing of the Chairman of the Public Service Board. Remuneration of members who are public servants.

13. (1) The Board may appoint a Secretary to be its chief executive officer and such other officers and employees as the Minister approves as being necessary for the purposes of this Act. Appointment of officers of Board.

(2) All persons appointed under subsection (1) of this section are subject to the control and direction of the Board.

(3) With the consent of the Minister administering a department of the Public Service of the State and of the Chairman of the Public Service Board, the Board may, on such terms and conditions as are agreed, use the services of any person employed in that department.

14. (1) The Board—

(a) is a body corporate with perpetual succession and shall have a common seal;

(b) is capable, in its corporate name, of acquiring, holding and disposing of real and personal property and of suing and being sued; and

Board to be body corporate.

(c) is capable of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

(2) All courts and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document and shall presume that it was duly affixed thereto.

(3) The powers of the Board 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.

**Functions
of Board.**

15. Subject to any directions of the Minister, the functions of the Board are—

- (a) to control and regulate greyhound racing; and
- (b) to exercise and discharge such powers, functions and duties as are conferred on the Board by this Act or any other Act.

Finance.

16. (1) The Board shall establish and maintain a fund to be called the Greyhound Racing Control Fund.

(2) There shall be paid to the credit of the Fund—

- (a) all fees for licences or registrations granted or effected under this Act;
- (b) all other moneys that are received by the Board under this Act or are directed or authorized to be paid to the Board by or under any other Act; and
- (c) any moneys borrowed by the Board.

(3) The Board 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 Board and the payment of interest thereon; and
- (b) the payment of members, officers and employees of the Board,

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

17. The Board, when established, does not represent, and is not an agent or servant of, the Crown.

Board not to represent the Crown.

PART III.—GENERAL POWERS AND FUNCTIONS OF BOARD.

18. (1) Subject to this Act, the Board may, in accordance with the rules,—

Functions of Board.

- (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 by the Board;
- (c) prohibit from participating in greyhound racing in any specified capacity any person who is not registered in that capacity by the Board;

- (d) impose fees for any registration or renewal thereof referred to in paragraph (a) of this subsection;
- (e) cancel or suspend any registration referred to in paragraph (a) of this subsection;
- (f) disqualify any greyhound from participating in greyhound racing;
- (g) disqualify any owner, trainer, lessee or other person from participating in, or associating with, greyhound racing; and
- (h) warn off any person.

(2) Any decision of the Board 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) of this section; or
- (b) any of the matters referred to in paragraphs (e), (f), (g) or (h) of subsection (1) of this section,

shall be final and without appeal.

(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 twelve months;
- (c) the amounts received by the club from or in connection with the conduct of greyhound racing during the preceding twelve months.

(4) The Board 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) of this section, as it thinks fit.

(5) No greyhound racing club shall be registered by the Board unless the Board 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.

19. (1) The Board may, with the approval of the Minister, make rules for and with respect to the control, conduct and regulation of greyhound racing. Board may make rules.

(2) Without prejudice to the generality of subsection (1) of this section, the Board may so make rules—

- (a) for or with respect to the matters referred to in subsection (1) of section 18;
- (b) for or with respect to the powers, authorities, duties and functions of stewards, graders and other officers appointed by the Board;
- (c) conferring upon stewards appointed by the Board 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 Board under paragraphs (f), (g) and (h) of subsection (1) of section 18;

- (d) for or with respect to the charges payable by a registered greyhound racing club when stewards, graders or other officers appointed by the Board act at a greyhound race meeting conducted by the club;
- (e) 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;
- (f) regulating the 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;
- (g) authorizing any steward or officer or employee of the Board 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 are trained,and prohibiting any person from obstructing, or refusing entry to, any such steward, officer or employee.

(3) Rules made under this Part of this Act may impose a penalty of one hundred dollars for any breach thereof.

(4) 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 Board.

20. The Board may, with the approval of the Minister, make rules—

Board's
appellate
jurisdiction.

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

PART IV.—RESTRICTIONS ON RACE MEETINGS.

21. (1) No race meeting shall be held on any race course unless the race course is one licensed by the Board under this Part.

Race courses
to be
licensed.

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

(3) The Board 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 (2) of this section; and
- (b) revoke any licence issued under paragraph (a) of this subsection.

