



Western Australia

Western Australian Greyhound Racing Association Act 1981

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Western Australian Greyhound Racing Association Act 1981

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Western Australia

Western Australian Greyhound Racing Association Act 1981

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

*[Long title amended by No. 23 of 1998 s. 16(1); No. 35 of 2003
s. 196.]*

Part I — Preliminary

1. Short title

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

[Section 1 amended by No. 23 of 1998 s. 16(1); No. 35 of 2003 s. 197.]

2. Commencement

The provisions of this Act shall come into operation on such date or dates as is or are respectively fixed by proclamation¹.

[3. Deleted by No. 35 of 2003 s. 198.]

4. Interpretation

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, and includes the Association;

greyhound trial track means land, not being 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 by RWWA under the RWWA Act;

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

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 RWWA under the RWWA Act;

rules of racing means rules made by RWWA under section 45 of the RWWA Act;

RWWA means Racing and Wagering Western Australia established under the RWWA Act;

RWWA Act means the *Racing and Wagering Western Australia Act 2003*;

trainer means trainer of a greyhound.

[Section 4 amended by No. 23 of 1998 s. 4, 16(1) and 17(1);
No. 35 of 2003 s. 199 and 218.]

Part II — Western Australian Greyhound Racing Association

[Heading amended by No. 23 of 1998 s. 16(1); No. 35 of 2003 s. 200.]

5. Establishment of Association

- (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 is a racing club eligible for registration under the RWWA Act and, if so registered, the board is taken to be the committee of the racing club.

[Section 5 amended by No. 23 of 1998 s. 16(1); No. 35 of 2003 s. 201 and 218.]

6. Association does not represent the Crown

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

[Section 6 amended by No. 23 of 1998 s. 16(1); No. 35 of 2003 s. 218.]

7. Functions of Association

The functions of the Association are —

- (a) to promote 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;
- (c) to exercise and discharge such powers, functions and duties as are conferred on the Association by this Act or any other Act.

[Section 7 amended by No. 23 of 1998 s. 5 and 16(1); No. 35 of 2003 s. 202 and 218.]

7A. Powers of the Association

- (1) The Association has all the powers it needs to perform its functions.

[(2) deleted]

[Section 7A inserted by No. 23 of 1998 s. 6; amended by No. 35 of 2003 s. 203 and 218.]

[7B. Deleted by No. 35 of 2003 s. 204.]

s. 8

8. Delegation

- (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) to a member of the board, an officer or employee of the Association, or any other person.
- (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.

*[Section 8 amended by No. 23 of 1998 s. 7, 16(1) and 17(1);
No. 35 of 2003 s. 205 and 218.]*

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

[Heading amended by No. 23 of 1998 s. 16(1) and 17(1); No. 35 of 2003 s. 200.]

9. The board

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

[Section 9 amended by No. 23 of 1998 s. 16(1) and 17(1); No. 35 of 2003 s. 218.]

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 Association under this Act or any other Act.

[Section 10 amended by No. 23 of 1998 s. 16(1) and 17(1); No. 35 of 2003 s. 218.]

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 Minister.

[Section 12 amended by No. 23 of 1998 s. 17(1); No. 35 of 2003 s. 206.]

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13. Chairman and Deputy Chairman of Association

- (1) One member of the board shall be appointed by the Minister 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 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 Gaming and Wagering Commission 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 Minister to be Deputy Chairman of the Association.

[Section 13 amended by No. 23 of 1998 s. 16(1) and 17(1); No. 35 of 2003 s. 207 and 218.]

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 Association

- (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.
- (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.
- (4) Acceptance of or holding an office or position as an officer or employee of the Association 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 s. 8 and 16(1); No. 35 of 2003 s. 208 and 218.]

Part IV — Finance

16. The Fund

- (1) The Association shall establish and maintain a fund to be called the Western Australian Greyhound Racing Association Fund.
- (2) There shall be paid to the credit of the Fund —
 - [(a) deleted]*
 - (b) all moneys that are received by the Association under this Act or are directed or authorised 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 board, stewards and other 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.

