

RACING REGULATION AMENDMENT (RACE FIELDS) BILL 2014

CLAUSE NOTES

- Clause 1 Short title and citation.
- Clause 2 Provides for the *Racing Regulation Amendment (Race Fields) Act 2014* to commence on 1 July 2015.
- Clause 3 The *Racing Regulation Act 2004* is the Principal Act.
- Clause 4 Amends section 3 of the Principal Act by –

under paragraph (a), removing a redundant definition; and

under paragraph (b), amends the definition of “approval period” to reflect the amendments effected by clause 7 of this Bill [new section 54AB(2)(a)(ii)].
- Clause 5 Removes sections 22DB and 22DC from the Principal Act, which dealt with transitional arrangements and savings provisions for appeals that were lodged, or entitled to be lodged, with the Integrity Assurance Board before the commencement of Part 3 of the *Racing Regulation Amendment (Race Fields) Act 2011* on 1 April 2011. This is a redundant provision as the period of time applicable to the transitional arrangements and savings provisions has since expired.
- Clause 6 Removes section 34A from the Principal Act, which dealt with transitional arrangements and savings provisions for appeals that were instituted with the Tasmanian Racing Appeal Board before the commencement of the *Racing Regulation Amendment (TRAB) Act 2009* on 1 January 2010. This is a redundant provision as the period of time applicable to the transitional arrangements and savings provisions has since expired.
- Clause 7 Amends Part 6A of the Principal Act to provide the legislative mechanism for Tasracing to determine race field information publication fees to be imposed on wagering operators who publish Tasmanian race field information, consequent to the amendments effected by clause 8 of this Bill, and to require Ministerial approval for those fees to take effect, by inserting new section 54AB as follows:
- new section 54AB**
- subsection (1) requires Tasracing to make a determination in relation to the publication of Tasmanian race field information.
- subsection (2) establishes the requirements relating to a determination referred to in subsection (1) by –

under paragraph (a), requiring the determination to specify the fees or series of fees that will be payable by a wagering operator approved to publish race field information, and the

period of time for which the wagering operator would be required to pay that fee or series of fees for a race (or class of races);

under paragraph (b), nullifying the determination if the Minister has not approved the fee or series of fees specified in the determination prior to it taking effect.

subsection (3) allows for the fee or series of fees specified in the determination under new subsection (1) to be expressed by reference to a rate, percentage, average or other calculation.

subsection (4) requires Tasracing to review the fee or series of fees in respect of a race field information publication approval in consultation with the relevant code racing clubs prior to making a determination under subsection (1).

This amendment is brought about by the removal of the consultation provision from section 54B(4) of the Act by clause 8(e) of this Bill.

subsection (5) imposes a number of obligations on Tasracing as follows:

under paragraph (a), by requiring the Company to publish on its website the information contained in a determination made under subsection (1), including the applicable fees or series of fees approved by the Minister and the period of time for which the approved fees or series of fees are payable;

under paragraph (b), by requiring Tasracing to publish on its website the information referred to in paragraph (a) at least 14 days before the fee or series of fees and the period for which the fee or series of fees are payable takes effect, and to keep the information referred to in paragraph (a) on its website for the duration of the determination.

Clause 8 Amends section 54B of the Principal Act, which deals with the granting of race field information publication approvals by Tasracing, to reflect the new legislative framework for the determination and imposition of race field information publication fees, by –

under subclause (a), clarifying in subsection (2)(a) that the integrity conditions to be imposed by Tasracing on every race field information publication approval are to be those as determined by the Director of Racing from time to time;

under subclause (b), removing from subsection (2)(b)(i) the requirement for Tasracing to determine or vary the fee or series of fees by statutory rule, consequent to the amendment effected by clause 7 of this Bill;

under subclause (c), enabling an additional provision to be inserted after subsection (2)(b);

