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**TASMANIAN TROTTING CONTROL BOARD ACT 1976**

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## TASMANIAN TROTTING CONTROL BOARD

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No. 11 of 1976

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**AN ACT to repeal the Tasmanian Trotting Association Acts and to make provision for a trotting control board.**

[20 May 1976]

**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—(1)** This Act may be cited as the *Tasmanian Trotting Control Board Act 1976*. Short title and commencement.

(2) This Act shall commence on a day to be proclaimed.

## Repeal.

**2** The *Tasmanian Trotting Association Act 1961*, the *Tasmanian Trotting Association Act 1964*, and the *Tasmanian Trotting Association Act 1974* are repealed.

## Interpretation.

**3** In this Act, unless the contrary intention appears—

“Board” means the Tasmanian Trotting Control Board established under this Act;

“Rules of the Board” means the Rules of the Board having effect under this Act;

“Rules of Trotting” means the Rules of Trotting having effect under this Act;

“trotting club” means a trotting club that is a registered club for the purposes of the *Racing and Gaming Act 1952*.

Tasmanian  
Trotting  
Control Board.

**4**—(1) There shall be a board, to be known as the Tasmanian Trotting Control Board, which shall consist of 5 members appointed by the Governor, of whom—

(a) one shall be appointed by the Governor to be the chairman of the Board; and

(b) four shall be selected from a panel of names of persons submitted as provided by this section.

(2) For the purpose of appointing the members referred to in subsection (1) (b), the Minister shall cause a notice to be served on each trotting club and on the Light Harness Council inviting the club and the council to submit to the Minister not more than 3 names of persons and the addresses of those persons nominated by the club and the council for appointment as members of the Board.

(3) Notwithstanding that the name of a person has been submitted to the Minister as provided by subsection (2), the person shall not be appointed a member of the Board unless the Minister is provided with a written consent to act as a member of the Board, if appointed, signed by that person.

(4) If, after the expiration of 21 days from the service of the notices referred to in subsection (2), no names of any persons have, or the names of a sufficient number of persons have not, been submitted to the Minister, the Governor may appoint 4 members or a sufficient number of additional persons to constitute the 4 members of the Board, from such persons as appear to the Governor to be suitable and eligible for such appointment.

(5) The members of the Board are not, as such, subject to the *Public Service Act 1973*, but an officer of the Public Service may hold office as a member of the Board together with his office in the Public Service.

(6) For the purpose of this section, service may be effected in the manner set out in section 115 of the *Racing and Gaming Act 1952*.

**5** Subject to section 6, each member of the Board shall hold office for the period of 3 years from the date of his appointment, and he may be reappointed. Tenure of membership of the Board.

**6**—(1) If for any reason a member of the Board ceases to be such a member before the expiration of the period for which he was appointed, the Governor may, subject to section 7, appoint another eligible person to be a member of the Board in his place and the person so appointed shall, subject to this Act, continue as such a member for the unexpired portion of the term of the member in whose place he was appointed. Appointment of substitute member of the Board.

(2) In the appointment of a substitute member of the Board the provisions of this Act for the appointment of members generally shall be observed to the extent that, except in a case to which section 4 (4) applies, the substitute member shall be a person whose name was included in the panel of names of persons nominated for appointment immediately prior to the appointment of the person who has ceased to be a member of the Board.

**7**—(1) No person shall be eligible to be appointed, or continue, as a member of the Board, if— Eligibility for membership of the Board.

- (a) he is the holder of a licence issued under the Rules of Trotting; or
- (b) he is a paid officer of a trotting club.

(2) A person who acts as a member of the Board while he is ineligible to do so by reason of subsection (1) shall be liable to a penalty of \$100.

**8** Any 3 members of the Board shall constitute a quorum for the conduct of the business of the Board. Quorum.

**9** If the chairman is absent from any meeting of the Board, such other member as the members present elect for the purpose may act in place of the chairman. Absence of chairman.

Voting by  
Chairman;  
Board to  
regulate its own  
proceedings.

**10**—(1) At a meeting of the Board the chairman or the acting chairman, as the case may be, is entitled to a deliberative vote only.

(2) Subject to subsection (1), the Board may regulate its own proceedings.

Proceedings of  
Board not  
invalidated by  
irregularity.

**11** No act or proceeding of the Board is invalidated by any defect or irregularity in its constitution or in the appointment or qualification of any of its members.

Remuneration  
and allowances  
of members of  
the Board.

**12**—(1) The members of the Board shall be paid, from the funds at the disposal of the Board, such remuneration and travelling allowances as the Governor may determine.

(2) Notwithstanding subsection (1), no amount by way of remuneration shall be determined in relation to a member of the Board who is an officer of the Public Service of the State without the approval of the Public Service Board.

Vacation of  
membership  
of the Board.

**13**—(1) The office of a member of the Board becomes vacant—

(a) upon the expiration of his term of office;

(b) if he—

(i) dies;

(ii) resigns his office by writing under his hand and the resignation is accepted by the Governor;  
or

(iii) is removed from office by the Governor in accordance with subsection (2).

