



TASMANIA

RACING LEGISLATION AMENDMENT ACT 1990

No. 22 of 1990

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RACING LEGISLATION AMENDMENT ACT 1990

No. 22 of 1990

AN ACT to amend the *Racing Act 1983*, the *Racing and Gaming Act 1952* and the *Tasmanian Harness Racing Act 1976* and for related purposes

[Royal Assent 11 July 1990]

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:—

PART 1

PRELIMINARY

Short title

1—This Act may be cited as the *Racing Legislation Amendment Act 1990*.

Commencement

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

PART 2

AMENDMENTS OF THE RACING ACT 1983*

Section 4 amended (Interpretation)

3—Section 4 of the *Racing Act 1983* is amended as follows:—

(a) by inserting before the definition of “Director” the following definition:—

“the Authority” means the Tasmanian Racing Authority constituted under section 5;

(b) by omitting the definitions of “the Council” and “the Directorate” and substituting the following definition:—

“the Council” means the Tasmanian Thoroughbred Racing Council constituted under section 17.

Part II heading amended

4—The heading to Part II of the *Racing Act 1983* is amended by omitting “DIRECTORATE” and substituting “AUTHORITY”.

Section 6 substituted

5—Section 6 of the *Racing Act 1983* is repealed and the following section is substituted:—

Membership of Authority

6—(1) The Authority shall consist of 4 members, as follows:—

- (a) a chairperson appointed by the Governor;
- (b) one other member appointed by the Governor;
- (c) the chairperson of the Totalizator Agency Board;
- (d) the Director of Racing.

(2) A member of the Authority appointed by the Governor holds office for such term, not exceeding 3 years, as is specified in the member’s instrument of appointment.

* No. 87 of 1983. Amended by No. 29 of 1984 (as amended by No. 63 of 1985), No. 35 of 1984, Nos. 25 and 123 of 1985, No. 32 of 1986 and Nos. 28 and 86 of 1987.

- (3) A person is not eligible for appointment under subsection (1) (a) or (b) as a member of the Authority if that person—
- (a) is a member of a controlling body or the committee of a racing club; or
 - (b) is a member of a racehorse owners' association, a light harness association or a greyhound owners', trainers' or breeders' association; or
 - (c) is registered as a bookmaker or a bookmaker's clerk; or
 - (d) holds a licence under the rules governing a form of horse racing or greyhound racing; or
 - (e) is a person employed and remunerated by a racing club.
- (4) A member of the Authority who becomes—
- (a) a member of a controlling body or the committee of a racing club; or
 - (b) a member of a racehorse owners' association, a light harness association or a greyhound owners', trainers' or breeders' association; or
 - (c) registered as a bookmaker or as a bookmaker's clerk; or
 - (d) the holder of a licence under the rules governing a form of horse racing or greyhound racing; or
 - (e) employed and remunerated by a racing club—
- shall cease to hold office as a member of the Authority.
- (5) Schedule 1 has effect with respect to the membership of the Authority.
- (6) Schedule 2 has effect with respect to meetings of the Authority.

Section 9 amended (Special powers of Authority)

6—Section 9 of the *Racing Act 1983* is amended by inserting after subsection (2) the following subsections:—

- (2A) Subject to section 10 (8) and to any directions of the Minister given under section 7, the Authority shall, from the amounts received by it from the Totalizator Agency Board under sections 57P, 57Q and 57T of the *Racing and Gaming Act 1952*, determine—
- (a) the total amounts available to each controlling body in each racing year; and
 - (b) a fixed percentage for expenditure under section 9 (1) (d) and (f) in each racing year.

(2B) The amounts available to each controlling body under subsection (2A) (a) shall, with the approval of the Minister, be expended by those controlling bodies for such purposes, and in such respective amounts, as are determined by the Authority, having regard to the outcome of consultations in that regard between the Director and the controlling bodies.

Section 10A inserted

7—After section 10 of the *Racing Act 1983* the following section is inserted:—

Disclosure of interests

10A—(1) A member of the Authority who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Authority shall, as soon as possible after the relevant facts have come to the knowledge of that member, disclose the nature of the interest at a meeting of the Authority.

(2) A disclosure under subsection (1) shall be recorded in the minutes of a meeting of the Authority and the member shall not, unless the Authority otherwise determines—

- (a) be present during any deliberation of the Authority with respect to that matter; or
- (b) take part in any decision of the Authority with respect to that matter.

(3) For the purpose of making a determination by the Authority under subsection (2) in relation to a member who has made a disclosure under subsection (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not take part in the making by the Authority of the determination.

Section 11 amended (Staff)

8—Section 11 of the *Racing Act 1983* is amended by omitting subsection (2).

