REGULATION AMENDMENT (RACE FIELDS) BILL 2011

CLAUSE NOTES

PART 1 PRELIMINARY

Clause 1 Short title and citation.

Clause 2 This clause provides for the *Racing Regulation Amendment (Race Fields) Act 2011* to commence on 1 April 2011, but if Royal Assent has not been received on or before that date, the Act is taken to have commenced on 1 April 2011, other than Parts 2 and 4, which are taken to have commenced on 1 November 2010, and Part 6 which is to commence on 1 July 2011.

PART 2 RACING REGULATION ACT 2004 AMENDED

Clause 3 This clause provides that, for the purposes of Part 2 of this Bill, the *Racing Regulation Act 2004* is the Principal Act.

Clause 4 This clause amends section 3 of the Principal Act by –

under paragraph (a), inserting the definition of "betting exchange" consequential to its removal from the *Racing (Race Fields) Regulations 2009* under clause 30(b).

under paragraph (b), amending the definition of "wagering operator" to clarify that, in addition to domestic wagering operators, international wagering operators wishing to publish Tasmanian race field information are subject to the race field information publication provisions (Part 6A) of the Act.

Clause 5 This clause amends section 54B of the Principal Act to enable product fees to be imposed on wagering operators who publish Tasmanian race field information from 1 November 2010, as well as to provide the legislative mechanism for the setting of such fees, by –

under paragraph (a), omitting paragraph (a) of subsection (2) and substituting a new paragraph (a) authorising the Director of Racing to impose a race field information publication fee or series of fees (in respect of the approval period), which has been determined by Tasracing by notice under section 54B(2B) of the Act as provided for under paragraph (b) of this clause;

under paragraph (b), inserting new subsections (2A), (2B) and (2C) as follows:

new subsection (2A)

This subsection –

establishes that the approval period referred to in the amended subsection (2)(a) commences on 1 November 2010 and ends on 30 June 2011, regardless of the latter date specified in approvals that were granted by the Director of Racing prior to the commencement of Part 3 of this Bill; and

as a consequence, dispenses with the requirement for wagering operators to apply for an additional approval for the 3-month period commencing on 1 April 2011 and ending on the 30 June 2011 (all current approvals expire on 31 March 2011); and

as a consequence of the amended definition of "approval period" under clause 11(a) of this Bill, serves to align future approval periods to commence on 1 July of each year and end on 30 June of the following year.

new subsection (2B)

This subsection requires Tasracing to specify, by notice, the fee or series of fees it determined for each code of racing for the period commencing 1 November 2010 and which it calculated in accordance with a formula or formulae specified in the notice or in a publication referred to in that notice. This amendment ensures that the fee or series of fees determined by Tasracing is appropriately quantifiable.

This subsection also requires Tasracing to publish such notice in the *Gazette* as soon as practicable. It is expected that the appropriate notice will be gazetted immediately following the enactment of this Bill.

new subsection (2C)

This subsection establishes that the legislative mechanism for Tasracing to determine the fee or series of fees referred to in subsection (2B) is by notice in the *Gazette* and that the determination is taken to have been made by the notice on the date it is executed by Tasracing.

Paragraph (b) of this subsection provides for the fee or series of fees to be imposed on and from 1 November 2010;

new subsection (2D) — This subsection provides that if the fee or series of fees, which has been determined by Tasracing by notice in the *Gazette*, is expressed by reference to a rate, percentage, average or other calculation, then the formula or formulae for that rate, percentage, average or other calculation must be specified in that notice or in a publication referred to in that notice;

new subsection (2E) — This subsection establishes that the notice referred to in subsection (2B) is not deemed to be a statutory rule under the *Rules Publication Act 1953*;

new subsection (2F) — This subsection –

establishes that the notice referred to in subsection (2B) is subject to sections 47(3)(c), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* and is to be treated as if it were regulations, thus requiring the notice to be published in the *Gazette* within 21 days of it being executed by Tasracing; and

requires the notice to be laid before each House of Parliament within the first 10 sitting days of the House after the notice has been gazetted. This provides Parliament with a legislative mechanism to disallow the fee or series of fees as determined by Tasracing.

under paragraph (c), deleting –

subsection (3) and substituting a new subsection (3) to reflect the change of reference in that subsection from “subsection (2)(a)” to “subsection (2B)(a)”, consequential to the amendments made under paragraph (b) of this clause. The new subsection (3) also clarifies that consultation with the relevant racing clubs means the clubs for each code of racing;

subsection (4) and substituting a new subsection (4) to make it clear that a race field information publication fee or series of fees is a debt due to Tasracing recoverable in a court of competent jurisdiction and is payable to Tasracing;

subsection (4A), which required the Secretary of DIER to pay to Tasracing, within an agreed timeframe, the fees payable by wagering operators under race field information publication approvals. The removal of this subsection reflects the transfer of responsibility for the collection of such fees from the Crown to Tasracing; and

subsection (4B), which empowered the Treasurer to direct the Secretary of DIER to defer such payment for a period of time for the purpose of quarantining the revenue until it became clear the fees payable did not infringe the Commonwealth Constitution. The removal of this subsection is based on the Solicitor-General's advice that there is no impediment to the collection of fees once this Bill is enacted.

under paragraph (d), substituting the reference to "subsection (3)" in subsection (5) with "subsection (2B)(a)", consistent with the amendment made under paragraph (c) of this clause.