(4) Any licence issued under subsection (3) of this section may be issued subject to such conditions as the Board, with the approval of the Minister, determines.

(5) 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 granted to the club pursuant to section 22.

Permits to
conduct race
meetings.

22. (1) Any registered greyhound racing club may apply to the Board 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) of this section is received by the Board, the Board may, subject to section 23, 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) Any permit issued under subsection (2) of this section 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.

Board to
give effect
to directions
of Minister
in issuing
race permits.

23. (1) The Minister may from time to time give directions to the Board on all or any of the following matters—

- (a) the maximum number of race meetings to be conducted during any period specified by the Minister; and
- (b) the days of the week on which, and the hours of the day within which, race meetings may, or may not, be conducted,

and any direction may be so given as to apply generally to the conduct of race meetings throughout the State or in any particular areas or districts of the State.

(2) In exercising its powers under section 22, the Board shall give effect to any relevant direction given by the Minister under subsection (1) of this section.

24. (1) Where any race meeting is conducted— Unauthorised
race
meetings.
- (a) at a place which is not licensed as a race course pursuant to section 21; or
 - (b) by a person or by an association or body of persons not registered under Part III of this Act as a registered greyhound racing club,

that person, or each member of the managing body or committee of that association or body of persons, whether incorporated or not, by or on whose behalf the race meeting is held, and any person acting at the race meeting as steward or judge, commits an offence against this Act.

Penalty: One thousand dollars.

(2) 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 22, the registration under Part III of this Act of the club as a registered greyhound racing club is revoked by force of this subsection.

PART V.—MISCELLANEOUS.

25. (1) The Board shall keep full accounts of all money received and paid by it and of the purposes for which the money was so received or paid. Accounts
and Audit.

(2) The Auditor General shall at least annually audit the accounts of the Board for the preceding financial year and every member, officer and employee of the Board shall give the Auditor General and his officers all the information relating to such accounts which he or they require and shall upon request produce to the Auditor General and his officers any books, vouchers, or other documents relating to such accounts and do all things necessary to enable the audit to be made.

(3) The Board shall pay to the Treasurer of the State such reasonable sum for the audit as the Treasurer fixes.

Annual reports, etc.

26. (1) The Board shall make and submit a yearly report of its proceedings to the Minister together with a true copy of the accounts as then last audited and with a copy of the Auditor General's report thereon, and on receipt thereof the Minister shall cause copies of the annual report and of the accounts with the Auditor General's report to be laid before both Houses of the Parliament.

(2) The Minister may at any time request the Chairman to furnish him with—

- (a) any records of the proceedings of the Board kept pursuant to subsection (4) of section 9;
- (b) any other particulars or information concerning the activities of the Board,

and the Chairman shall comply with any such request.

How legal proceedings taken. "this Act" includes rules, c.f. Act No. 30 of 1918, s. 4.

27. (1) Any proceedings in respect of an offence against this Act may be taken in the name of the Board by the Secretary or by any officer of the Board authorized in that behalf by the Board.

(2) No proof shall be required of the appointment of the Secretary or any officer as an officer of the Board, or of the authority of the Secretary or officer to take proceedings in the name of the Board but the averment on the process that the Secretary or an officer of the Board is so authorized shall be deemed to be conclusive proof of the fact.

Protection of members, etc.

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

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

29. Without limiting the operation of section 28, no action, claim or demand whatever lies against—

- (a) the Board or any officer, employee or agent thereof;

- (b) any registered greyhound racing club or any committee, 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.

30. (1) The Governor may make regulations Regulations. prescribing all such matters as are by the provisions of this Act, other than the provisions of Part III, necessary or convenient to be prescribed for giving effect to or achieving the objects of this Act and for facilitating the exercise by the Board of its powers, functions and duties under this Act.

(2) Without limiting the generality of the powers conferred by subsection (1) of this section, regulations may be made—

- (a) prescribing the matters necessary to be prescribed for the purposes of paragraphs (c) and (d) of subsection (2) of section 6;
 - (b) authorizing the distribution among registered greyhound racing clubs of moneys paid into the Fund by the Totalisator Agency Board, after the retention for the Board's own use of such proportion of those moneys as is prescribed.
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