

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

CLAUSE NOTES

Clause 1	Short title and citation.
Clause 2	The Act commences immediately after the commencement of the <i>Racing (Tasracing Pty Ltd) (Transitional and Consequential Provisions) Act 2009</i> .
Clause 3	The Principal Act is the <i>Racing Regulation Amendment (Race Fields) Act 2008</i> .
Clause 4	This clause amends the commencement date of the Principal Act to 1 July 2009. If however the <i>Racing Regulation Amendment (Race Fields) Amendment Act 2009</i> does not receive the Royal Assent on or before 1 July 2009, the Principal Act is nevertheless taken to have commenced on that day.
Clause 5	This clause amends definitions for the purpose of this Act.
Clause 6	<p>This clause amends section 5 of the Principal Act to broaden the operation of the prohibition such that it captures the publication, acknowledgement or confirmation of any race field information to a wagering operator regardless of whether the wagering operator already knew the information, by:</p> <p>under paragraph (a), omitting the word “FIELDS” from the heading of Part 6A and substituting “FIELD INFORMATION” to reflect the substantive changes made under this clause;</p> <p>under paragraph (b), inserting a new section 54AA before section 54A to provide an interpretation of what constitutes the publishing of Tasmanian race field information for the purposes of Part 6A;</p> <p>under paragraphs (c), (e) and (f), substituting all references to the words “field” and “fields” in section 54A, including the head note, with the words “field information” to capture the making of a written or electronic record;</p> <p>under paragraphs (d) and (g), substituting all references to the word “person” in section 54A with the words “wagering operator” to make it clear the prohibition on using race field information only extends to wagering operators and not the general public;</p>

under paragraphs (h), (j), (k), (n), (p) and (r), substituting all references to the word “field” in section 54B, including the head note, with the words “field information” consistent with the previous changes under this Clause;

under paragraph (i), substituting references to the word “person” in section 54B with the words “wagering operator” consistent with the amendment made under paragraphs (d) and (g) of this Clause;

under paragraphs (l), (m) and (q), substituting references to the words “the TRB” in section 54B with the word “Tasracing” consequential to the replacement of the TRB by the Tasracing Company;

under paragraph (o), deleting subsection (4A) in section 54B and substituting new subsections (4A) and (4B), as follows:

new subsection 54B(4A) requires the Secretary of DIER, subject to subsection (4B), to pay to Tasracing within an agreed time the fees payable by wagering operators under race field information publication approvals, less an administration fee; and

new subsection 54B(4B) empowers the Treasurer to direct the Secretary of DIER to defer payment of the fees payable by wagering operators for a period of time determined by the Treasurer for the purpose of quarantining the revenue until it becomes clear the fees payable do not infringe the Constitution;

under paragraphs (s), (u), (v), and (w), by substituting all references to the word “field” in section 54C, including the head note, with the words “field information”;

under subclause (t), substituting reference to the word “person” in section 54C(1) with the words “wagering operator” for the reasons previously outlined;

under subclauses (x), (y), (zc) and (ze), substituting all references to the word “person” in section 54D with the words “wagering operator” for the reasons previously outlined;

under subclauses (z), (za), (zb), (zd) and (zf), by substituting all references to the word “field” in section 54D with the words “field information” for the reasons previously outlined; and

under subclauses (zg) and (zh), by substituting all references to the word “field” in section 54F, including the head note, with the words “field information” for the reasons previously

	outlined;
Clause 7	This clause amends section 5A of the Principal Act by inserting the word “information” after the word “field” in paragraph (qa) for the reasons outlined in Clause 6.
Clause 8	This clause amends section 5B of the Principal Act, by under subclause (a), removing the reference in paragraph (ka) to “person to publish Tasmanian race field” and replacing with “wagering operator to publish Tasmanian race field information” for the reasons outlined in Clause 6; and under subclauses (b) and (c), by inserting the word “information” after the word “field” in paragraphs (kb) and (kc) for the reasons outlined in Clause 6.
Clause 9	This clause amends section 6 of the Principal Act by replacing all references to the words “race field publication approval” with the words “race field information publication approval” for the reasons outlined in Clause 6.