

TASMANIA

**RACING REGULATION AMENDMENT (RACE
FIELDS) AMENDMENT BILL 2009**

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**RACING REGULATION AMENDMENT (RACE
FIELDS) AMENDMENT BILL 2009**

*(Brought in by the Minister for Police and Emergency
Management, the Honourable James Glennister Cox)*

A BILL FOR

**An Act to amend the *Racing Regulation Amendment (Race
Fields) Act 2008***

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. Short title

This Act may be cited as the *Racing Regulation
Amendment (Race Fields) Amendment Act 2009*.

2. Commencement

This Act commences immediately after the
commencement of the *Racing (Tasracing Pty
Ltd) (Transitional and Consequential
Provisions) Act 2009*.

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3. Principal Act

In this Act, the *Racing Regulation Amendment (Race Fields) Act 2008** is referred to as the Principal Act.

4. Section 2 amended (Commencement)

Section 2 of the Principal Act is amended by omitting “a day to be proclaimed” and substituting “1 July 2009 but, if the *Racing Regulation Amendment (Race Fields) Amendment Act 2009* does not receive the Royal Assent on or before that day, this Act is taken to have commenced on that day”.

5. Section 4 amended (Section 3 amended (Interpretation))

Section 4 of the Principal Act is amended as follows:

- (a) by inserting “information” after “field” in the definition of “approval application” in paragraph (a);
- (b) by inserting “**information**” after “**field**” in the definition of “race field publication approval” in paragraph (c);

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- (c) by omitting the definition of “Tasmanian race field” and substituting the following definition in paragraph (f):

“Tasmanian race field information”
means information that identifies, or is capable of identifying, the name or number of a horse or greyhound –

(a) as a horse or greyhound that has been nominated for, or that will otherwise take part in, a race intended to be held at any race meeting in Tasmania; or

(b) as a horse or greyhound that has been scratched or withdrawn from a race intended to be held at any race meeting in Tasmania;

- (d) by omitting the definition of “wagering operator” and substituting the following definition in paragraph (h):

“wagering operator” means –

(a) a bookmaker; or

(b) a person who operates a totalizator; or

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(c) a person who operates a betting exchange; or

(d) a person who operates such other form of wagering as may be prescribed –

who holds a licence or other authority (however described) that relates to wagering under the legislation of this State or any other State or a Territory.

6. Section 5 amended (Part 6A inserted)

Section 5 of the Principal Act is amended as follows:

(a) by omitting “**FIELDS**” from the heading of Part 6A and substituting “**FIELD INFORMATION**”;

(b) by inserting the following section before section 54A:

54AA. Interpretation – publishing of Tasmanian race field information

For the purposes of this Part, a wagering operator publishes Tasmanian race field information only if the wagering operator, whether in Australia or elsewhere –

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- (a) communicates any Tasmanian race field information to a person (regardless of whether the person already knew the information); or
- (b) acknowledges or confirms any Tasmanian race field information to a person (including acknowledging or confirming the information by accepting, or facilitating the making of, a bet); or
- (c) makes a written or electronic record (such as a betting ticket, statement of account or notice) that contains or refers to any Tasmanian race field information (regardless of whether the record is communicated to any person); or
- (d) uses any Tasmanian race field information in a manner prescribed by the regulations; or
- (e) causes any of the activities referred to in

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paragraphs (a), (b), (c) or
(d) to occur.

- (c) by omitting “**fields**” from the headnote to section 54A and substituting “**field information**”;
- (d) by omitting “person” (twice occurring) and substituting “wagering operator” from subsection (1) of section 54A;
- (e) by omitting “a Tasmanian race field” from subsection (1) of section 54A and substituting “Tasmanian race field information”;
- (f) by inserting “information” after “field” in paragraph (a) of subsection (1) of section 54A;
- (g) by omitting “person” and substituting “wagering operator” from subsection (2) of section 54A;
- (h) by inserting “**information**” after “**field**” in the headnote to section 54B;
- (i) by omitting “person” (twice occurring) and substituting “wagering operator” from subsection (1) of section 54B;
- (j) by omitting “a Tasmanian race field” from subsection (1) of section 54B and substituting “Tasmanian race field information”;

