



RACING AMENDMENT ACT 1993

No. 111 of 1993

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RACING AMENDMENT ACT 1993

No. 111 of 1993

AN ACT to amend the *Racing Act 1983*

[Royal Assent 23 December 1993]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Racing Amendment Act 1993*.

Commencement

2—This Act commences on a day to be proclaimed.

Principal Act

3—In this Act, the *Racing Act 1983** is referred to as the Principal Act.

Section 4 amended (Interpretation)

4—Section 4 of the Principal Act is amended by omitting the definitions of “the Council” and “the Board” and substituting the following definitions after the definition of “the Authority”:

“Board” means—

(a) the Tasmanian Greyhound Racing Board constituted under section 21 for the purposes of Part IV; and

(b) the Tasmanian Racing Appeal Board constituted under section 25 for the purposes of Part V;

“Council” means the Tasmanian Thoroughbred Racing Council established under section 17;

Section 6 amended (Membership of Authority)

5—Section 6 (1) of the Principal Act is amended as follows:—

(a) by omitting from paragraph (b) “one other member” and substituting “2 other members”;

(b) by omitting paragraph (c).

Section 9A inserted

6—After section 9 of the Principal Act, the following section is inserted:—

Consultations

9A—Any consultations required by section 9 (2B) of this Act and sections 34 and 40A of the *Racing and Gaming Act 1952* are to be conducted in the prescribed manner.

* No. 87 of 1983. Amended by Nos. 29 and 35 of 1984, Nos. 25 and 123 of 1985, No. 32 of 1986, Nos. 28 and 86 of 1987, Nos. 5, 22 and 37 of 1990, No. 39 of 1991 and No. 24 of 1993.

Sections 17, 18, 19 and 20 substituted and sections 19A and 19B inserted

7—Sections 17, 18, 19 and 20 of the Principal Act are repealed and the following sections are substituted:—

Tasmanian Thoroughbred Racing Council

17—(1) The Tasmanian Thoroughbred Racing Council is established.

(2) The Council consists of 10 persons appointed by the Minister of whom—

- (a) 3 persons are nominated by the Tasmanian Racing Club; and
- (b) 3 persons are nominated by the Tasmanian Turf Club; and
- (c) one person is nominated by the Devonport Racing Club; and
- (d) one person is nominated by the Tasmanian Bloodhorse Breeders Association; and
- (e) one person is nominated by the Tasmanian Racehorse Owners Association State Council; and
- (f) one person is nominated by prescribed bodies representing persons licensed under the Tasmanian Rules of Racing.

(3) The chairperson and deputy chairperson of the Council are elected by the Council.

(4) If a body referred to in paragraph (a), (b), (c), (d) or (e) of subsection (2) changes its name or ceases to exist, the Minister may, by order, amend that paragraph by substituting—

- (a) the name of the body as changed; or
- (b) the name of a body which the Minister is satisfied represents the interests represented by the body which ceases to exist.

(5) If a nomination under subsection (2) is not made when required to be made, the Minister may appoint an appropriate person without such a nomination.

(6) If a member of the Council is absent from office, the Minister, on the nomination of the relevant body referred to in subsection (2), may appoint a person to act in the office of that member during that absence.

(7) A body which nominates a member to the Council may also nominate a proxy under the prescribed conditions.

(8) A member of the Council holds office for a term, not exceeding 3 years, specified in the member's instrument of appointment.

(9) Schedule 1 has effect with respect to the membership of the Council.

(10) Schedule 3 has effect with respect to meetings of the Council.

Ineligibility for membership

18—A person is not eligible to be appointed, or continue, as a member of the Council if the person is—

- (a) the holder of a licence issued under the Rules of Racing; or
- (b) a paid officer of a racing club; or
- (c) disqualified under the Rules of Racing; or
- (d) subject to a notice under section 39 of the *Racing and Gaming Act 1952*.

Functions and powers of Council

19—(1) The functions and powers of the Council are—

- (a) to control thoroughbred horse racing in Tasmania; and
 - (b) any other functions and powers agreed between the Tasmanian Racing Club and the Tasmanian Turf Club and the Minister.
- (2) An agreement under subsection (2)—
- (a) is to be in writing; and
 - (b) remains in force for a period specified in the agreement, not exceeding 3 years, commencing on the date on which the agreement is made.