Clause 6 — This clause amends section 61 of the Principal Act, which establishes what registration as a bookmaker authorises, by inserting the words "and Part 6A" after the word "Part" in subsection (1)(a) to establish that registration as a bookmaker is also subject to the race field provisions of the Act (Part 6A), in addition to Part 6 of that Act, and any conditions, directions or regulations made thereunder.

Clause 7 — This clause amends section 83(1) of the Principal Act to remove the requirement for registered bookmakers to pay commission to the Director of Racing in respect of their 'racing' turnover each month. The requirement to pay commission in respect of a bookmaker's sports betting turnover is retained under this clause. This amendment is consequential to the rescinding of Regulation 5 of the *Racing (Race Fields) Regulation 2009* made under clause 31 of this Bill and ensures bookmakers are not unfairly penalised by having to pay commission on their racing turnover in addition to race field information publication fees.

Clause 8 — This clause amends section 84 of the Principal Act by removing the requirement for the Director of Racing to pay to the racing clubs commission received from bookmakers on their 'racing' turnover. Clubs will still receive commission derived from bookmakers' sports betting turnover. This amendment is a consequence of the previous changes made under clause 7 of this Bill.

Clause 9 — This clause amends section 85 of the Principal Act by clarifying in subsections (1) and (2) a bookmaker may only offset GST against the commission payable on sports betting turnover. This amendment is consistent with the previous changes made under clause 7 of this Bill.

PART 3 RACING REGULATION ACT 2004 FURTHER AMENDED

Clause 10 — This clause provides that, for the purposes of Part 3 of this Bill, the *Racing Regulation Act 2004* is the Principal Act.

Clause 11 — This clause amends section 3 of the Principal Act by –

under paragraph (a), inserting amended definitions of “approval holder” and “approval period”, consequential to their removal from the *Racing (Race Fields) Regulations 2009* under clause 33(a) of this Bill; and

under paragraph (b), amending the definition of “totalizator” so that it has the same meaning as in the *Gaming Control Act 1993*. This amendment is consistent with the existing definition of “betting exchange” and is considered appropriate given both totalizators and betting exchanges are regulated under that Act.

Clause 12 This clause amends section 7(2) of the Principal Act which deals with the powers of the Director of Racing by inserting new paragraph (fd) to establish the Director of Racing’s power to determine the integrity conditions that Tasracing must impose on each race field information publication approval that it grants.

Clause 13 This subsection amends section 11(1)(qa) of the Principal Act, which deals with the general functions and powers of Tasracing, by –

under paragraph (a), clarifying that Tasracing must consult with the relevant racing clubs for each code of racing before determining the fee or series of fees to be imposed on a Tasmanian race field publication approval. This amendment is brought about by the removal of the consultation provision from section 54B(3) of the Act under clause 20(h) of this Bill; and

under paragraph (b), clarifying that Tasracing may impose a fee or a series of fees on wagering operators holding a race field information publication approval. This amendment is consistent with the change made under clause 5(b) of this Bill inserting new section 54B(2B).

Clause 14 This clause amends section 22(6) of the Principal Act by –

under paragraph (a), substituting the term “Director” in paragraph (d) with “director”, to clarify that a director of TOTE Tasmania is ineligible for membership of the IAB, and also to avoid confusion with the expression “Director” which is defined in section 3 of the Act to mean the Director of Racing; and

under paragraph (b), substituting the reference to “member” in paragraph (e) with “director” to clarify that a director of Tasracing is ineligible for membership of the IAB. This amendment is necessary to remove any reference to “member”, which, in the context of Tasracing’s structure, is a term specific to a shareholder Minister.

Clause 15 This clause amends section 22D of the Principal Act by omitting paragraphs (ka), (kb) and (kc) which deal with decisions of the Director of Racing in relation to race field information publication applications that may be appealed to the IAB. This amendment is

brought about by the transfer of this decision-making power from the Director of Racing to Tasracing under clause 20 of this Bill.