Section 16 amended (Power of delegation of Directorate)

9—Section 16 (1) of the *Racing Act 1983* is amended by omitting “an employee” and substituting “a person”.

Section 21 amended (Constitution of Board)

10—Section 21 of the *Racing Act 1983* is amended by omitting subsections (2) and (3) and substituting the following subsections:—

(2) The Board shall consist of—

(a) 4 members appointed by the Governor of whom—

- (i) one shall be the chairperson, being a person who is not a member of the committee of a Greyhound Racing Club; and
- (ii) one shall be a person with business expertise; and
- (iii) one shall be a person with marketing expertise; and
- (iv) one shall be a person with a sound knowledge of greyhound racing; and

(b) an executive member.

(2A) The executive member of the Board shall be a person employed under the *Tasmanian State Service Act 1984* appointed as executive member of the Board by the Secretary of the Department.

(3) A member of the Board appointed by the Governor holds office for such term, not exceeding 3 years, as is specified in the member’s instrument of appointment.

Section 23 amended (Functions of the Board)

11—Section 23 of the *Racing Act 1983* is amended as follows:—

(a) by omitting from subsection (1) “National Coursing Club of Tasmania” and substituting “Tasmanian Greyhound Racing Board”;

(b) by omitting subsection (2) and substituting the following subsection:—

(2) The Board may make rules for the regulation of greyhound racing.

Schedule 1 amended (Further provisions with respect to the constitution and membership of the Authority, the Tasmanian Thoroughbred Racing Council, the Tasmanian Greyhound Racing Board and Racing Appeal Board)

12—Schedule 1 to the *Racing Act 1983* is amended as follows:—

- (a) by omitting clause 2;
- (b) by inserting in clause 5 (1) “appointed by the Governor” after “Board” (firstly occurring);
- (c) by inserting in clause 5 (2) “appointed by the Governor” after “Board”;
- (d) by omitting clause 5 (3);
- (e) by inserting in clause 6 “appointed by the Governor” after “Board”;
- (f) by inserting in clause 7 “appointed by the Governor” after “Board” (firstly occurring).

Schedule 2 amended (Provisions with respect to meetings of the Authority, the Tasmanian Thoroughbred Racing Council and the Tasmanian Greyhound Racing Board)

13—Schedule 2 to the *Racing Act 1983* is amended by omitting subclause (1) of clause 3 and substituting the following subclause:—

- (1) At a meeting of the Authority, 3 members constitute a quorum.

Further amendments

14—The *Racing Act 1983* is further amended as follows:—

- (a) by omitting from the following provisions “Directorate” (wherever occurring) and substituting “Authority”:—
 - Sections 5 (1), (2) and (3), 7 (1), (2), (3), (4), (5) and (6), 8 (1) and (2), 9 (1), (2) and (3), 10 (1), (2), (3), (6) and (8), 11 (1AA), (1A) and (1B), 12 (1), (3) and (4), 13, 15 (1) and (2), 16 (1), (4), (5) and (6), 16A, 19 (1), 23 (1), 26 (7A), Schedule 1 (clause 1), Schedule 2 (clause 1);
- (b) by omitting from section 16 (1) “Directorate’s” and substituting “Authority’s”;
- (c) by omitting from the headings to Schedules 1 and 2 “DIRECTORATE” and substituting “AUTHORITY”;

- (d) by omitting from the following provisions “chairman” (wherever occurring) and substituting “chairperson”:-
 Sections 17 (8), 21 (3) (a), 25 (2), 25A, 25B (1), (4), (5) and (6), 26 (2), (5) and (5A), 28 (2), (2A) and (3), 31 (1), Schedule 2 (clause 4 (1) and (2));
- (e) by omitting from section 25A “chairman’s” and substituting “chairperson’s”;
- (f) by omitting from the following provisions “Consolidated Revenue Fund” (wherever occurring) and substituting “Consolidated Fund”:-
 Sections 10 (5) and (7), 12 (1) and (2).

PART 3

AMENDMENTS OF THE RACING AND GAMING ACT 1952*

Section 3 amended (Interpretation)

15—Section 3 of the *Racing and Gaming Act 1952* is amended as follows:—

- (a) by inserting after the definition of “area” the following definition:—
 “**Authority**” means the Tasmanian Racing Authority constituted under section 5 of the *Racing Act 1983*;
- (b) by omitting the definition of “chairman” and substituting the following definition:—
 “**chairperson**” means the chairperson of the Authority or of the Board, as is indicated by the context;
- (c) by omitting “coursing” (twice occurring) from the definition of “club” and substituting “greyhound racing”;
- (d) by omitting the definition of “Directorate”;
- (e) by omitting “Directorate” (twice occurring) from the definition of “member” and substituting “Authority”;

* 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, Nos. 39, 42 and 86 of 1987, Nos. 1 and 48 of 1988 and No. 32 of 1989.

