

TASMANIA

RACING REGULATION AMENDMENT BILL 2006

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RACING REGULATION AMENDMENT BILL 2006

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

A BILL FOR

An Act to amend the *Racing Regulation Act 2004*

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 Act 2006*.

2. Commencement

This Act commences on 1 August 2006.

3. Principal Act

In this Act, the *Racing Regulation Act 2004** is referred to as the Principal Act.

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4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of “exclude”.

5. Section 19 amended (Membership of regulatory panels)

Section 19 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “(or the Director’s nominee)”;
- (b) by omitting from subsection (1)(c) “(or that chairperson’s nominee)”;
- (c) by omitting from subsection (2)(a) “(or the Director’s nominee)”;
- (d) by omitting from subsection (2)(c) “(or that chairperson’s nominee)”;
- (e) by omitting from subsection (3)(a) “(or the Director’s nominee)”;
- (f) by omitting from subsection (3)(c) “(or that chairperson’s nominee)”;
- (g) by omitting subsection (4);
- (h) by omitting from subsection (5) “(or, if applicable, the Director’s nominee)”.

6. Sections 19A and 19B inserted

After section 19 of the Principal Act, the following sections are inserted in Part 4:

19A. The Director's deputy

- (1) The Minister may appoint a State Service officer or State Service employee nominated by the Director to be the Director's deputy for the purposes of this Part and that officer or employee may hold that appointment in conjunction with State Service employment.
- (2) The appointment may be for an indefinite period or for such period as the Minister specifies in the instrument of appointment.
- (3) If for any reason the Director is unable to perform his or her functions on or in respect of a particular regulatory panel, the person appointed as the Director's deputy for the purposes of this Part is entitled to perform those functions and when so doing is taken to be a member, and the chairperson, of that regulatory panel.

19B. Other deputies

- (1) The racing code member of each regulatory panel has a deputy, that deputy being the person who is for the time being –

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- (a) in the case of the Thoroughbred Racing Regulatory Panel, the deputy chairperson of the Tasmanian Thoroughbred Racing Council; and
 - (b) in the case of the Harness Racing Regulatory Panel, the deputy chairperson of Harness Racing Tasmania; and
 - (c) in the case of the Greyhound Racing Regulatory Panel, the deputy chairperson of Greyhound Racing Tasmania.
- (2) If for any reason the racing code member of a regulatory panel is unable or unwilling to perform his or her functions on or in respect of that regulatory panel, that member's deputy is entitled to perform those functions and when so doing is taken to be a member of that regulatory panel.
- (3) In this section –
 - “racing code member”**, of a regulatory panel, means –
 - (a) in the case of the Thoroughbred Racing Regulatory Panel, the member referred to in section 19(1)(c); and
 - (b) in the case of the Harness Racing Regulatory Panel, the member

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referred to in section 19(2)(c);
and

- (c) in the case of the Greyhound
Racing Regulatory Panel, the
member referred to in
section 19(3)(c).

7. Section 20 amended (The independent lawyer)

Section 20(4) of the Principal Act is amended by
inserting “regulatory” after “that”.

**8. Section 21 amended (Functions and powers of
regulatory panels)**

Section 21(2) of the Principal Act is amended as
follows:

- (a) by omitting from paragraph (c)
“registrations” and substituting “the
registration of animals”;
- (b) by inserting in paragraph (d) “and
certificates of registration to persons”
after “licences”.

**9. Section 28 amended (Persons may appeal to TRAB
about disputed bets and other matters)**

Section 28 of the Principal Act is amended as
follows:

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(a) by omitting paragraph (b) from subsection (1) and substituting the following paragraph:

(b) aggrieved, as a registered bookmaker or bookmaker's agent, by the decision of a registered club to withdraw its permission for the person to engage in bookmaking on a racecourse under its control; or

(b) by omitting from subsection (1)(d)(ii) "owned or leased" and substituting "owned, leased or trained";

(c) by omitting subsection (2) and substituting the following subsection:

(2) However, an appeal does not lie to the TRAB in respect of a stewards' decision which alters the result of a horse race or greyhound race if the decision was made before the declaration of "correct weight" or "all clear".

10. Section 40 amended (Registration and renewal of registration)

Section 40(1)(e) of the Principal Act is amended by omitting "owner or lessee" and substituting "owner, lessee or licensee".

11. Section 54 amended (Warning-off notices)

Section 54 of the Principal Act is amended by omitting subsection (13) and substituting the following subsection:

- (13) Nothing in this section limits the right of a Council or registered club to do, by means other than a warning-off notice, either of the following:
 - (a) refuse its permission for a person to enter a racecourse under its control;
 - (b) withdraw its permission for a person to remain on a racecourse under its control.

12. Section 61 amended (What does registration authorise?)

Section 61(6) of the Principal Act is amended by omitting paragraph (c) and substituting the following paragraph:

- (c) affects the right of a registered club to withdraw its permission for a registered bookmaker or bookmaker's agent to engage in bookmaking on a racecourse under its control.

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13. Section 112 amended (Council elections)

Section 112 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “Chief Electoral Officer” twice occurring and substituting “Electoral Commissioner”;
- (b) by omitting from subsection (1)(b) “Chief Electoral Officer” and substituting “Electoral Commissioner”;
- (c) by omitting from subsection (2)(f) “Chief Electoral Officer” and substituting “Electoral Commissioner”;
- (d) by omitting the definition of “Chief Electoral Officer” from subsection (3) and substituting the following definition:

“Electoral Commissioner” means the Electoral Commissioner appointed under section 14 of the *Electoral Act 2004*.

14. Schedule 3 amended (Regulatory Panels)

Schedule 3 to the Principal Act is amended by omitting from the definition of “member” in clause 4(3) of Part 3 “or nominee”.