



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

EXPLANATORY MEMORANDUM

General

The purpose of this Bill is to provide a body (“the Comhlacht”) whose responsibility shall be the independent regulation and control of doping and illegal drug use in the greyhound industry. The aim of the proposal is to relieve Bord na gCon of this arduous duty and to place instead the responsibility on a ministerially-appointed body, the members of which are experienced in judicial matters and independent from the other functions and responsibilities of Bord na gCon.

Section 1 contains the short title of the Bill.

Section 2 defines certain words and terms used in the Bill and refers to the Greyhound Industry Act 1958.

Section 3 specifies the establishment day for the regulatory body.

Section 4 repeals certain sections of the Greyhound Industry Act 1958.

Section 5 provides for the establishment of the Comhlacht, specifically enshrines its independence from Bord na gCon, defines its position under the aegis of the Board, and outlines the source of its financing and support structures.

Section 6 sets out the general functions of the Comhlacht as being the control of doping in the greyhound industry and the making of regulations to perform that function, the enforcement of the rules of the Board, and its position as an appeals court from the Board.

Section 7 sets out the number of members of the Comhlacht.

Section 8 provides for the manner in which members shall be appointed to the Comhlacht and the requirements of the Chairman. It also specifies that there must be at least one vet or other greyhound expert on the Comhlacht, to be appointed by the Minister after consultation with the Veterinary Council. This section also outlines the manner in which a member may be replaced.

Section 9 prohibits membership of the Comhlacht by a person who is a member of any one or more of the Oireachtas, the European Parliament, Bord na gCon, or the Irish Coursing Club.

Section 10 requires members of the Comhlacht to declare financial and other interests in any body or organisation that might prejudice that member's impartiality or independence. The section also provides for the manner in which such disclosures should be made, the subsequent duties on the member in question, the powers of the chairman in determining whether or not a member has complied with the section, and the powers of the Minister in the event that a member does not adequately comply with the section.

Section 11 outlines the terms of office of the members of the Comhlacht. Specifically, it details the manner in which their remuneration shall be decided, the resignation procedures for a member and the power of removal thereof by the Minister, the length and operation of the term of office, and conditions under which automatic removal from office occurs.

Section 12 lays out the procedures that the Comhlacht can adopt, including standing orders, number of meetings, what constitutes a quorum, election of a chairman, minuting, votes, casting votes and majority voting. Most importantly, this section requires the Comhlacht to publish its decisions and to provide access to them to whomsoever requests it.

Section 13 requires the Comhlacht to operate best international practice in carrying out its duties under the Board's anti-doping code.

Section 14 places a duty of the Comhlacht to publish an annual report, and to provide a copy of that report to the Minister and any party that requests it. Significantly, this section creates a mechanism for the Comhlacht to make recommendations for changes or actions that Bord na gCon could take, but maintains the Board's absolute right not to take such recommendations on board.

Section 15 provides for the power of the Comhlacht to make orders disqualifying certain greyhounds from entering races and/or from being sold, the process by which the Comhlacht can arrive at such a decision, and a duty to serve notice of an order on the owner of such a greyhound and/or other interested parties. This section also gives the Comhlacht sole jurisdiction to make such orders and places a duty on it to publish its decisions and the reasons for it.

Section 16 provides for the power of the Comhlacht to make orders excluding certain persons from entering greyhound race tracks and/or greyhound sales, the process by which the Comhlacht can arrive at such a decision, and a duty to serve notice of an order on the person or persons who are the subject of it, and/or other interested parties. This section also sets out the role of the Irish Coursing Club and the supremacy of the Comhlacht in such orders.

Section 17 gives powers to greyhound race tracks and persons offering greyhounds for sale, to ensure that orders under *sections 15* and *16* are complied with.

Section 18 outlines the general powers of the Comhlacht: that it is to take over the control and regulation of doping from the Chairman of the Board and to assume the powers of the Board in the exercise of that function; its position as an appeal body; circumstances in which the Board and the Club must consult the Comhlacht; the right of the Comhlacht to make reciprocal arrangements with other similar bodies; and the sanctions that the Comhlacht may apply.

Section 19 enshrines the right of appeal to the Comhlacht from the Board, the duty of the Comhlacht to hear it in a fair and impartial

manner, and the right of any person to appeal a decision of the Comhlacht to the courts in the normal way.

Section 20 gives power of investigation to the Comhlacht, including compulsion of witnesses, the powers to take evidence under oath, and to cite individuals for contempt. It also provides for the right of the Comhlacht to make certain charges and to sue in its own name.

An Teachta Séamus Ó Duibhneacháin,
Feabhra, 2006.