- (f) by omitting the definition of “race meeting” and substituting the following definition:—
 “**race meeting**” means a meeting for the racing of galloping-horses, harness racing horses or greyhounds;
- (g) by omitting the definition of “racing club” and substituting the following definition:—
 “**racing club**” means a horse-racing club or a greyhound racing club;

Part III: Division III heading amended

16—The heading to Division III of Part III of the *Racing and Gaming Act 1952* is amended by omitting “*coursing*” and substituting “*greyhound racing*”.

Further amendments

17—The *Racing and Gaming Act 1952* is further amended as follows:—

- (a) by omitting from the following provisions “Directorate” (wherever occurring) and substituting “Authority”:—

Sections 20B (1) and (2), 21 (1), (1B) and (2), 22 (1), (2) and (3), 23 (1), (2), (2A) and (4), 24 (1), (2), (3), (4), (5), (6) and (9), 24A (1), 26 (1), (2), (3) and (4), 27 (3), 28, 29 (1), (1A), (2), (2A) and (3), 30 (1), (2), (3), (4), (5), (6) and (8), 32 (2) and (4), 33 (1) and (3), 34 (1), 35 (1), (2), (3) and (4), 35A (1), (2), (3) and (4), 36 (2), 37 (2) and (3), 39 (3), (4) and (7), 40A (1), (2), (3), (4), (5) and (6), 41 (1), (2), (3), (4), (5), (6) and (8), 45 (1), (2), (4), (5), (6), (7), (12), (13) and (15), 45AA (1) and (2), 57H, 57P (1), 57Q (1), 57T (1), 57U (1), (3) and (4), 57V (1) and (2), 57YA, 57Z (1), 57ZA, 57ZF (1), (2), (3) and (5), 59 (2), (3), (4), (4A), (4B), (7), (8), (8A), (11), (12), (13) and (15), 59A (1) and (2), 60 (2), 60AA (1), (2), (3), (4), (5), (6), (8) and (9), 60AAB (1), (2) and (3), 60AAC (1), 61 (1), (2), (3) and (4), 64 (2), (3), (4) and (5), 69 (4) and (8), 70 (1), (2) and (4), 71 (1), 74 (1), (2), (3) and (5), 75 (3), 77 (1A), (1B) and (1C), 111A (2), 117 (1) and (2), 119 (2) and (3B);

- (b) by omitting from section 57v (2) “Directorate’s” and substituting “Authority’s”;

- (c) by omitting from the following provisions “chairman” (wherever occurring) and substituting “chairperson”:—

Sections 3 (definition of “member”), 41 (4), 46 (1) and (2), 52 (2), 111A (2), (4) and (5);

(d) by omitting from the following provisions “Consolidated Revenue” or “Consolidated Revenue Fund” (wherever occurring) and substituting “Consolidated Fund”:—

Sections 57A (1), 57Q (1), 74 (5), 87H (1), 109 (2);

(e) by omitting from the following provisions “coursing” (wherever occurring) and substituting “greyhound racing”:—

Sections 32 (3) and 57x (1), (3) and (4);

(f) by omitting from section 57E (2) “soccer football pools licence” and substituting “pool betting licence”.

PART 4

AMENDMENTS OF THE TASMANIAN HARNESS RACING BOARD ACT 1976*

Section 3 amended (Interpretation)

18—Section 3 of the *Tasmanian Harness Racing Board Act 1976* is amended as follows:—

(a) by inserting before the definition of “Board” the following definition:—

“**Authority**” means the Tasmanian Racing Authority constituted under section 5 of the *Racing Act 1983*;

(b) by omitting the definition of “Directorate”;

(c) by omitting the definition of “Rules of Trotting” and substituting the following definition:—

“**Rules of Harness Racing**” means the rules made and in force under section 17;

Section 4 substituted

19—Section 4 of the *Tasmanian Harness Racing Board Act 1976* is repealed and the following section is substituted:—

* No. 11 of 1976. Amended by No. 82 of 1983, No. 29 of 1984 and No. 79 of 1985.

Establishment and Constitution of Board

4—(1) There shall be a Board to be known as the Tasmanian Harness Racing Board.

(2) The Board shall consist of—

(a) 4 members appointed by the Governor of whom—

- (i) one shall be the chairperson, being a person who is not a member of the committee of a Harness Racing Club; and
- (ii) one shall be a person with business expertise; and
- (iii) one shall be a person with marketing expertise; and
- (iv) one shall be a person with a sound knowledge of harness racing; and

(b) an executive member.

