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## RACING LEGISLATION AMENDMENT ACT 1987

No. 86 of 1987

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**AN ACT to amend the Racing Act 1983, the Racing and Gaming Act 1952, and the Racing and Gaming Regulations 1976.**

[Royal Assent 8 December 1987]

**B**E 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:—

### PART I

#### PRELIMINARY

**1**—This Act may be cited as the *Racing Legislation Amendment Act 1987*. Short title.

**2**—(1) Subject to subsection (2), this Act shall commence Commencement. on the day on which it receives the Royal assent.

(2) Section 9 (1) shall be deemed to have commenced on 9th September 1987.

## PART II

## AMENDMENTS OF THE RACING ACT 1983

Principal Act.

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

Repeal of  
Section 11AA of  
Principal Act  
(Employment of  
bookmakers'  
supervisors, &c.).

**4**—Section 11AA of the Principal Act is repealed.

Amendment of  
section 25 of  
Principal Act  
(Tasmanian  
Racing Appeal  
Board).

**5**—Section 25 of the Principal Act is amended by omitting from subsection (2) “6 members” and substituting “8 members”.

Amendment of  
section 26 of  
Principal Act  
(Appeals to  
Board from  
decisions of  
certain clubs,  
&c.).

**6**—Section 26 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) “subsection (2)” and substituting “subsections (2) and (2A)”;

(b) by inserting after paragraph (a) of subsection (1) the following paragraph:—

(aa) imposing a disqualification of a horse or greyhound in circumstances resulting in the forfeiture by the owner or lessee of the horse or greyhound of prize money exceeding \$500;

(c) by omitting from subsection (2) “If” and substituting “Subject to subsection (2A), if”;

(d) by inserting after subsection (2) the following subsection:—

(2A) An appeal that—

(a) but for this subsection, would be an appeal to which subsection (11) applies; and

(b) arises out of the same incident, or incidents, as an appeal, or appeals, of the appellant, that, in accordance with this section, are to be made to the Board,

shall be made to, and heard by, the Board.

(e) by omitting from subsection (11) “A person” and substituting “Subject to subsection (2A), a person”.

\* Act No. 87 of 1983. Subsequently amended by Nos. 29 and 35 of 1984, Nos. 25 and 123 of 1985, No. 32 of 1986, and No. 28 of 1987.

7—Section 31 of the Principal Act is amended by inserting after “discretion” in subsection (1) “and subject to such conditions as he considers fit”.

Amendment of section 31 of Principal Act (Suspension of penalty pending appeal).

### PART III

#### AMENDMENTS OF THE RACING AND GAMING ACT 1952 AND THE RACING AND GAMING REGULATIONS 1976

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

Principal Act.

9—(1) Section 63 of the Principal Act is amended by omitting from subsection (2) “subsection (1) (a)” and substituting “subsection (1A)”.

Amendment of section 63 of Principal Act (Betting by bookmakers).

(2) Section 63 of the Principal Act is amended by omitting from subsection (3) “an hour before the advertised starting time of the first race” and substituting “9 a.m. on the day advertised for the holding”.

10—Section 65 of the Principal Act is amended as follows:—

Amendment of section 65 of Principal Act (Bookmakers to bet only on approved parts of racecourses).

(a) by omitting “No person shall bet” and substituting “(1) A person shall not bet”;

(b) by adding at the end the following subsection:—

(2) Subject to the regulations, where a bookmaker is carrying on his business as a bookmaker on a racecourse in accordance with this Part, a bookmaker’s clerk employed by him may, on his behalf, make bets with other persons on a part of the racecourse of the kind referred to in subsection (1) other than the part on which the bookmaker himself is making bets.

11—Section 119 of the Principal Act is amended as follows:—

Amendment of section 119 of Principal Act (Regulations).

(a) by omitting from subsection (3) “the Directorate” and substituting “a specified body or person”;

\* 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, Nos. 40 and 83 of 1983, Nos. 29 and 36 of 1984, Nos. 51, 89, and 123 of 1985, Nos. 13 and 31 of 1986, and Nos. 39 and 42 of 1987. Affected by S.R. 1983, No. 217.

(b) by omitting subsection (4) and substituting the following subsection:—

(4) Where, by virtue of regulations made under this section, a dispute in respect of a bet is submitted to a body or person for decision, Division 2 of Part II of the *Evidence Act 1910* applies in respect of any hearing conducted by that body or person in relation to the dispute as if that hearing was an inquiry of the kind referred to in section 14 of that Act and as if a commission referred to in that section had been issued to that body or person to make that inquiry.

Amendment of regulations.

**12**—The *Racing and Gaming Regulations 1976\** are amended as follows:—

(a) by omitting from regulation 130 (4) “No person who is registered as a bookmaker’s clerk shall” and substituting “Except as provided in section 65 (2) of the Act, a person who is registered as a bookmaker’s clerk shall not”;

(b) by omitting from regulations 171 (1) and (2), and 172, “Directorate” and substituting “chairman of the Tasmanian Racing Appeal Board”.

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## PART IV

### MISCELLANEOUS

Savings.

**13**—(1) Notwithstanding the repeal by section 4 of this Act of section 11AA of the *Racing Act 1983*, the employment, immediately before the commencement of this Act, of a person under the last-mentioned section shall be taken, for the purposes of the *Racing Act 1983* as amended by this Act, to be, and always to have been, employment under section 11 of that Act.

(2) Nothing in section 12 of this Act prevents the amendment or repeal by a regulation under the *Racing and Gaming Act 1952* of any regulation as amended by that section.

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\* Statutory Rules 1976, No. 320. Amended by Statutory Rules 1977, No. 248, 1978, Nos. 127 and 217, 1979, No. 131, 1980, Nos. 209 and 267, 1981, No. 205, 1983, Nos. 252 and 253, 1984, No. 253, 1985, Nos. 205, 227, 262, and 274, 1986, Nos. 258 and 259, and 1987, No. 139. Affected by Statutory Rules 1987, No. 40.

**14**—Subsection (1) of section 9 of this Act expires immediately <sup>Expiry.</sup> before the expiration of the period referred to in section 12 of the *Racing and Gaming Amendment Act (No. 2) 1987*, and, after the expiry of that subsection, the Principal Act shall have effect as if that subsection had never been enacted.