[Section 16 amended by No. 23 of 1998 s. 9, 16(1) and 17(1); No. 35 of 2003 s. 209 and 218.]

[17. Deleted by No. 35 of 2003 s. 210.]

18. Investment

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.

[Section 18 amended by No. 23 of 1998 s. 16(1); No. 35 of 2003 s. 218.]

19. Application of *Financial Management Act 2006* and the *Auditor General Act 2006*

- (1) The provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulating the financial administration, audit and reporting of statutory authorities apply to an in respect of the Association and its operations.
- (2) Notwithstanding the provisions of the *Financial Management Act 2006*, the financial year of the Association shall end on 31 July.

[Section 19 inserted by No. 98 of 1985 s. 3; amended by No. 23 of 1998 s. 16(1); No. 35 of 2003 s. 218; No. 77 of 2006 s. 17.]

[20. Deleted by No. 98 of 1985 s. 3.]

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 the Association, the board, a member of the board or an officer, employee or agent of the Association.

Penalty: \$5 000.

[Section 21 inserted by No. 35 of 2003 s. 211.]

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 the Association, the board, a member of the board or an officer, employee or agent of the Association 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; amended by No. 35 of 2003 s. 212.]

[23. Deleted by No. 35 of 2003 s. 213.]

[24-26. Deleted by No. 23 of 1998 s. 11.]

[Part VI (s. 27-31) deleted by No. 35 of 2003 s. 214.]

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 Association as the Minister may from time to time require.

[(2), (3) deleted]

[Section 32 amended by No. 98 of 1985 s. 3; No. 23 of 1998 s. 16(1) and 17(1); No. 35 of 2003 s. 218.]

33. Recovery of money

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.

[Section 33 amended by No. 23 of 1998 s. 16(1); No. 35 of 2003 s. 218.]

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 Association by the Chief Executive Officer or by any other officer of the Association authorised in that behalf by the board.
- (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.

[Section 34 amended by No. 23 of 1998 s. 16(1) and 17(1); No. 35 of 2003 s. 218.]

s. 35

35. Protection from liability etc.

A matter or thing done or omitted by —

- (a) a member of the board;
- (b) an officer, employee or agent of the Association; 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; amended by No. 35 of 2003 s. 215 and 218.]

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) deleted]*
- (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 of any registered greyhound racing club concerning any matter touching the conduct of greyhound racing.

[Section 36 amended by No. 23 of 1998 s. 13, 16(1), 17(1) and (2); No. 35 of 2003 s. 216.]

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. Deleted by No. 23 of 1998 s. 14.]

Part VIII — Repeal, transitional and saving

[39. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

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 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.
- (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).

[Section 40 amended by No. 23 of 1998 s. 16(1); No. 35 of 2003 s. 218.]

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 Minister 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; or
 - (b) his appointment is terminated pursuant to subclause (3); or
 - (c) he is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or
 - (d) he becomes permanently incapable of performing his duties as a member; or
 - (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.

[Clause 1 amended by No. 42 of 1997 s. 8; No. 23 of 1998 s. 17(1); No. 35 of 2003 s. 217(1); No. 18 of 2009 s. 91.]

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.

cl. 3

- (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.

[Clause 3 amended by No. 23 of 1998 s. 15 and 17(1).]

4. Remuneration

- (1) Members shall be entitled to be paid such remuneration and allowances as are determined by the Minister.
- (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.

[Clause 4 amended by No. 32 of 1994 s. 3; No. 35 of 2003 s. 217(2).]

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.

[Clause 5 amended by No. 23 of 1998 s. 17(1).]

[Schedule 2 omitted under the Reprints Act 1984 s. 7(4)(e).]

