



**BILLE TIONSCAIL NA GCON (RIALÁIL AR DHÓPÁIL)
2006
GREYHOUND INDUSTRY (DOPING REGULATION) BILL
2006**

*Mar a tionscnaíodh
As initiated*

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ACTS REFERRED TO

European Asembly Elections Act 1977	1977, No. 3
European Assembly Elections Act 1984	1984, No. 6
Greyhound Industry Act 1958	1958, No. 12
Veterinary Surgeons Act 1881	44 & 45 Vic., c. 62
Veterinary Practice Act 2005	2005, No. 22



**BILLE TIONSCAIL NA GCON (RIALÁIL AR DHÓPÁIL)
2006
GREYHOUND INDUSTRY (DOPING REGULATION) BILL
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BILL

entitled

AN ACT TO PROVIDE FOR THE INDEPENDENT CONTROL
OF DOPING WITHIN THE GREYHOUND INDUSTRY
AND TO ESTABLISH AN INDEPENDENT REGULAT-
ORY APPEALS BODY.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—This Act may be cited as the Greyhound Industry (Doping Regulation) Act 2006. Short title.

2.—(1) In this Act—

Definition.

“doping” means the use of any “prohibited substance” as laid out in article 2 of the Greyhound Race Track (Regulations) 1993;

“the Minister” means the Minister for Arts, Sport and Tourism;

20 “the Board” has the meaning assigned to it in section 1 of the Greyhound Industry Act 1958;

“the Club” has the meaning assigned to it in section 1 of the Greyhound Industry Act 1958;

25 “the Comhlacht” means Comhlact Rialucháin Dhópáil na gCon, as established by this Act;

“the Principal Act” means the Greyhound Industry Act 1958.

3.—The Minister may, by order, appoint a day to be the establishment day for the purposes of this Act. Establishment day.

4.—The following sections of the Principal Act are repealed:

- (a) section 45,
- (b) section 47.

PART 2

ESTABLISHMENT OF COMHLAHT RIALUCHÁIN DHÓPÁIL NA gCON 5

Establishment.

5.—(1) On the establishment day, there shall be established a body to control doping in the greyhound industry, to be styled and known as “Comhlact Rialucháin Dhópáil na gCon”, to fulfil the functions assigned to it by this Act.

(2) The Comhlacht shall be a body corporate with perpetual succession and an official seal (which shall be judicially noticed) and power to sue and be sued in its corporate name and to hold land. 10

(3) The Comhlacht shall be a subsidiary of the Board but shall be independent and autonomous thereof.

(4) Without prejudice to *subsection (5)* hereunder, the Board shall have no function in the administration or operation of the Comhlacht, its secretariat or its decisions, nor shall it have any jurisdiction to interfere in any respect with the independence of the Comhlacht. 15

(5) The Board shall provide to the Comhlacht the following: 20

- (a) operating finance;
- (b) a secretariat;
- (c) accommodation; and
- (d) such other facilities as may be provided for by order of the Minister from time to time. 25

General functions.

6.—The general functions of the Comhlacht shall be—

- (a) to control doping and illegal drug use in greyhound racing in Ireland,
- (b) to make regulations, from time to time, as it sees necessary, pertaining to drug use in connection with greyhound racing, 30
- (c) to enforce the general rules and regulations of the Board in accordance with section 5 of the Principal Act, and in so doing to promote integrity and fair play in greyhound racing, and 35
- (d) to act as an independent appeals body from the Board.

Composition.

7.—The Comhlacht shall consist of four members in total, comprising a Chairman and three ordinary members.

8.—(1) Without prejudice to *subsection (3)* of this section, the Comhlacht shall be appointed by the Minister in the manner provided by law. Appointment of members.

5 (2) The Chairman of the Comhlacht shall be a judge or a former judge of the Supreme Court, High Court or Circuit Court, or a practising barrister or solicitor of at least seven years' standing.

10 (3) (a) At least one member of the Comhlacht shall be a veterinary surgeon as defined by section 2 of the Veterinary Surgeons Act 1881, or other person who has expertise in the treatment or drug testing of greyhounds.

(b) The person appointed under *subsection (3)(a)* shall be appointed by the Minister after consultation with the Veterinary Council of Ireland, in accordance with section 13(2)(f) of the Veterinary Practice Act 2005.

