

TASMANIA

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**TOTE TASMANIA (RACING REGULATION)  
BILL 2004**

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**TOTE TASMANIA (RACING REGULATION)  
BILL 2004**

*(Brought in by the Minister for Racing, the Honourable  
James Glennister Cox)*

**A BILL FOR**

**An Act to confer certain powers and functions on  
TOTE Tasmania Pty Ltd in relation to the racing  
industry and for related purposes**

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 *TOTE Tasmania (Racing  
Regulation) Act 2004*.

**Commencement**

2. This Act commences on the day on which the *Racing  
Regulation Act 2004* commences.

**Interpretation**

3. In this Act –

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THIS BILL IS COGNATE WITH THE *RACING REGULATION BILL 2004*

s. 4                      No.                      *TOTE Tasmania (Racing Regulation)*                      2004

**“racing club”** means a club that is registered under the *Racing Regulation Act 2004*;

**“racing year”** means the 12-month period commencing on 1 August in any year;

**“shareholders”** means –

- (a) the Minister; and
- (b) the Treasurer or, if the Treasurer is also the Minister, one other Minister of the Crown determined by the Treasurer.

**Incorporation with *Racing Regulation Act 2004***

**4.** The Act is incorporated with, and is to be read together with, the *Racing Regulation Act 2004*.

**PART 2 – POWERS AND FUNCTIONS OF TOTE  
TASMANIA**

***Division 1 – Powers in relation to Councils***

**Directions to Councils**

**5. (1)** TOTE Tasmania may, in writing, give a Council any directions that TOTE Tasmania considers necessary or desirable regarding –

- (a) the exercise or performance of the Council's powers or functions under this or any other Act; or
- (b) matters of policy; or
- (c) the general nature and extent of the Council's operations.

**(2)** Despite subsection (1), TOTE Tasmania's power to direct the affairs of a Council is not to be exercised so as to –

- (a) require the Council to do anything that it is not empowered to do by this or any other Act; or
- (b) prevent the Council from exercising a power or performing a function that it is expressly authorised or required by this or any other Act to exercise or perform; or
- (c) interfere with the Council forming a belief or opinion on any matter.

**(3)** TOTE Tasmania may, in writing, revoke or amend a direction given to a Council.

(4) Except as provided by subsection (5), a Council is bound by TOTE Tasmania's directions to that Council.

(5) If there is an inconsistency between the directions that TOTE Tasmania and the Director give to a Council, the inconsistency is to be resolved in a manner determined by the Minister, in consultation with the Minister administering the *Racing Regulation Act 2004*.

### ***Division 2 - Powers, &c., in relation to racing clubs***

#### **Purchase and improvement of racecourses**

6. (1) A racing club must not, without the written approval of TOTE Tasmania –

- (a) buy a racecourse; or
- (b) spend, in any one racing year, in excess of the allowed limit on improving a racecourse unless the amount of the excess is met from the club's current funds exclusive of any additional borrowings relating, wholly or partly, to the carrying out of those improvements.

(2) In subsection (1) –

“**allowed limit**” means –

- (a) \$5 000; or
- (b) if another amount is prescribed, that other amount.

#### **Allotment of racing days**

7. (1) The racing days for racing clubs by which the totalizator is to be used are to be allotted in each racing

year by TOTE Tasmania after consultation with each racing club and Council.

(2) TOTE Tasmania may, after consultation with the relevant racing club, specify the racing days on which certain races may be conducted.

### **Betting-only meetings**

**8. (1)** TOTE Tasmania may authorise a racing club to hold one or more betting-only meetings in a racing year.

(2) The betting-only meetings for racing clubs are to be authorised and allotted by TOTE Tasmania only after it has consulted each racing club and Council.

(3) TOTE Tasmania 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.

(4) In this section –

“**region**” means the northern region, north-western region or southern region.

### **Emergency conversion of race meetings to betting-only meetings**

**9.** Notwithstanding sections 7 and 8, TOTE Tasmania may authorise a racing club to convert a race meeting to a betting-only meeting if and only if –

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

- (b) TOTE Tasmania is satisfied in the circumstances that the club had good cause for abandoning the race meeting.

### ***Division 3 - Support of racing industry***

#### **Product fee**

**10. (1)** TOTE Tasmania must, in each financial year, pay a product fee to the Tasmanian racing industry for the conduct of race meetings (including prize money) and the administration, maintenance and improvement of horse racing and greyhound racing.

**(2)** Subject to subsection (3), the product fee is to be equivalent to 10 092 850 fee units.

**(3)** The amount of the product fee may be varied as agreed between TOTE Tasmania and the shareholders.

**(4)** The product fee is to be distributed among individual racing clubs in accordance with agreements made between TOTE Tasmania and each of those clubs, each such agreement being one that specifies the conditions on which the distribution is to be made.

**(5)** Without limiting the generality of subsection (4), a distribution agreement made under that subsection may specify conditions relating to –

- (a) access to facilities; and
- (b) access to visual images or audio broadcasts of races run by the racing club; and
- (c) such other matters as the parties agree.



**Amounts to be set aside for benefit of racing industry**

**11. (1)** TOTE Tasmania is to –

- (a) set aside any unclaimed dividend or unclaimed refund under section 57P of the *Racing (Totalizator Betting) Act 1952*; and
- (b) set aside, in each financial year, an amount, not exceeding 25% of its net earnings for that financial year.

**(2)** For the purposes of subsection (1)(b) –

- (a) the net earnings are taken to be the earnings in respect of the financial year after deducting all expenses other than interest payments, income tax equivalents, depreciation and amortisation; and
- (b) the amount to be set aside is to be determined by TOTE Tasmania after consultation with the shareholders.

**(3)** The amounts set aside under subsection (1) are to be –

- (a) used for the benefit of the racing industry; and
- (b) spent in such amounts and manner, and at such times, as TOTE Tasmania determines.

### **PART 3 – MISCELLANEOUS**

#### **Regulations**

**12.** The Governor may make regulations for the purposes of this Act.

#### **Administration of Act**

**13.** Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Racing; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Infrastructure, Energy and Resources.