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
- (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 authorised 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

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- (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 is a compilation of the *Western Australian Greyhound Racing Association Act 1981* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Western Australian Greyhound Racing Association Act 1981</i> ⁶	10 of 1981	22 May 1981	15 Jun 1981 (see s. 2 and <i>Gazette</i> 12 Jun 1981 p. 2048)
<i>Acts Amendment (Financial Administration and Audit) Act 1985</i> s. 3	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Acts Amendment (Public Sector Management) Act 1994</i> s. 3(2)	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Equal Opportunity Amendment Act (No. 3) 1997</i> s. 8	42 of 1997	9 Dec 1997	6 Jan 1998 (see s. 2(1))
<i>Western Australian Greyhound Racing Association Amendment Act 1998</i> ^{2,3,4}	23 of 1998	30 Jun 1998	1 Aug 1998 (see s. 3 and <i>Gazette</i> 21 Jul 1998 p. 3825)
Reprint of the <i>Western Australian Greyhound Racing Authority Act 1981</i> as at 1 Jan 1999 (includes amendments listed above)			
<i>Statutes (Repeals and Minor Amendments) Act 2000</i> s. 46	24 of 2000	4 Jul 2000	4 Jul 2000 (see s. 2)
<i>Racing and Gambling Legislation Amendment and Repeal Act 2003</i> Pt. 12 Div. 1 ⁵	35 of 2003	26 Jun 2003	s. 195-206, 207(1)(a) and (2), 208-218: 1 Aug 2003 (see s. 2 and <i>Gazette</i> 29 Jul 2003 p. 3259); s. 207(1)(b): 30 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Jan 2004 p. 397)
Reprint 2: The <i>Western Australian Greyhound Racing Association Act 1981</i> as at 10 Feb 2006 (includes amendments listed above)			
<i>Financial Legislation Amendment and Repeal Act 2006</i> s. 17	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)

Western Australian Greyhound Racing Association Act 1981

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Bankruptcy) Act 2009</i> s. 91	18 of 2009	16 Sep 2009	17 Sep 2009 (see s. 2(b))

² The *Western Australian Greyhound Racing Association Amendment Act 1998* s. 16(2), (3) and (4) read 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 The *Western Australian Greyhound Racing Association Amendment Act 1998* s. 17(3) and (4) read 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 The *Western Australian Greyhound Racing Association Amendment Act 1998* s. 18 and 19 read 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.

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.

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⁵ The *Racing and Gambling Legislation Amendment and Repeal Act 2003* s. 3, Pt. 2, s. 19 and Pt. 12 Div 2 read as follows:

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3. Definitions

In this Act —

appointed day means the day fixed by order under section 7;

assets means —

- (a) property of every kind whether tangible or intangible, real or personal, corporeal or incorporeal; and
- (b) without limiting paragraph (a) includes choses in action, goodwill, rights, interests and claims of every kind in or to property, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether liquidated or unliquidated, actual, contingent or prospective;

commencement day means the day of which Part 1 of the RWWA Act comes into operation;

liability means any liability, duty or obligation whether actual, contingent or prospective, liquidated or unliquidated, or whether owned alone or jointly or jointly and severally with any other person;

right means any right, power, privilege or immunity whether actual, contingent or prospective;

RWWA means Racing and Wagering Western Australia established under the *Racing and Wagering Western Australia Act 2003*;

RWWA Act means the *Racing and Wagering Western Australia Act 2003* and, without limiting section 46 of the *Interpretation Act 1984*, includes a reference to the rules of racing made under, or continued for the purposes of, that Act.

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Part 2 — Transitional matters related to enactment of RWWA Act

4. Definitions

- (1) In this Part, unless the contrary intention appears —

old Greyhound Racing Rules means Greyhound Racing Rules made under section 7B of the *Western Australian Greyhound Racing Authority Act 1981* and in force immediately before commencement day;

old Rules of Harness Racing means the Rules of Harness Racing 1999 made or adopted under by-laws under the *Western Australian Trotting Association Act 1946* and in force immediately before commencement day;

old Rules of Racing means Rules of Racing of the Western Australian Turf Club made or adopted by the Western Australian Turf Club and in force immediately before commencement day;

TAB means the Totalisator Agency Board established under the *Totalisator Agency Board Betting Act 1960*;

TABB Act means the *Totalisator Agency Board Betting Act 1960*.

- (2) Unless otherwise specified or a contrary intention appears, words and expressions in this Part have the same meaning as in the RWWA Act.