15 (4) Where a member of the Comhlacht dies, resigns, becomes disqualified or is removed from office, the Minister may appoint a person to fill the vacancy and the person so appointed shall be appointed—

(a) in the same manner as, and

20 (b) for the remainder of the term of office of,

the member of the Comhlacht who occasioned the vacancy.

(5) Members of the Comhlacht whose term of office expires due to the effluxion of time shall be eligible for re-appointment.

25 9.—(1) Where a member of the Comhlacht or of the Board is— Restrictions on membership.

(a) nominated as a member of Seanad Éireann, or

(b) elected as a member of either House of the Oireachtas or as a representative in the European Parliament, or

30 (c) regarded pursuant to section 15 (inserted by the European Assembly Elections Act 1984) of the European Assembly Elections Act 1977, as having been elected to the European Parliament to fill a vacancy,

he shall thereupon cease to be a member of the Comhlacht or of the Board, whichever is appropriate.

35 (2) Where a person who is a member of the staff of the Comhlacht or the Board, is—

(a) nominated as a member of Seanad Éireann, or

(b) elected as a member of either House of the Oireachtas or as a representative in the European Parliament, or

40 (c) regarded pursuant to section 15 (inserted by the European Assembly Elections Act 1984) of the European Assembly Elections Act 1977, as having been elected to the European Parliament to fill a vacancy,

he shall thereupon stand seconded from employment by the Comhlacht or by the Board and shall not be paid by, or be entitled

to receive, from the Comhlacht or the Board, any remuneration or allowances in respect of the period commencing on such nomination or election or when he is so regarded as having been elected, as the case may be, and ending when he ceases to be a member of either such House or a representative in such Parliament. 5

(3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or is a representative in the European Parliament shall, while he is so entitled or is such a representative, be disqualified from becoming a member of the Comhlacht or the Board or the staff of either body. 10

(4) Without prejudice to the generality of *subsection (2)*, that subsection shall be construed as prohibiting, *inter alia*, the reckoning of a period mentioned in that subsection as service with the Comhlacht or the Board for the purposes of any superannuation benefits.

(5) No member of the Comhlacht shall, at the same time, be a member of the Board. 15

(6) No member of the Comhlacht shall, at the same time, be a member of the Club.

Disclosure of
interests.

10.—(1) A member of the Comhlacht who has any material or financial interest in— 20

- (a) any organisation or individual on which the Comhlacht has made or proposes to make an adjudication, or
- (b) any decision that the Comhlacht has made or proposes to make, or

shall, at a meeting of the Comhlacht, where any of the foregoing matters has arisen— 25

- (i) disclose the fact of such interest and the nature thereof,
- (ii) absent himself from the meeting or that part of the meeting during which the matter is to be discussed,
- (iii) take no part in any deliberations of the Comhlacht relating to the matter, and 30
- (iv) not vote on a decision relating to the matter.

(2) Where an interest is disclosed pursuant to this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member of the Comhlacht by whom the disclosure has been made, shall not be counted in the quorum for the meeting. 35

(3) Where, at a meeting of the members of the Comhlacht, a question arises as to whether or not a course of conduct, if pursued by a member of the Comhlacht, would constitute a failure by him to comply with the requirements of *subsection (1)*, the question may be determined by the chairman of the meeting, whose decision shall be final, and where such a question is so determined, particulars of the determination shall be recorded in the minutes of the meeting. 40 45

(4) Where the Minister is satisfied that a member of the Comhlacht has contravened *subsection (1)*, he may, if he thinks fit,

remove that member from office and, in the event of a person being removed from office pursuant to this subsection, he shall thenceforth be disqualified from being a member of the Comhlacht.

5 **11.—**(1) Members shall hold office on such terms and conditions as the Minister may determine. Members' terms of office.

(2) Members' remuneration, allowances and expenses, if any, shall be—

(a) determined by the Board with the consent of the Minister and the Minister for Finance, and

10 (b) paid out of funds at the disposal of the Board.

(3) A member may at any time resign his Office by notifying the Minister in writing.

(4) The Minister may, at any time, remove a member from Office.

(5) The term of office of a member shall be 5 years.

15 (6) A member shall continue to act after his term of office has expired until such time as a replacement has been appointed.

(7) The term of office of a person appointed to fill a casual vacancy shall be the remainder of the term of the person who occasioned the vacancy.

20 (8) A member shall cease to hold office if he is—

(a) adjudged to be bankrupt, or makes a composition or arrangement with his creditors, or

(b) convicted of any offence under this Act, or

25 (c) receives a custodial sentence from a court of competent jurisdiction, or

(d) is the subject of an order issued under this act.

