

NORTHERN TERRITORY OF AUSTRALIA

RACING COMMISSION BILL 1991

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to establish the Racing Commission
and for related purposes

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

PART 1 - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Racing Commission Act 1991*.

2. COMMENCEMENT

This Act shall come into operation on 1 July 1991.

3. INTERPRETATION

In this Act, unless the contrary intention appears -

"Chairman" means the Chairman of the Commission appointed under section 7 and includes a person appointed under section 8 to act as the Chairman while so acting;

"Commission" means the Racing Commission established by section 4;

"member" means a member of the Commission appointed under section 5 and includes the Chairman.

PART 2 - RACING COMMISSION

4. RACING COMMISSION

(1) There is established by this Act a commission to be known as the Racing Commission.

Racing Commission

(2) The Commission -

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal; and
- (c) is capable, in its corporate name, of acquiring, holding and disposing of real (including leasehold) and personal property and of suing and being sued.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document and shall assume that it was duly affixed.

(4) The Commission is a prescribed statutory corporation within the meaning and for the purposes of the *Financial Administration and Audit Act*.

5. COMPOSITION OF COMMISSION

(1) Subject to this Act, the Commission shall consist of the following members appointed by the Minister:

- (a) a Chairman; and
- (b) 4 members appointed on the grounds of their knowledge and experience of the racing industry in the Territory.

(2) The exercise of the powers or the performance of the functions of the Commission shall not be affected by reason only of there being a vacancy in the office of a member.

6. CERTAIN PERSONS NOT QUALIFIED FOR APPOINTMENT, &c.

(1) For the purposes of subsection (2), words used in that subsection which are defined in the *Racing and Betting Act* have the same meaning as in that Act.

- (2) A person who is or becomes -
 - (a) a member of a registered club;
 - (b) interested or concerned, whether directly or indirectly, in the business carried on by a bookmaker or the holder of a licence under a law of the Territory to operate a casino;
 - (c) the owner, lessee or trainer of a horse used for horse-racing or trotting or a greyhound used for greyhound-racing; or



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 - (c) the owner, lessee or trainer of a horse used for horse-racing or trotting or a greyhound used for greyhound-racing; or

Racing Commission

- (d) a rider or driver of horses, whether professionally or not, in horse-races or trotting,

shall not be appointed a member in accordance with section 5 or continue in office as such a member.

7. CHAIRMAN

(1) Subject to section 6, the Minister may appoint a person to be the Chairman.

(2) The Chairman shall be employed on such terms and conditions as are determined by the Administrator.

(3) The Minister may, at any time, terminate an appointment made under subsection (1).

8. ACTING CHAIRMAN

(1) Where the Chairman is, or is expected to be, absent from duty or from the Territory, the Minister may, by instrument in writing, appoint a person, subject to section 6, to act as the Chairman during that absence.

(2) The Minister may, at any time, terminate an appointment made under subsection (1).

(3) A person appointed under subsection (1) to act as the Chairman has all the powers, functions and duties conferred or imposed on the Chairman, whether under this or any other Act.

(4) The validity of a decision of the Commission shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under subsection (1) had not arisen or that an appointment under that subsection had ceased to have effect.

9. DUTIES OF CHAIRMAN

The Chairman shall, in accordance with the decisions and subject to the directions of the Commission, administer the affairs of the Commission.

10. TENURE OF OFFICE

(1) Subject to this Part, a member, other than the Chairman, shall be appointed for a period not exceeding 3 years and is eligible for reappointment.

(2) Notwithstanding subsection (1), unless a member sooner vacates office or is removed from office under this Part, the member shall continue in office until a successor is appointed.

Racing Commission

11. RESIGNATION OF MEMBERS

A member may resign from office by writing signed by the member and delivered to the Minister.

12. DISMISSAL OF MEMBERS

(1) The Minister may remove a member from office for inability, inefficiency, misbehaviour or physical or mental incapacity.

(2) Where a member -

(a) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Commission; or

(b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of the member's remuneration for their benefit,

the Minister shall terminate the appointment of the member.

13. LEAVE OF ABSENCE

The Minister may grant leave of absence to a member.

14. MEETINGS

(1) The Chairman shall convene such meetings of the Commission as are necessary for the exercise of its powers and the performance of its functions under this or any other Act.