5. First appointments to the board

- (1) Despite sections 11 and 12 of the RWWA Act, for the purpose of the first appointments of directors to the board —
- (a) the following bodies are eligible thoroughbred racing bodies for the purposes of sections 8(1)(b) and 11(2)(c) of the RWWA Act —
 - (i) The Western Australian Turf Club;
 - (ii) the Western Australian Provincial Thoroughbred Racing Association;
 - (iii) the Country Racing Association;
 - (iv) the Western Australian Thoroughbred Racing Industry Council;
 - (b) the following bodies are eligible harness racing bodies for the purposes of sections 8(1)(c) and 11(2)(d) of the RWWA Act —
 - (i) the Western Australian Trotting Association;
 - (ii) the Fremantle Trotting Club (Inc.);
 - (iii) the Western Australian Country Trotting Association;
 - (iv) the Western Australian Standardbred Breeders' Association Inc.;
 - (v) the Western Australian Harness Racing Breeders, Owners, Trainers and Reinspersons' Association (Inc.);
 - (vi) the Harness Racing Owners' Association of WA Incorporated;
 - (c) the following bodies are eligible greyhound racing bodies for the purposes of sections 8(1)(d) and 11(2)(e) of the RWWA Act —
 - (i) the Western Australian Greyhound Racing Authority;
 - (ii) the Avon Valley Greyhound Racing Association;
 - (iii) the Western Australian Greyhound Breeders, Owners and Trainers Association;
- and
- (d) the Minister is to nominate a person for the purposes of section 11(2)(b) of the RWWA Act instead of the board.
- (2) The Minister may give directions for facilitating the constitution of the first board of directors of RWWA and those directions have

the same effect as an order made under section 9 of the RWWA Act.

6. Acting CEO

The Minister may appoint a person to act in the office of CEO under section 20 of the RWWA Act during the period before the board first appoints a CEO under that section.

7. RWWA not to exercise gambling functions until appointed day

- (1) RWWA must not exercise any of its functions under Part 5 of the RWWA Act until the day fixed under subsection (2).
- (2) The Minister may, by order published in the *Gazette*, fix a day (the **appointed day**) on which RWWA is authorised to exercise its functions under Part 5 of the RWWA Act.
- (3) Until the appointed day, the functions (to the extent that they are like functions of the TAB under the TABB Act immediately before the appointed day) remain functions of the TAB and may continue to be exercised by the TAB under the TABB Act.

8. Strategic development plan

- (1) The first strategic development plan for RWWA under Part 6 Division 1 of the RWWA Act is to be for a period starting 1 August 2004.
- (2) The last strategic development plan for the TAB under the TABB Act before the appointed day is to operate after the appointed day as a strategic development plan for RWWA in relation to its gambling operations until a first strategic development plan for RWWA in relation to those operations is agreed under the RWWA Act.

9. Statement of corporate intent

- (1) The first statement of corporate intent for RWWA under Part 6 Division 2 of the RWWA Act is to be for the financial year commencing 1 August 2004.
- (2) The last statement of corporate intent for the TAB under the TABB Act before the appointed day is to operate after the appointed day as a statement of corporate intent for RWWA in relation to its gambling operations until a first statement of corporate intent for RWWA in relation to those operations is submitted under the RWWA Act.

10. Borrowing limits

The first monetary limits under section 98 of the RWWA Act are to be determined in relation to the first financial year of RWWA to start on or after commencement day.

11. Rules of racing — continuation and expiry

- (1) Subject to subsection (5), the old Rules of Harness Racing continue in force with such changes as are necessary on and after commencement day —
 - (a) to the extent that the rules deal with matters of racing, as if the rules were made by RWWA as Rules of Harness Racing under section 45 of the RWWA Act; and
 - (b) to the extent that the rules deal with totalisators on racecourses —
 - (i) before the appointed day as if the rules were not affected by this Act or the RWWA Act; and
 - (ii) on and after the appointed day as if the rules were made and approved as rules of wagering under section 120 of the RWWA Act.
- (2) Subject to subsection (5), the old Rules of Racing continue in force with such changes as are necessary on and after commencement day —
 - (a) to the extent that the rules deal with matters of racing, as if the rules were made by RWWA as Rules of Thoroughbred Racing under section 45 of the RWWA Act; and
 - (b) to the extent that the rules deal with totalisators on racecourses —
 - (i) before the appointed day as if the rules were not affected by this Act or the RWWA Act; and
 - (ii) on and after the appointed day as if the rules were made and approved as rules of wagering under section 120 of the RWWA Act.
- (3) Subject to subsection (5), the old Greyhound Racing Rules continue in force with such changes as are necessary on and after commencement day —
 - (a) to the extent that the rules relate to racing, as if the rules were made by RWWA as Rules of Greyhound Racing under section 45 of the RWWA Act; and

