



RACING AND GAMING AMENDMENT ACT 1984

No. 36 of 1984

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AN ACT to amend the Racing and Gaming Act 1952 and the Racing and Gaming Amendment Act (No. 2) 1983.

[Royal Assent 20 June 1984]

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:—

1—This Act may be cited as the *Racing and Gaming Amendment Act* 1984. Short title.

Commence-
ment.

2—(1) Except as provided in subsections (2) and (3), this Act shall commence on the day on which it receives the royal assent.

(2) Section 5 shall commence on 1st July 1984.

(3) Section 7 shall be deemed to have commenced on 13th February 1984.

Principal Act.

3—In this Act, the *Racing and Gaming Act 1952** is referred to as the Principal Act.

Amendment of
section 40A of
Principal Act
(Appointment
of stipendiary
stewards by
Directorate).

4—Section 40A of the Principal Act is amended by inserting the following subsections after subsection (4):—

(5) Where a stipendiary steward has been appointed for a controlling body under this section, that controlling body shall pay to him, at such times and in such manner as may be approved or directed by the Directorate, such remuneration as the Directorate may determine and such sums as the Directorate may approve or direct in or towards the reimbursement of any expenses incurred by him in the performance of the functions of his appointment under this section.

(6) The controlling body for which a person is appointed as a stipendiary steward under this section shall make arrangements to the satisfaction of the Directorate for the provision of superannuation and other benefits in respect of the service of that person.

Amendment of
section 57Q of
Principal Act
(Disbursement
of totalizator
commission).

5—(1) Section 57Q (1) of the Principal Act is amended by omitting “For the period commencing on 29th September 1980 and ending on 30th June 1984, the” and substituting “The”.

(2) Section 57Q of the Principal Act is further amended by omitting subsections (2) and (4).

(3) Section 57Q (3) of the Principal Act is amended as follows:—

(a) by omitting “Except as provided in subsection (4), a” and substituting “A”;

(b) by omitting “or (2)”.

Validations.

6—(1) In this section, “prescribed period” means the period commencing on 13th February 1984 and ending immediately before the commencement of section 4 of this Act.

* No. 98 of 1952. For this Act, as amended to 1975, see Appendix D to the Annual Volume of Statutes for 1974. Subsequently amended by No. 71 of 1975, No. 85 of 1976, No. 104 of 1977, No. 54 of 1978, Nos. 19 and 73 of 1979, No. 90 of 1980, Nos. 9, 10, and 99 of 1982, and Nos. 40 and 83 of 1983.

(2) Where, during the prescribed period, a controlling body within the meaning of the Principal Act paid to a stipendiary steward appointed for it under section 40A of that Act any remuneration or any sums in or towards the reimbursement of any expenses incurred by the stipendiary steward in the performance of the functions of the appointment of his office, that remuneration or those sums shall be deemed to have been validly and properly paid by the controlling body to the stipendiary steward.

(3) Where, during the prescribed period, a controlling body within the meaning of the Principal Act made arrangements for the provision of superannuation and other benefits in respect of the service of a stipendiary steward appointed for it under section 40A of that Act, those arrangements shall be deemed to have been validly and properly made by the controlling body.

7—Clause 3 of Schedule 3 to the *Racing and Gaming Amendment Act (No. 2) 1983** is repealed and the following clause is substituted:—

Substitution of clause 3 of Schedule 3 to *Racing and Gaming Amendment Act (No. 2) 1983*.

3—(1) On the commencement of this Act, each person (other than a person to whom section 8 (2) of the *Gaming Act 1983* applies) who, immediately before that commencement, holds an office under section 11 (1) of the *Racing and Gaming Act 1952* or section 14 of the *Tasmanian Trotting Control Board Act 1976* shall, by virtue of this subclause and without further authority, be, and is hereby, as determined by the Minister, transferred to the employment of the Commission or the employment of the Directorate.

Staff.

(2) On the commencement of this Act, the person who, immediately before that commencement, holds the office of deputy-chairman of the Tasmanian Racing and Gaming Commission shall, by virtue of this subclause and without further authority, be, and is hereby, transferred to the employment of the Directorate.

(3) A person who—

(a) pursuant to subclause (1), is transferred to the employment of the Commission, shall be deemed to have been appointed by the Commission under the authority of section 8 (1) of the *Gaming Act 1983*; or

(b) pursuant to subclause (1) or (2), is transferred to the employment of the Directorate shall be deemed to have been appointed by the Directorate under the authority of section 11 (1) of the *Racing Act 1983*.

* No. 83 of 1983.

(4) A person who, pursuant to subclause (1), is transferred from an office referred to in that subclause to the employment of the Directorate shall be deemed to have been appointed to that office under the *Public Service Act 1973*.

(5) The person who, pursuant to subclause (2), is transferred from the office referred to in that subclause to the employment of the Directorate shall be deemed to have been appointed to that office under the *Public Service Act 1973*.

(6) Where a person who, immediately before the commencement of this Act, held an office to which section 8 (2) of the *Gaming Act 1983* applies or an office referred to in subclause (1) or (2) is, on that commencement, transferred to employment—

- (a) with the Commission pursuant to section 8 (2) of the *Gaming Act 1983* or subclause (1); or
- (b) with the Directorate pursuant to subclause (1) or (2), that person—
- (c) shall be paid a salary or wage not less than the salary or wage payable to him immediately before that commencement and shall be entitled to receive the same allowances as those to which he was entitled immediately before that commencement;
- (d) shall, subject to subclause (4) or (5), retain any rights that, immediately before that commencement, have accrued or are accruing to him by virtue of his holding that office immediately before that commencement, including any rights accruing to him under any superannuation scheme to which he was contributing immediately before that commencement;
- (e) may continue to contribute to that scheme; and
- (f) shall be entitled to receive any leave (including long-service leave) and any remuneration, pension, gratuity, or other payment,

as if he had continued to hold that office.

(7) Where any term or condition of employment of a person transferred as mentioned in subclause (6) is, immediately before the commencement of this Act, regulated by an award or industrial agreement or an agreement made under or in accordance with any law in force in this State that relates to industrial relations, that term or condition shall continue to be so regulated until an award regulating that term or condition is made by a competent tribunal.

(8) In this clause—

“Commission” means the Tasmanian Gaming Commission;

“Directorate” means the Tasmanian Racing Directorate.