under subclause (d), inserting new paragraph (c) after subsection (2)(b) requiring Tasracing to provide the holder of a race field information publication approval with a written copy of the Director of Racing's integrity conditions, and any other conditions Tasracing may impose on the approval holder. This paragraph also specifies that if Tasracing imposes a condition requiring the approval holder to pay a fee or series of fees, the Company must provide the approval holder with a written copy of that fee or series of fees and the period of time for which the approval holder is required to pay that fee or series of fees for a race (or class of races);

under subclause (e) –

deleting subsections (2A), (2B), (2C) and (2D), which established the initial approval period that a race field information publication fee or series of fees was to be imposed (1 November 2010 to 30 June 2011); required Tasracing to determine by Notice the fee or fees applicable to that initial approval period; and imposed an obligation on Tasracing to ensure that the fee or fees determined at any stage were appropriately quantifiable;

deleting subsections (2E), (2EA) and (2F), which established that a Notice specifying the race field information publication fee or series of fees was a statutory rule, and also provided the legislative mechanism for the review of such fee or fees by the Parliamentary Standing Committee on Subordinate Legislation, including provision for the Parliament to disallow variations to the fee or fees;

deleting subsection (3), which required the determination of any new fee to be gazetted prior to 1 April preceding the next approval period, otherwise the fee in place at 1 April would apply for the next approval period;

deleting subsection (4), which imposed an obligation on Tasracing to consult with the relevant racing clubs for each code of racing before determining the fee or series of fees in respect of a race field information publication approval. Tasracing's obligation to consult with race clubs has been inserted in new section 54AB(4) of the Act by clause 7 of this Bill;

deleting subsections (5) and (6), which are redundant provisions, given the deletion of subsection (4) above;

substituting new subsection (3) to require Tasracing to publish on its website a copy of the integrity conditions determined by the Director of Racing from time to time;

under subclause (f), deleting subparagraph (i) from subsection (8)(b) which currently prohibits Tasracing from varying, at any time by written notice to the race field information publication approval holder, the condition requiring the approval holder to pay a fee or series of fees. This amendment is consistent with the revised legislative framework for the determination and imposition of fees effected by clause 7 of this Bill.

Clause 9

Removes section 54D from the Principal Act, which dealt with transitional arrangements for an application for a race field information publication approval

made but not determined before the commencement of Part 3 of the *Racing Regulation Amendment (Race Fields) Act 2011* on 1 April 2011. The period of time applicable to the transitional arrangements has since expired.

- Clause 10 Repeals the legislation (Acts) listed in Schedule 1.
- Clause 11 Rescinds the legislation (Regulations) listed in Schedule 2.
- Clause 12 Revokes the legislation (Notices) listed in Schedule 3.
- Clause 13 Provides for the automatic repeal of the *Racing Regulation Amendment (Race Fields) Act 2014*, a standard provision now included in all Amendment Bills, the effect of which is to automatically repeal the Amendment Act after a given number of days from the date of its commencement. This will make it unnecessary to periodically pass a Legislation Repeal Act to remove spent legislation from the statute books.

SCHEDULE 1 LEGISLATION REPEALED

The *Racing Regulation Amendment (Race Fields) Act 2008* and the *Racing Regulation Amendment (Race Fields) Amendment Act 2009* are removed from the statute books as the amendments have been incorporated into the Principal Act, and therefore the Amendment Acts serve no practical purpose.

SCHEDULE 2 LEGISLATION RESCINDED

The *Racing (Race Fields) Amendment Regulations 2009* are removed from the statute books as the amendments have been incorporated into the Principal Regulations and therefore the Amendment Regulations serve no practical purpose.

SCHEDULE 3 LEGISLATION REVOKED

The *Race Field Information Publication Fee Variation Notice 2013* and the *Race Field Information Publication Variation Notice 2014* are removed from the statute books as the amendments have been incorporated into the Principal Notice (the *Race Field Information Publication Fee Notice 2011*) and therefore the Variation Notices serve no practical purpose.

The *Race Field Information Publication Fee Notice 2011* is removed from the statute books as a consequence of the amendments contained in this Bill.