12.—(1) The Comhlacht shall hold as many meetings as required to discharge its functions. Procedures.

30 (2) The quorum for a meeting of the Comhlacht shall be three, but the Comhlacht may continue to operate notwithstanding one vacancy.

35 (3) At a meeting of the Comhlacht, the Chairman, if present, shall be the chairman of the meeting. In the absence of the Chairman, the ordinary members of the Comhlacht who are present shall choose one of their number to chair the meeting.

(4) Each member of the Comhlacht present at the meeting shall have one vote.

40 (5) Every question at a meeting of the Comhlacht shall be decided by a majority of the votes of the members present and voting on the question, and where there is an equal division of votes the chairman of the meeting shall have a second and casting vote.

(6) The Comhlacht—

- (a) shall make known its decisions promptly to the Board,
- (b) shall publish the results of cases it hears and the reports on investigations undertaken,
- (c) shall cause notice of the results of cases it hears and the reports on investigations undertaken, to be served on persons directly concerned in such cases, 5
- (d) shall, upon request, make a copy of the results of cases it hears and the reports on investigations undertaken, and the reasons therefor, available to any person, and 10
- (e) may cause notice of the results of cases it hears and the reports on investigations undertaken to be served on any other persons whom the Comhlacht thinks it proper to be notified.

(7) In relation to the organisation and procedures used in hearing a case, the Comhlacht shall, on all matters not specified in this Act, set down its own procedures. 15

(8) Without prejudice to *subsection (7)*, minutes shall be kept of every meeting of the Comhlacht.

International best practice.

13.—The Comhlacht shall follow international best practice in the operation of the Board’s anti-doping code. 20

Annual report.

14.—(1) The Comhlacht—

- (a) shall publish an annual report on its activities,
- (b) may, therein or at any time it considers expedient, recommend changes in regulations or control procedures operated by the Board, and 25
- (c) shall submit copies of the annual report to the Board and the Minister.

(2) It shall be at the discretion of the Board, whether or not to accept or implement the advice of the Comhlacht made under this section. 30

Power to make disqualification orders.

15.—(1) After consideration of the result of—

- (a) any investigation at the instance of the Board under section 43 of the Principal Act, or
- (b) any investigation by an authorised officer of the Board under section 44 of the Principal Act, 35

the Comhlacht, may, by order (in this section referred to as a disqualification order) made in respect of all or specified greyhounds kept, owned, trained or managed by a specified person, disqualify such greyhounds from any one or more of the following: 40

- (i) entry for any greyhound race at any greyhound race track;

(ii) acceptance for sale at any public sale of greyhounds;

for a set time period stated in the disqualification order.

5 (2) Where the Comhlacht proposes to make a disqualification order, the Comhlacht shall serve notice of the proposal on the person concerned and shall, if any representations are made in writing by such person within seven days, consider the representations.

(3) The Comhlacht—

(a) may, at any time, revoke any disqualification order, and

10 (b) if the Comhlacht makes a decision under *paragraph (a)* of this subsection, it must publish the reasons for that revocation.

(4) Where a disqualification order is made, the Comhlacht—

(a) shall publish the reasons for which that order has been made,

15 (b) shall cause notice of the making of the order to be served on the person to whom the order applies,

(c) shall, upon request, make a copy of the order and the reasons therefor available to any person, and

20 (d) may cause notice of the making of the order to be served on any other persons whom the Comhlacht thinks it proper to be notified.

(5) The Comhlacht shall have sole jurisdiction to make orders under this section.

25 **16.—**(1) The Comhlacht, after consultation with the Club or the Board, as appropriate, or the Club, with the consent of the Comhlacht, may by order (in this section referred to as an exclusion order), prohibit a person from any one or more of the following: Power to make exclusion orders.

(a) being present on any greyhound race track;

(b) being present at any public sale of greyhounds;

30 for a set time period stated in the exclusion order.

(2) Where the Comhlacht proposes to make or to consent to an exclusion order, the Board shall serve notice of the proposal on the person concerned and shall, if any representations are made in writing by such a person within seven days, consider the representations.

35 (3) The Comhlacht may, after consultation with the Club, revoke any exclusion order made by the Comhlacht.

(4) The Club may, with the consent of the Comhlacht, revoke any exclusion order by the Club.