(2) At a meeting of the Commission -

(a) the Chairman shall preside;

(b) the Chairman and 2 other members constitute a quorum;

(c) questions arising shall be determined by a majority of the votes of the members present and voting and, in the event of an equality of votes, the Chairman shall have a casting vote; and

(d) subject to this Act, the Commission shall determine its own procedure.

(3) The Commission shall keep records of its meetings.

Racing Commission

15. PROTECTION OF MEMBERS, &c.

No action or proceeding, civil or criminal, shall lie against the Commission, the Chairman or a member for or in respect of an act or thing done or omitted to be done whether under this or any other Act, in good faith by the Commission, the Chairman or a member.

16. DEPUTIES OF MEMBERS

(1) The Minister may appoint a person to be the deputy of a member, other than of the Chairman.

(2) A deputy appointed under subsection (1) shall, in the event of the absence from a meeting of the Commission of the member for whom the member is the deputy, be entitled to attend that meeting and, when so attending, shall be deemed to be a member both for the purposes of this Act and for the purposes of the *Remuneration (Statutory Bodies) Act*.

(3) An act done by a deputy appointed under subsection (1) as a deputy shall not, in any proceedings, be questioned on the ground that the occasion for the exercise of any powers or the performance of any functions did not arise or had ceased.

17. DISCLOSURE OF INTEREST

(1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which the member is not a director, shall, as soon as practicable after the relevant facts have come to the member's attention, disclose the nature of the interest at a meeting of the Commission.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the Commission and the member making the disclosure shall -

- (a) not, while the member has that interest, take part after the disclosure in any deliberation or decision; and
- (b) be disregarded for the purpose of constituting a quorum,

of the Commission in relation to that matter.

Racing Commission

18. DELEGATION

(1) The Commission may, by instrument in writing under its common seal, delegate to a member or an employee any of its powers and functions under this Act, except this power of delegation.

(2) A power delegated under this section may be exercised by the delegate in accordance with the instrument of delegation and, where so exercised, shall, for the purposes of this Act, be deemed to have been exercised by the Commission.

(3) A delegation under this section is revocable at will and does not prevent the exercise of a power so delegated by the Commission.

19. STAFF OF COMMISSION

(1) The Commission may employ, on such terms and conditions as it thinks fit, such persons as it thinks necessary for the purposes of this Act.

(2) The Commission is a prescribed authority within the meaning of the *Public Service Act* in relation to a person employed pursuant to subsection (1) who, but for this subsection, would, on commencing employment, cease to be an employee within the meaning of that Act.

20. COSTS AND EXPENSES OF COMMISSION

(1) The costs and expenses of the Commission, other than the payment of remuneration, allowances and expenses to the Chairman and other members, in exercising its powers and performing its functions under and in relation to the *Racing and Betting Act* shall be met by the Territory.

(2) All other costs and expenses of the Commission, including the payment of remuneration, allowances and expenses to the Chairman or other members, shall be met from the revenue of the Commission.

21. MONEY PROPERTY OF TERRITORY

The money of, and all debts and other money owing to, the Commission are the property of the Territory and -

- (a) are and shall be held;
- (b) may be recovered; and
- (c) may be applied,

by and in the name of the Commission on behalf of the Territory.

Racing Commission

22. RULES

The Commission may make rules -

- (a) providing for the custody of its property and the form and use of its common seal; and
- (b) prescribing the duties of its employees and agents.