(3) The executive member of the Board shall be a person employed under the *Tasmanian State Service Act 1984* appointed as executive member of the Board by the Secretary of the Department.

(4) A member of the Board is not, as such, subject to the *Tasmanian State Service Act 1984*, but an employee employed in the State Service may hold office as a member of the Board in conjunction with that employee's position in the State Service.

Section 5 substituted

20—Section 5 of the *Tasmanian Harness Racing Board Act 1976* is repealed and the following section is substituted:—

Tenure of office of certain members of Board

5—A member of the Board appointed by the Governor holds office for such term, not exceeding 3 years, as is specified in the member's instrument of appointment.

Section 6 amended (Appointment of substitute member of Board)

21—Section 6 of the *Tasmanian Harness Racing Board Act 1976* is amended by omitting subsection (2).

Section 9 amended (Absence of chairperson)

22—Section 9 of the *Tasmanian Harness Racing Board Act 1976* is amended by omitting “chairman” (twice occurring) and substituting “chairperson”.

Section 10 amended (Voting by chairperson; Board to regulate own proceedings)

23—Section 10 of the *Tasmanian Harness Racing Board Act 1976* is amended by omitting from subsection (1) “chairman” (twice occurring) and substituting “chairperson”.

Section 12 amended (Remuneration and allowances of certain members of the Board)

24—Section 12 of the *Tasmanian Harness Racing Board Act 1976* is amended by inserting in subsection (1) “appointed by the Governor” after “Board” (firstly occurring).

Section 13 amended (Vacation of certain members of the Board)

25—Section 13 of the *Tasmanian Harness Racing Board Act 1976* is amended as follows:—

- (a) by inserting in subsection (1) “appointed by the Governor” after “Board”;
- (b) by inserting in subsection (2) “appointed by the Governor” after “Board” (firstly occurring).

Section 15 amended (Functions of Board)

26—Section 15 of the *Tasmanian Harness Racing Board Act 1976* is amended as follows:—

- (a) by omitting from subsection (1) “Directorate” and substituting “Authority”;
- (b) by omitting from subsection (2) “Tasmanian Racing Directorate” and substituting “Authority”.

Section 17 amended (Rules of Harness Racing)

27—Section 17 of the *Tasmanian Harness Racing Board Act 1976* is amended as follows:—

(a) by omitting subsection (1) and substituting the following subsection:—

(1) The Board may make rules for the regulation of harness racing.

(b) by omitting “races” from subsection (2).

Further amendments

28—The *Tasmanian Harness Racing Board Act 1976* is further amended by omitting from the following provisions “Rules of Trotting” and substituting “Rules of Harness Racing”:—

Sections 7 (1) (a), 15 (1) and (4), 17 (2), 18 (1) and (2).

PART 5
TRANSITIONAL**Interpretation**

29—In this Part—

“**Authority**” means the Tasmanian Racing Authority constituted under section 5 of the *Racing Act 1983* as amended by this Act;

“**commencing day**” means the day proclaimed under section 2;

“**Directorate**” means the Tasmanian Racing Directorate constituted under section 5 of the *Racing Act 1983* as in force immediately before the commencing day.

Vesting of assets, &c.

30—On the commencing day—

(a) all assets that, immediately before that day, were vested in the Directorate are vested in the Authority; and

- (b) all debts, liabilities and obligations of the Directorate that were outstanding immediately before the commencing day become debts, liabilities and obligations of the Authority; and
- (c) all agreements, contracts, leases, licences and undertakings that were, immediately before that day, binding on the Directorate bind the Authority, in substitution for the Directorate; and
- (d) the Authority is substituted for the Directorate as a party to any proceedings pending in any court to which, immediately before the commencing day, the Directorate was a party.

Employees

31—Subject to the *Racing Act 1983* as amended by this Act, a person who was, immediately before the commencing day, an employee of the Directorate continues, on and after the commencing day, to be an employee of the Authority as if that person had been engaged by the Authority on the same terms and conditions as were applicable to that person immediately before the commencing day.

Greyhound Racing Rules

32—The rules adopted under section 23 (2) of the *Racing Act 1983* and in force immediately before the commencing day shall be deemed to be Greyhound Racing Rules made under section 23 (2) of the *Racing Act 1983* as amended by this Act.

Rules of Trotting

33—The rules made under section 17 (1) of the *Tasmanian Harness Racing Board Act 1976* immediately before the commencing day shall be deemed to be Rules of Harness Racing made under section 17 (1) of the *Tasmanian Harness Racing Board Act 1976* as amended by this Act.

