



**RACING LEGISLATION AMENDMENT ACT
1996**

No. 50 of 1996

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RACING LEGISLATION AMENDMENT ACT 1996

No. 50 of 1996

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

[Royal Assent 16 December 1996]

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 1996*.

Commencement

2. This Act commences on the day after the day on which it receives the Royal Assent.

PART 2 – AMENDMENTS OF THE RACING ACT 1983**Section 4 amended (Interpretation)**

3. Section 4 of the *Racing Act 1983** is amended by inserting the following definition after the definition of "functions":

"racing club" means a horse-racing club, harness racing club or greyhound racing club;

Section 26 amended (Appeals to the Board from decisions of certain clubs, &c.)

4. Section 26 of the *Racing Act 1983* is amended as follows:

- (a) by inserting in subsection (1) "(1A)," after "Subject to subsections";
- (b) by omitting from subsection (1) "horse-racing club, harness racing club, or greyhound racing club" and substituting "racing club";
- (c) by inserting the following subsection after subsection (1):

(1A) No appeal lies under subsection (1)(aa) if –

- (a) the disqualification of the horse or greyhound was imposed by the stewards of a racing club

* 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, Nos. 28 and 86 of 1987, Nos. 5, 22 and 37 of 1990, No. 39 of 1991, Nos. 24, 84 and 111 of 1993, No. 68 of 1994, Nos. 17 and 71 of 1995 and No. 32 of 1996.

immediately after a race in which the horse or greyhound was entered; and

- (b) the stewards imposed the disqualification as a result of a protest made to them in relation to an incident that occurred during the race.
- (d) by omitting from subsection (10) "horse-racing club, harness racing club, or greyhound racing club" and substituting "racing club";
- (e) by omitting from subsection (11) "horse-racing club, harness racing club, or greyhound racing club" and substituting "racing club".

Section 33 inserted

5. After section 32 of the *Racing Act 1983*, the following section is inserted:

Status of rules of racing

33. (1) In this section, "**rule of racing**" means –

- (a) a rule made by the Tasmanian Greyhound Racing Board for the regulation of greyhound racing; or
- (b) a rule made by the Council for the regulation of thoroughbred horse racing.

(2) A rule of racing is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

(3) Sections 47(3) and (10) of the *Acts Interpretation Act 1931* do not apply to a rule of racing.

(4) A rule of racing made by the Tasmanian Greyhound Racing Board or the Council before the commencement of the *Racing Legislation Amendment Act 1996* is taken to have been validly made and promulgated and to have had full force and effect as a rule of racing even if the rule was not made and dealt with in accordance with the *Rules Publication Act 1953* or sections 47(3) and (10) of the *Acts Interpretation Act 1931*.

(5) No action lies in respect of a matter determined, or an action taken or omitted to be taken, by a person or body in good faith under a rule of racing made before the commencement of the *Racing Legislation Amendment Act 1996* by reason only that the rule was not made and dealt with in accordance with the *Rules Publication Act 1953* or sections 47(3) and (10) of the *Acts Interpretation Act 1931*.

(6) The rules made under section 19(1) for the regulation of thoroughbred horse racing and in force immediately before the commencement of the *Racing Legislation Amendment Act 1996* are taken to be the rules for the regulation of thoroughbred racing made by the Council under this Act as amended by that Act, and those rules may from time to time be amended or rescinded and remade accordingly.

(7) The rules made under section 23(2) for the regulation of greyhound racing and in force immediately before the commencement of the *Racing Legislation Amendment Act 1996* are taken to be the rules for the regulation of greyhound racing made by the Board under this Act as amended by that Act,

and those rules may from time to time be amended or rescinded and remade accordingly.

**PART 3 - AMENDMENTS OF THE RACING AND
GAMING ACT 1952**

Section 3 amended (Interpretation)

6. Section 3 of the *Racing and Gaming Act 1952** is amended as follows:

- (a) by inserting the following definition after the definition of "betting competition":

"betting-only meeting" means a racing club meeting of the kind referred to in section 34A(2);

- (b) by inserting "or betting-only meeting" in the definition of "racecourse" after "race meeting";

- (c) by inserting the following definition after the definition of "racing year":

"region" means the northern region, north-western region or southern region;

* No. 98 of 1952. For this Act, as amended to 1975, see Appendix D to the Annual Volume of Statutes of 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, No. 32 of 1989, Nos. 5, 22 and 40 of 1990, Nos. 39 and 40 of 1991, No. 37 of 1992, Nos. 53, 54, 55, 93, 94 and 99 of 1993, Nos. 32, 68, 70 and 91 of 1994 and Nos. 52, 71, 82, 108 and 109 of 1995.

Section 24A amended (Conduct of race meetings by controlling bodies upon suspension or cancellation of registration)

7. Section 24A of the *Racing and Gaming Act 1952* is amended as follows:

- (a) by inserting in subsection (1) "or betting-only meetings" after "race meetings" (twice occurring);
- (b) by inserting in subsection (5) "or betting-only meeting" after "race meeting" (twice occurring).

Section 25 amended (Race meetings, &c., to be held on registered racecourses)

8. Section 25 of the *Racing and Gaming Act 1952* is amended as follows:

- (a) by inserting in subsection (1) "or betting-only meeting" after "race meeting";
- (b) by inserting in subsection (2) "or betting-only meeting" after "race meeting".