(5) Where an exclusion order is made by the Comhlacht, it—

40 (a) shall publish the reasons for which that order has been made,

(b) shall cause notice of the making of the order to be served on the person to whom the order applies,

(c) shall, upon request, make a copy of the order and the reasons therefor available to any person, and

(d) may cause notice of the making of the order to be served on any other persons whom the Comhlacht thinks it proper to be notified. 5

(6) Without prejudice to *subsection (1)*, where an exclusion order is made by the Club, the Club—

(a) shall publish the reasons for which that order has been made, 10

(b) shall cause notice of the making of the order to be served on the person to whom the order applies,

(c) shall, upon request, make a copy of the order and the reasons therefor available to any person, and 15

(d) may cause notice of the making of the order to be served on any other persons whom the Comhlacht thinks it proper to be notified.

Compliance with orders under this act.

17.—Where a person, to whom an order under this act is in effect, is found— 20

(a) on any greyhound race track, or

(b) at any public sale of greyhounds,

any person, in the case of *paragraph (a)*, acting under the direction of the licensee under the greyhound race track license relating to the track, or, in the case of *paragraph (b)*, acting under the direction of the person conducting the sale, may remove such first-mentioned person therefrom and for this purpose may use such force as may be reasonably necessary and may seek the assistance of An Garda Síochána. 25

General powers.

18.—(1) On the establishment day— 30

(a) the Comhlacht shall replace the Chief Executive of the Board as the entity responsible for dope and drug testing under Bord na gCon, and

(b) all powers previously vested in the Board for the purpose of the control of the use of illegal substances in greyhound racing, shall be vested in the Comhlacht. 35

(2) The Comhlacht shall hear appeals against—

(a) the refusal of, or the modification or attachment of conditions to, licenses and permits, the issue of which is the responsibility of the Board, 40

(b) the removal of prize-money or the imposition of fines by the Board, or

- (c) any decision of the Board in respect of which an application for appeal has been brought by a person with appropriate *locus standi*.

5 (3) Where the Board considers that a case is serious enough to warrant any one or more of the following:

- (a) the removal or withholding of prize-money in excess of €1,000;
- (b) the application of a fine in excess of €1,000; or
- (c) the making of a disqualification or exclusion order;

10 the Board shall, establishing the relevant facts, apply to the Comhlacht, in which shall rest sole discretion to decide on the merit of the case and the penalty, if any, to be applied.

15 (4) Where the Club makes an order under this act, whether in relation to coursing or not, the Club or the Board may state a case to the Comhlacht to rescind, extend or amend such order as the Comhlacht deems necessary.

20 (5) Nothing in this section shall be construed to prevent reciprocal arrangements being entered into between the Comhlacht and regulatory, control or similar bodies for greyhound racing in other jurisdictions.

(6) The Comhlacht, after due consideration of any matter brought before it, may—

- (a) order the withholding, re-assignment or removal of prize money,
- 25 (b) apply fines,
- (c) make, modify or lift orders, made by it under this act,
- (d) order the Board to revoke or modify the terms of a license, permit or authorisation, and
- (e) make orders in relation to costs.

30 **19.—**(1) The Comhlacht shall provide an appeals procedure from the Board and ensure that any appeal referred to it is heard in a fair and impartial manner. Appeals.

35 (2) Nothing in this act shall be construed to diminish the right of any person or body corporate to seek redress from the ordinary judicial process.

20.—(1) Any person or body corporate may report breaches of racing regulations or the non-implementation of racing regulations, to the Comhlacht, where— Powers of investigation.

- 40 (a) such breaches or non-implementation has been brought to the attention of the Board in the first instance, and
- (b) the Board has failed to act thereon within a reasonable time frame.

(2) Upon receipt of any complaint under *subsection (1)*, the Comhlacht shall cause the matter to be investigated.

(3) The Comhlacht may, at any time and on its own initiative, order an investigation or require the Board to carry out an investigation (in such manner as the Comhlacht prescribes), and require the production of a report within a period specified by the Comhlacht. 5

(4) The Comhlacht may—

(a) compel witnesses to attend hearings to present evidence,

(b) cite persons for contempt, and

(c) take evidence under oath. 10

(5) The Comhlacht may draw up a schedule of fees payable in respect of the exercise of its functions under this act, and in particular fees that would be payable upon the lodgement of an appeal against a decision made by the Comhlacht.

(6) The Comhlacht may recover, as a simple contract debt, in any court of competent jurisdiction from any person from whom it is payable, any amount due and owing under this section. 15