- (b) to the extent that the rules deal with totalisators on racecourses —
 - (i) before the appointed day as if the rules were not affected by this Act or the RWWA Act; and
 - (ii) on and after the appointed day as if the rules were made and approved as rules of wagering under section 120 of the RWWA Act.
- (4) A reference in the RWWA Act to the rules of racing or the rules of wagering includes a reference to the rules in force under this section.
- (5) The rules continued in force under subsections (1), (2) and (3) expire 12 months after the coming into operation of this section, or on a day fixed by order of the Minister published in the *Gazette*, whichever is the earlier day.
- (6) Nothing in this section affects the operation of sections 36, 37 and 38 of the RWWA Act.
- (7) To the extent that the rules continued in force under this section confer functions and powers solely on a principal club or a controlling authority, on and after commencement day those functions are to be carried out and powers are to be exercised by RWWA.

12. Licences, permits, approvals and registrations

- (1) In this section —
 - authorisation** means —
 - (a) a licence to train;
 - (b) a licence of a bookmaker;
 - (c) a licence of a driver;
 - (d) a licence of a trainer;
 - (e) a licence of a stablehand;
 - (f) a licence of a studmaster or artificial breeding technician;
 - (g) a permit to train;
 - (h) registration of a racing club;
 - (i) registration as a driver, trainer, owner, stable hand, bookmaker or bookmaker's clerk;
 - (j) registration of a horse, foal, stud or sire (or for a certificate of service) or of any transfer, lease or cancellation of lease of a horse;
 - (k) registration of a syndicate;
 - (l) registration of colours;
 - (m) any other licence, permit, approval or registration.

(2) Subject to the RWWA Act, any authorisation given or issued under —

- (a) the old Greyhound Racing Rules;
- (b) the old Rules of Harness Racing;
- (c) the by-laws of the Western Australian Trotting Association under the *Western Australian Trotting Association Act 1946*; or
- (d) the old Rules of Racing,

and in force immediately before commencement day continues in force on and after commencement day as if it were given by RWWA under the RWWA Act.

13. Appointment of stewards and other officials

(1) Subject to the RWWA Act and unless otherwise determined in writing by RWWA, any appointment of a steward or other racing official made under —

- (a) the old Greyhound Racing Rules;
- (b) the old Rules of Harness Racing; or
- (c) the old Rules of Racing,

and in force immediately before commencement day continues in force, with necessary changes but otherwise under and subject to the same terms and conditions, on and after commencement day as if it were made under the RWWA Act.

(2) Nothing in —

- (a) the old Greyhound Racing Rules;
- (b) the old Rules of Harness Racing; or
- (c) the old Rules of Racing,

operates so as to prevent or restrict —

- (d) the continuation of the appointment of an employee of a racing club as a steward or other racing official for the purposes of the RWWA Act; or
- (e) the appointment by RWWA of an employee of a racing club as a steward or other racing official for the purposes of the RWWA Act.

14. Race meetings

On and after commencement day a date or time for a race meeting that has been fixed by or under —

- (a) the old Greyhound Racing Rules;
- (b) the old Rules of Harness Racing;

- (c) the by-laws of the Western Australian Trotting Association under the *Western Australian Trotting Association Act 1946*; or
- (d) the old Rules of Racing,

and in force immediately before commencement day, is to be taken to be the date or time of the race meeting as if it had been fixed by RWWA under the RWWA Act.