Section 31 amended (Betting on racecourses, &c., lawful)

9. Section 31 of the *Racing and Gaming Act 1952* is amended by inserting "or betting-only meeting" after "race meeting".

Sections 34A and 34B inserted

10. After section 34 of the *Racing and Gaming Act 1952*, the following sections are inserted:

Betting-only meetings

34A. (1) The Authority may authorise a racing club to hold one or more betting-only meetings in a racing year.

(2) A betting-only meeting is a meeting that a racing club holds at a racecourse and at which no racing takes place but during which the club committee may conduct totalizator betting or allow bookmaker betting, or both.

(3) The betting-only meetings for racing clubs are to be authorised and allotted after consultation with all racing clubs and controlling bodies and a decision of the Authority with respect to the allotment is final.

(4) The Authority is not to authorise a racing club to hold a betting-only meeting at a racecourse on a day on which a race meeting is scheduled to be held in the same region of the State as the region in which that racecourse is located.

Emergency conversion of race meetings to betting-only meetings

34B. Notwithstanding sections 34 and 34A, the Authority may authorise a racing club to convert a race meeting to a betting-only meeting if –

- (a) the race meeting scheduled to be held by the club has been abandoned; and

- (b) on the day of the abandoned race meeting no other race meeting is scheduled to be held in the same region of the State as the region in which the abandoned race meeting was to have been held; and
- (c) the Authority is satisfied in the circumstances that the racing club had good cause for abandoning the race meeting.

Section 57ZD amended (Board may conduct totalizator betting on behalf of committee)

11. Section 57ZD(2) is amended as follows:

- (a) by inserting "or betting-only meeting" after "race meeting" (twice occurring);
- (b) by inserting "and betting-only meetings" after "race meetings".

Section 63 amended (Betting by bookmakers)

12. Section 63 of the *Racing and Gaming Act 1952* is amended as follows:

- (a) by omitting from subsection (1A)(b) "racecourse." and substituting "racecourse; or";
- (b) by inserting in subsection (1A) the following paragraph after paragraph (b):
 - (c) where, while a betting-only meeting is being conducted at a racecourse, the bookmaker makes a bet with a person on the outcome

of any horse-racing or greyhound racing being conducted, or on a sporting contingency relating to an approved event being held, elsewhere than on that racecourse.

Section 69 amended (Duties of bookmakers)

13. Section 69(4)(f) of the *Racing and Gaming Act 1952* is amended by inserting the following subparagraph after subparagraph (ii):

- (iii) in the case of bets made with persons as mentioned in section 63(1A)(c) – the respective betting-only meetings and racecourses at which the bets were made, being bets on the outcome of horse-racing or greyhound racing conducted, or on sporting contingencies relating to approved events held, elsewhere than on those racecourses, and the time and place at which that racing or those approved events were conducted or held; and

Section 71 amended (Payment of certain commission to clubs)

14. Section 71(1) of the *Racing and Gaming Act 1952* is amended by inserting "or betting-only meeting" after "race meeting" (wherever occurring).

Section 79 amended (Persons not to act as bookmakers' clerks unless registered)

15. Section 79 of the *Racing and Gaming Act 1952* is amended as follows:

- (a) by inserting in paragraph (b) "or permit" after "employ";
- (b) by inserting "or permitted to act" after "employed".

Section 111A amended (Prohibition of communicating certain racing information while race meeting is being held)

16. Section 111A is amended as follows:

- (a) by inserting in subsection (1) "or betting-only meeting" after "race meeting" (twice occurring);
- (b) by inserting in subsection (2)(b) "or betting-only meeting" after "race meeting".

**PART 4 – AMENDMENT OF THE TASMANIAN
HARNESS RACING BOARD ACT 1976**

Section 17 amended (Rules of Harness Racing)

17. Section 17 of the *Tasmanian Harness Racing Board Act 1976** is amended by inserting the following subsections after subsection (2):

(3) A Rule of Harness Racing is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

(4) Sections 47(3) and (10) of the *Acts Interpretation Act 1931* do not apply to a Rule of Harness Racing.

(5) A Rule of Harness Racing made by the Board before the commencement of the *Racing Legislation Amendment Act 1996* is taken to have been validly made and promulgated and to have had full force and effect as a Rule of Harness Racing even if the rule was not made and dealt with in accordance with the *Rules Publication Act 1953* or sections 47(3) and (10) of the *Acts Interpretation Act 1931*.

* No. 11 of 1976. Amended by No. 82 of 1983, No. 29 of 1984, No. 79 of 1985, Nos. 5 and 22 of 1990 and No. 67 of 1994.

(6) No action lies in respect of a matter determined, or an action taken or omitted to be taken, by a person or body in good faith under a Rule of Harness Racing made before the commencement of the *Racing Legislation Amendment Act 1996* by reason only that the rule was not made and dealt with in accordance with the *Rules Publication Act 1953* or sections 47(3) and (10) of the *Acts Interpretation Act 1931*.

(7) The rules made under subsection (1) for the regulation of harness racing and in force immediately before the commencement of the *Racing Legislation Amendment Act 1996* are taken to be the Rules of Harness Racing made by the Board under this Act as amended by that Act, and those rules may from time to time be amended or rescinded and remade accordingly.

*[Second reading presentation speech made in:-
House of Assembly on 12 November 1996
Legislative Council on 21 November 1996]*