(2) A member of the Board may be removed from office if—

(a) he is no longer eligible to continue as a member;

(b) he is convicted of an offence and the Governor considers that, by reason thereof, it is not proper that he should continue as a member of the Board;

(c) except on leave granted by the Board, he is absent from 3 consecutive meetings of the Board of which he had notice or from 5 meetings of which he had notice within a period of 12 months and the Governor considers that the absence was without sufficient cause;

(d) he applies to take or takes advantage of any law relating to bankrupt or insolvent debtors, or compounds with his creditors, or makes an assignment of his remuneration or allowances under this Act for their benefit; or

(e) the Governor considers that—

- (i) he has been guilty of misbehaviour, negligence or incompetence; or
- (ii) he has become incapable of performing his duties as a member of the Board.

**14** The Board shall appoint a secretary and such other officers as Officers of the Board. it considers necessary and may pay to the persons so appointed such remuneration in each case as it considers reasonable.

**15—(1)** The Board shall be responsible for the control of trotting Functions of the Board. in this State and, in the course thereof, shall be the registering authority for the registration of trotting-horse trainers and drivers and any other persons who, prior to the commencement of this Act, were registered under the Rules of Trotting, and shall also be the registering authority of trotting-horses.

(2) For the purposes of subsection (1), all trotting clubs registered by the Tasmanian Racing and Gaming Commission are subject to the authority and control of the Board.

(3) The Board may enter into agreements with similar authorities in other parts of the Commonwealth and in New Zealand with respect to any matter within the jurisdiction of the Board.

(4) In the performance of its functions the Board shall be subject to the Rules of the Board and the Rules of Trotting.

**16—(1)** With the approval of the Minister, the Board may make Rules of the Board. rules, to be called the “Rules of the Board” which, subject to this Act, shall define the functions, powers, and duties of the Board and its officers, and it may replace and amend those rules.

(2) Without prejudice to the generality of the provisions of subsection (1), the rules of the Board may—

- (a) authorize the Board to make levies on trotting clubs for the purpose of meeting the liabilities and expenses of the Board;
- (b) provide for the keeping and the audit of the accounts of the Board;
- (c) require the payment of the moneys received by the Board into an account at a bank and regulate the withdrawal of the moneys from that account; and

(d) make provision for requiring the Board to prescribe the manner in which trotting-horses may be handicapped and for requiring the handicaps allotted to trotting-horses to be determined by persons appointed by the Board.

(3) Rules made for the purpose of paragraph (a) of subsection (2) may make different provision with respect to different trotting clubs, and in particular, may specify, or authorize the Board to determine, the basis upon which the amount of any levy is to be determined.

Rules of  
trotting.

**17**—(1) The Board shall formulate rules for the regulation of the racing of trotting-horses (in this Act called the “Rules of Trotting”) and may, from time to time, replace or amend those rules.

(2) Without derogating from the generality of subsection (1), the Rules of Trotting may be for or with respect to registrations and de-registrations, disqualifications, and suspensions, exclusion of clubs, horses, or persons from participation in trotting races, the granting, refusing to grant, revoking, or suspending of authorities, fees in respect of registrations and authorities, fines, and any other matters which the Board is by or under this or any other Act required or empowered to perform.

Effect of  
rules, &c.

**18**—(1) The rules of a trotting club and any other provisions, having effect otherwise than by virtue of any enactment, that determine, regulate, or affect the rights, duties, powers, liabilities, and obligations of the committee of that club, or of any person as a member or officer of that club or that committee, have effect subject to the Rules of the Board and the Rules of Trotting and to the determinations, decisions, directions, and requirements of the Board, and the Rules of the Board and the Rules of Trotting and the determinations, decisions, directions, and requirements of the Board are binding on the committee, members, and officers of each trotting club in like manner as if they were rules of that trotting club.

(2) The Rules of Trotting have effect subject to the Rules of the Board.

Board to report  
to Minister  
annually.

**19** Not later than the end of October in each year, the Board shall submit to the Minister a report detailing the activities of the Board during the previous year ending on the 31st July and shall submit with that report a copy of its annual accounts for the same year.



**20** Notwithstanding the repeal by this Act of the *Tasmanian Trotting Association Act 1961*— Transition provisions.

- (a) the rules of the Association and the Rules of Trotting made and in force under that Act immediately prior to the commencement of this Act shall be deemed to be Rules of the Board and Rules of Trotting respectively made under this Act (subject to any necessary adaptations) and they may be replaced or amended as if they had been made under this Act; and
- (b) officers employed by the Executive under that Act immediately prior to the commencement of this Act shall be deemed to have been employed by the Board under this Act,

and all property, rights, interests, liabilities and obligations of the Executive subsisting immediately before the commencement of this Act are transferred to the Board and the Board shall be deemed for all purposes to be the successor of the Executive.