(3) The Tasmanian Racing Club and the Tasmanian Turf Club and the Minister may, at any time, enter into another agreement relating to the powers and the functions of the Council.

(4) The Council is to perform its functions and exercise its powers in accordance with the Rules of Racing.

Directions by Authority

19A—(1) Subject to subsection (3), the Authority may give the Council any direction that the Authority considers necessary or desirable relating to the functions or powers of the Council under this Act or any other Act.

(2) In addition, the Authority may give the Council directions relating to—

- (a) matters of policy; and
- (b) the general nature and extent of the operations of the Council.

(3) The power conferred on the Authority by subsection (1) is not to be exercised so as to—

- (a) require the Council to do anything that it is not empowered to do by this Act or any other Act; or
- (b) prevent the Council from performing any function that it is expressly required by this Act or any other Act to perform; or
- (c) interfere with the Council forming an opinion or belief in relation to any matter.

(4) The Authority may revoke a direction under subsection (1) by giving notice in writing to the Council.

(5) The Council is bound by a direction given under subsection (1) if the direction is—

- (a) in writing; and
- (b) signed by the Director.

Stipendiary stewards

19B—A person appointed as a stipendiary steward for the Council under section 40A of the *Racing and Gaming Act 1952* is under the direction of the Council for the purposes of administering the Rules of Racing.

Report of Council

20—(1) By or before 31 October in each year, the Council is to submit a statement to the Director containing—

(a) a report detailing the activities of the Council during the 12 months ending on 31 July in that year; and

(b) a copy of its annual accounts for that year.

(2) On receipt of a statement under subsection (1), the Director is to forward it to the Minister.

Section 20B repealed

8—Section 20B of the Principal Act is repealed.

Schedule 2 amended (Meetings of the Authority and the Tasmanian Greyhound Racing Board)

9—Schedule 2 to the Principal Act is amended as follows:—

(a) by omitting the heading and substituting the following heading:—

SCHEDULE 2

Sections 6 (5) and 21 (5)

**MEETINGS OF THE AUTHORITY AND THE TASMANIAN
GREYHOUND RACING BOARD**

(b) by omitting from clause 1 “, the Council,”;

(c) by omitting clause 3 (1A).

Schedule 3 inserted

10—After Schedule 2 to the Principal Act, the following Schedule is inserted:—

SCHEDULE 3

Section 17 (10)

MEETINGS OF THE TASMANIAN THOROUGHBRED**RACING COUNCIL****Interpretation**

1—In this Schedule—

“**meeting**” means a meeting of the Council;

“**member**” means a member of the Council.

Convening meetings

2—A meeting may be convened by the chairperson or by any 5 members.

Procedure at meetings

3—(1) At a meeting a quorum is—

(a) 3 members, in the case of a meeting to hear and determine an appeal under section 26 (11); and

(b) 6 members, in any other case.

(2) A meeting may only transact business if there is a quorum present.

(3) A question arising at a meeting of the Council is determined by a majority of votes of the members present and voting.

Chairperson

4—(1) The chairperson of the Council is to preside at all meetings.

(2) If the chairperson is not present at a meeting, the deputy chairperson is to preside at that meeting.

(3) If the chairperson and deputy chairperson are not present at a meeting, the members present are to elect one of their number to preside at that meeting.

(4) The person presiding at a meeting has a deliberative vote.

Minutes to be kept

5—The Council is to cause full and accurate minutes to be kept of its proceedings at meetings and is to submit to the Minister a copy of the minutes of each meeting within 14 days after the date on which the meeting is held.

Disclosure of interest

6—(1) A member is to disclose at a meeting any interest in a matter being considered by the Council.

(2) A disclosure of interest is to be recorded in the minutes of the meeting.

(3) Subject to subclause (4), the member who made the disclosure must—

(a) not take part in any debate or vote in respect of the matter; and

(b) leave the meeting.

(4) The Minister may allow a member to remain at a meeting if—

(a) the member is required to be present to make up a quorum; or

(b) the Minister considers that the interest disclosed by the member is too remote to influence the debate or vote.

General procedure

7—Subject to this Schedule, the procedure for the calling of, and for the conduct of business at, meetings are as determined by the Council.

*[Second reading presentation speech made in:—
House of Assembly on 17 November 1993
Legislative Council on 8 December 1993]*

