

Racing (Amendment) Bill

No.

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By Authority, Victorian Government Printer

LEGISLATIVE COUNCIL

Read 1° 24 October 1995

(Brought from the Legislative Assembly)

A BILL

for

An Act to amend the **Racing Act 1958** to make further provision for the regulation of the greyhound racing industry and for other purposes.

Racing (Amendment) Act 1995

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. *Purpose*

The purpose of this Act is to amend the **Racing Act 1958**—

- (a) to alter the provisions dealing with the making of greyhound registration rules and to provide for the regulation of the breeding of greyhounds;
- (b) to alter the provisions concerning payment of remuneration, fees and allowances to members of statutory bodies established under the Act;

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984**.)

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- (c) to make further provision for appeals to the Racing Appeals Tribunal;
- (d) to make other minor and consequential amendments to the Act.

2. Commencement

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- (1) This Part and sections 12, 13, 14 and 15 come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed. 10
- (3) If a provision referred to in sub-section (2) does not come into operation within the period of 12 months beginning on, and including, the day on which this Act receives Royal Assent, it comes into operation on the first day after the end of that period. 15

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3. Principal Act

In this Act, the **Racing Act 1958** is called the Principal Act.

PART 2—GREYHOUND RACING

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4. Definitions

In section 51 of the Principal Act **insert** the following definitions—

- “**breeding greyhound**” means a female greyhound kept or used for breeding; 25
- “**stud greyhound**” means a male greyhound kept or used for breeding;
- “**syndicate**” means two or more persons who jointly own or lease a greyhound;’.

5. Functions of Board

After section 75 (ac) of the Principal Act, **insert—**
“(ad) to regulate the registration and breeding of
greyhounds for greyhound racing;”.

6. Registration by the Board

In section 77 (1) of the Principal Act—
(a) in paragraph (a), after “owner,” **insert**
“syndicate,”;
(b) in paragraph (d), after “club” **insert**
“, syndicate.”.

7. Inspections to monitor compliance with Act and rules

(1) In section 77A of the Principal Act before “A
member” **insert** “(1)”.

(2) After section 77A (1) of the Principal Act **insert—**

“(2) A member of the Board or a person authorised
by the Board in writing for the purpose (whether
generally or in a specific case) may at any
reasonable hour enter premises used for the
purpose of kennelling or breeding greyhounds
and may do any one or more of the following—

(a) inspect the premises and any greyhound at
the premises;

(b) inspect, and make copies of, or take
extracts from, any document kept at the
premises—

for the purpose of determining compliance with
this Act and the rules.

(3) A person authorised by the Board may not
exercise any power under this section if the
person fails to produce, on request, his or her
identity card for inspection by the occupier of
the premises.

(4) A person authorised by the Board may not,
under this section, enter a residence unless the

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occupier of the residence has consented in writing to the entry and inspection.

(5) An occupier who consents in writing to entry and inspection of his or her residence under this section must be given a copy of the signed consent immediately. 5

(6) If, in any proceeding, a written consent is not produced to the court, it must be presumed, until the contrary is proved, that the occupier did not consent to the entry and inspection.”. 10

8. Substitution of section 78

For section 78 of the Principal Act **substitute**—

“78. Registration of greyhounds

(1) The National Coursing Association of Victoria Inc. may, subject to any conditions it thinks fit, register greyhounds in accordance with the rules. 15

(2) A condition referred to in sub-section (1) must not be inconsistent with this Act or the rules and may be amended by the National Coursing Association of Victoria Inc. from time to time.”. 20

9. Rules of the Board

(1) In section 82 (1) of the Principal Act, after “Victoria” **insert** “and the regulation of the registration and breeding of greyhounds for greyhound racing,”. 25

(2) After section 82 (1) of the Principal Act **insert**—

“(1A) Without limiting the powers of the Board under sub-section (1), the Board may make rules for or with respect to— 30