PART 3 - TRANSITIONAL AND SAVINGS

23. TRANSITIONAL AND SAVINGS

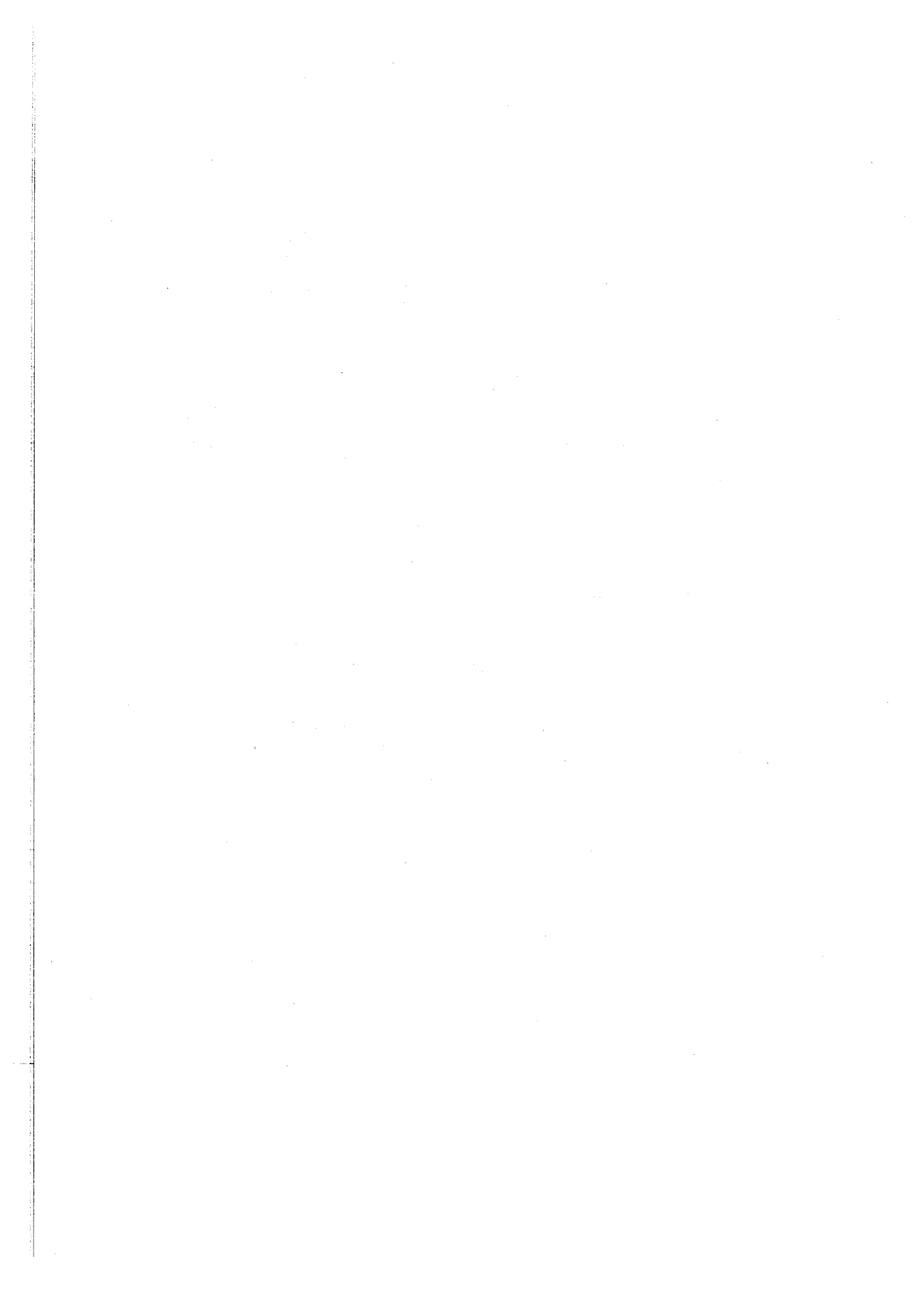
(1) In this section, "Board" means the Northern Territory Totalizator Administration Board established under the *Totalizator Administration and Betting Act* and existing immediately before the commencement of this Act.

(2) On the commencement of this Act -

- (a) any levy, fee, charge, interest, debt or money payable to the Board shall become payable to and be recoverable by the Commission;
- (b) all liabilities, contracts (including contracts of service) and engagements, and all rights and authorities of any nature whatsoever of the Board shall become liabilities, contracts, engagements, rights and authorities of the Commission; and
- (c) all rights, authorities and licences granted or issued by the Board shall continue in force on the same terms and conditions on which they were granted or issued or on which they arose as if such rights, authorities and licences had been granted or issued by the Commission.

(3) All estates and interests in property, real and personal, and rights (except property mentioned in subsection (2)) held by the Board immediately before the commencement of this act are, by virtue of this section and without further assurance, vested in the Commission, and the Commission has such powers as are necessary to take possession of, recover and deal with such property and enforce such rights.

(4) On the commencement of this Act, the Chairman of the Board shall be deemed to have been appointed Chairman of the Commission under this Act.



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