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- (k) by inserting “information” after “field” in subsection (2) of section 54B;
- (l) by omitting “the TRB” and substituting “Tasracing” from paragraph (a) of subsection (2) of section 54B;
- (m) by omitting “the TRB” and substituting “Tasracing” from subsection (3) of section 54B;
- (n) by inserting “information” after “field” in subsection (4) of section 54B;
- (o) by omitting subsection (4A) of section 54B and substituting the following subsections:
 - (4A) Subject to subsection (4B), the Secretary of the Department is to pay to Tasracing within the time agreed by the Secretary of the Department and Tasracing any fee payable under a race field information publication approval, less an administration fee of not more than the prescribed percentage of the firstmentioned fee.
 - (4B) If the Treasurer considers it appropriate, the Treasurer may direct the Secretary of the Department in writing to defer payment to Tasracing of any fee payable under a race field

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information publication approval
for such period as the Treasurer
determines.

- (p) by inserting “information” after “field” in subsection (5) of section 54B;
- (q) by omitting “the TRB” and substituting “Tasracing” from subsection (5) of section 54B;
- (r) by inserting “information” after “field” in subsection (6) of section 54B;
- (s) by inserting “**information**” after “**field**” in the headnote to section 54C;
- (t) by omitting “person” and substituting “wagering operator” from subsection (1) of section 54C;
- (u) by omitting “a Tasmanian race field may apply to the Director for a race field” from subsection (1) of section 54C and substituting “Tasmanian race field information may apply to the Director for a race field information”;
- (v) by inserting “information” after “field” in subsection (2) of section 54C;
- (w) by inserting “information” after “field” in subsection (5) of section 54C;

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- (x) by omitting “person” and substituting “wagering operator” from subsection (1) of section 54D;
- (y) by omitting “person” and substituting “wagering operator” from paragraph (a) of subsection (1) of section 54D;
- (z) by inserting “information” after “field” in paragraph (a) of subsection (1) of section 54D;
- (za) by inserting “information” after “field” in paragraph (b) of subsection (1) of section 54D;
- (zb) by inserting “information” after “field” in paragraph (c) of subsection (1) of section 54D;
- (zc) by omitting “person” and substituting “wagering operator” from paragraph (c) of subsection (1) of section 54D;
- (zd) by inserting “information” after “field” in paragraph (d) of subsection (1) of section 54D;
- (ze) by omitting “person” and substituting “wagering operator” from paragraph (d) of subsection (1) of section 54D;
- (zf) by inserting “information” after “field” in paragraph (c) of subsection (6) of section 54D;

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- (zg) by inserting “**information**” after “**field**” in the headnote to section 54F;
- (zh) by inserting “information” after “field” in section 54F (twice occurring).

7. Section 5A amended (Section 11 amended (General functions and powers of TRB))

Section 5A of the Principal Act is amended by inserting “information” after “field” in paragraph (qa).

8. Section 5B amended (Section 22D amended (Persons may appeal to IAB against decisions of Director))

Section 5B of the Principal Act is amended as follows:

- (a) by omitting “person to publish a Tasmanian race field” and substituting “wagering operator to publish Tasmanian race field information” from paragraph (ka);
- (b) by inserting “information” after “field” in paragraph (kb);
- (c) by inserting “information” after “field” in paragraph (kc).

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9. Section 6 amended (Section 109 amended (Regulations))

Section 6 of the Principal Act is amended as follows:

- (a) by inserting “information” after “field” in subparagraph (i) of paragraph (i) in paragraph (b);
- (b) by inserting “information” after “field” in subparagraph (ii) of paragraph (i) in paragraph (b);
- (c) by inserting “information” after “field” in subparagraph (iii) of paragraph (i) in paragraph (b);
- (d) by inserting “information” after “field” in subparagraph (iv) of paragraph (i) in paragraph (b);
- (e) by inserting “information” after “field” in subparagraph (v) of paragraph (i) in paragraph (b).