(a) the registration of greyhounds as racing greyhounds, stud greyhounds or breeding greyhounds;

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- (b) the recognition of registration of greyhounds in a State or Territory other than Victoria, or outside Australia;
 - (c) the approval of registered greyhounds for racing;
 - (d) the breeding and kennelling of greyhounds, including the registration of—
 - 10 (i) services by stud greyhounds; and
 - (ii) results of matings; and
 - (iii) greyhound puppies in a litter;
 - (e) the collection of body samples from greyhounds to verify lineage for the purposes of registration;
 - 15 (f) fees to be paid for registration, recognition of registration, approval for racing and the collection and testing of body samples.”.

10. *Regulations*

20 In section 83 (1) of the Principal Act, **omit** paragraph (a).

PART 3—OTHER AMENDMENTS TO THE RACING ACT 1958

11. *Fees and allowances*

25 (1) In section 39 of the Principal Act, for sub-section (4) **substitute—**

30 “(4) Each member of the Board is severally entitled to be paid remuneration and travelling and other allowances (if any) that are fixed by the Governor in Council in respect of that member.”.

- (2) In section 45AA (2) of the Principal Act, for paragraph (c) **substitute**—
 “(c) must each be paid remuneration and travelling and other allowances (if any) that are fixed by the Governor in Council in respect of that member.”. 5
- (3) In section 74 of the Principal Act, for “travelling expenses and fees as are prescribed by the regulations” **substitute** “fees and travelling and other allowances as are fixed by the Governor in Council in respect of that member”. 10
- (4) In section 83O (1) of the Principal Act, **omit** paragraph (e).
- (5) In section 85 (3) of the Principal Act, for “expenses, if any, as are prescribed” **substitute** “travelling and other allowances, if any, that are fixed by the Governor in Council in respect of that member”. 15

12. Time limit for lodging appeals

- (1) In section 83K of the Principal Act—
 (a) in sub-section (1), after “may” **insert** “, within 14 days after the imposing of the penalty or making of the decision or order,”; 20
 (b) in sub-section (2), after “may” **insert** “, within 14 days after the imposing of the penalty or making of the decision or order,”. 25
- (2) In section 83K of the Principal Act, after sub-section (6C) **insert**—
 “(6D) An appeal instituted after the end of the period referred to in sub-section (1) or (2) is deemed to be an application for leave to appeal under sub-section (1) or (2). 30
 (6E) The Tribunal may grant leave under sub-section (6D) and the appellant may proceed with the appeal if the Tribunal is of the opinion that the appellant has given an adequate explanation for the failure to 35

institute the appeal within the period referred to in sub-section (1) or (2).”.

13. Insertion of new section 83MB

After section 83MA of the Principal Act insert—

“83MB. Contempt of Tribunal

A person must not—

- (a) insult a member of the Tribunal in the performance of functions or the exercise of powers as a member at a proceeding before the Tribunal; or
- (b) interrupt a proceeding before the Tribunal; or
- (c) create a disturbance, or take part in creating or continuing a disturbance, in or near a place where the Tribunal is conducting a proceeding; or
- (d) do any other act that would, if the Tribunal were a court of record, constitute contempt of that court.

Penalty: 10 penalty units or imprisonment for 3 months.”.

14. Statute law revision

The Principal Act is amended as follows—

- (a) in section 86 (4) (a), for “the 30 November” **substitute** “30 November”;
- (b) in section 87 (3) (a), for “the 30 November” **substitute** “30 November”;
- (c) in section 87A (3) (a), for “the 30 November” **substitute** “30 November”;
- (d) in section 88, for “the 1 December” (wherever occurring) **substitute** “1 December”;
- (e) in section 119 (f), for “Vitorian” **substitute** “Victorian”.

15. *Transitional*

The Principal Act as amended by section 12 of this Act applies to an appeal against a penalty imposed, or a decision or order made, on or after the day on which section 12 comes into operation.

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