15. Appeals

- (1) Any appeal under —
 - (a) the old Greyhound Racing Rules;
 - (b) the old Rules of Harness Racing;
 - (c) the by-laws of the Western Australian Trotting Association under the *Western Australian Trotting Association Act 1946*; or
 - (d) the old Rules of Racing,

that has been commenced but not completed immediately before commencement day, is taken to be an appeal against a decision of RWWA.

- (2) A right of appeal under —
 - (a) the old Greyhound Racing Rules;
 - (b) the old Rules of Harness Racing;
 - (c) the by-laws of the Western Australian Trotting Association under the *Western Australian Trotting Association Act 1946*; or
 - (d) the old Rules of Racing,

that is in existence but has not been exercised immediately before commencement day, is taken to be a right of appeal against a decision of RWWA.

16. TAB Sports Betting Account

- (1) On commencement day, any funds standing to the credit of the TAB Sports Betting Account established under section 28A(2)(d) of the TABB Act are to be credited to the Sports Wagering Account referred to in section 110A of the *Gaming Commission Act 1987*, and the TAB Sports Betting Account is then to be closed.
- (2) If in an agreement, instrument or other document there is a reference to the TAB Sports Betting Account, that reference is, unless the context otherwise requires, to be read or to have effect on and after commencement day as if it were a reference to the Sports Wagering Account.

17. Sports Betting Promotion Account

- (1) On commencement day, any funds standing to the credit of the Sports Betting Promotion Account referred to in section 28A(2)(c) of the TABB Act are to be credited to an account established under section 88 of the RWWA Act, and the Sports Betting Promotion Account is then to be closed.
- (2) If in an agreement, instrument or other document there is a reference to the Sports Betting Promotion Account, that reference is, unless the context otherwise requires, to be read or to have effect on and after commencement day as if it were a reference to the account established under section 88 of the RWWA Act.

18. Further transitional provisions may be made

- (1) If there is no sufficient provision in this Part for dealing with a transitional matter, regulations under this Act may include any provision that is required, or that is necessary or convenient, for dealing with the transitional matter.
- (2) In subsection (1) —
transitional matter means a matter that needs to be dealt with for the purpose of —
 - (a) effecting the transition from the provisions of the TABB Act to the provisions of the RWWA Act; or
 - (b) effecting the transition from the provisions of an Act amended by this Act as in force before this Act comes into operation to the provisions of that Act as in force after this Act comes into operation.
- (3) Regulations made under subsection (1) may provide that specific provisions of the RWWA Act or an Act amended by this Act —
 - (a) do not apply; or
 - (b) apply with specific modifications,to or in relation to any matter.
- (4) If regulations made under subsection (1) provide that a specified state of affairs is to be taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than the commencement day, the regulations have effect according to their terms.
- (5) In subsection (4) —
specified means specified or described in the regulations.

- (6) If regulations contain a provision referred to in subsection (4), the provision does not operate so as —
- (a) to affect in a manner prejudicial to any person (other than the State), the rights of that person existing before the day of publication of those regulations; or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of publication of those regulations.

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19. Power to amend regulations

- (1) The Governor, on the recommendation of the Minister, may make regulations amending subsidiary legislation made under any Act.
- (2) The Minister may make a recommendation under subsection (1) only if the Minister considers that each amendment proposed to be made by the regulations is necessary or desirable as a consequence of the enactment of the RWWA Act or this Act.
- (3) Nothing in this section prevents subsidiary legislation from being amended in accordance with the Act under which it was made.

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Division 2 — Transitional provision

219. Renamed body is same body

- (1) The body renamed as the Western Australian Greyhound Racing Association by section 201(1) is the same body as the Western Australian Greyhound Racing Authority previously established under section 5 of the *Western Australian Greyhound Racing Authority Act 1981*.
- (2) Where in a written law or in any document of any kind, there is a reference to the Western Australian Greyhound Racing Authority, 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 Association.

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⁶ Short title was initially the *Western Australian Greyhound Racing Association Act 1981* and was subsequently changed to the *Western Australian Greyhound Racing Authority Act 1981* then again to the *Western Australian Greyhound Racing Association Act 1981* (see note under s. 1).