Clause 16 — This clause inserts new sections 22DA, 22DB and 22DC into the Principal Act as follows:

new section 22DA — This section specifies the decisions of Tasracing in relation to race field information publication applications against which an aggrieved person may appeal to the IAB. This provision is a consequence of the amendment made under clause 15 of this Bill; and

new section 22DB — This section establishes the transitional arrangements for appeals that are lodged with the IAB before the commencement of Part 3 of the *Racing Regulation Amendment (Race Fields) Act 2011,* as follows:

Subsection (1) provides that where an appeal has been instituted against a decision of the Director of Racing in respect of a race field information application or approval but the hearing into the appeal has not commenced prior to 1 April 2011, the hearing is to be conducted as if the appeal was against a decision of Tasracing.

Subsection (2) provides that where a hearing into an appeal against a decision of the Director of Racing in respect of a race field information application or approval has commenced but has not concluded prior to 1 April 2011, the hearing is to continue to be conducted as an appeal against the decision of the Director of Racing.

Subsection (3) provides that a decision of the IAB, in respect of appeals determined under subsections (1) and (2), is taken to be a decision of Tasracing.

new section 22DC — This section ensures a wagering operator is entitled to institute an appeal on or after 1 April 2011 against a decision of the Director of Racing in respect of a race field information application or approval that was made prior to 1 April 2011.

Clause 17 — This clause amends Part 5 of the Principal Act to replace the heading acronym with the full text, consistent with the formatting applied to other Parts of the Act.

Clause 18 This clause amends section 23(7) of the Principal Act by:

under paragraph (a), substituting the term “Director” in paragraph (d) with “director”, for the reasons previously outlined in clause 14(a) of this Bill; and

under paragraph (b), substituting the reference to “member” in paragraph (e) with “director”, for the reasons previously outlined in clause 14(b) of this Bill.

Clause 19 This clause amends the Principal Act by omitting the words “**AND USE**” from the heading of Part 6A, consistent with the interpretation under section 54AA of what constitutes the publishing of Tasmanian race field information.

Clause 20 This clause amends section 54B of the Principal Act to reflect the transfer of the power to grant Tasmanian race field information publication approvals from the Director of Racing to Tasracing and to provide the legislative mechanism for the review of race field information fees, including provision for the Parliament to disallow variations to those fees, by:

under paragraph (a), deleting subsections (1) and (2) and substituting new subsections (1), (1A) and (2) as follows:

new subsection (1) This subsection enables a wagering operator wishing to publish Tasmanian race field information to apply to Tasracing for approval;

new subsection (1A) This subsection empowers Tasracing to grant Tasmanian race field information publication approvals;

new subsection (2) This subsection establishes the conditions Tasracing is to or may impose in respect of race field information publication approvals, by –

under paragraph (a), requiring Tasracing to impose the integrity conditions, determined by the Director of Racing, on all approvals granted; and

under paragraph (b), empowering Tasracing to impose other conditions, including the payment of a fee or series of fees; and

under paragraph (b), by clarifying that the reference to “subsection (2)(a)” in subsection (2A) is to the subsection (2)(a) that was in force on 1 November 2010;

under paragraph (c), by clarifying that the reference to “subsection (1)” in subsection (2B)(a) is to the subsection (1) that was in force on 1 November 2010;

under paragraph (d), by clarifying that the fee or series of fees to be specified by notice in the *Gazette* in accordance with subsection (2B), inserted by clause 5(b) of this Bill, is the fees or series of fees Tasracing determined for each code of racing prior to 1 November 2010;

under paragraph (e), by clarifying that if the fee or series of fees, which has been varied by Tasracing by notice in the *Gazette*, is expressed by reference to a rate, percentage, average or other calculation, then the formula or formulae for that rate, percentage, average or other calculation must be specified in that notice or in a publication referred to in that notice;

under paragraph (f), by establishing that the notice referred to in subsection (4), inserted by paragraph (h) of this clause, is not deemed to be a statutory rule under the *Rules Publication Act 1953*;

under paragraph (g), by –

establishing that the notice referred to in subsection (4), inserted by paragraph (h) of this clause, is subject to sections 47(3)(c), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* and is to be treated as if it were regulations, thus requiring the notice to be published in the *Gazette* within 21 days of it being executed by Tasracing; and

requiring the notice to be laid before each House of Parliament within the first 10 sitting days of the House after the notice has been gazetted. This provides Parliament with a legislative mechanism to disallow any variation to the fee or series of fees as determined by Tasracing.

under paragraph (h), by deleting subsections (3), (4), (5) and (6) and substituting new subsections (3), (4), (5), (6), (7), (8) and (9) as follows:

new subsection (3)	This subsection clarifies that for any approval period subsequent to the approval period 1 November 2010 to 30 June 2011, the fee or series of fees in effect on 1 April of each year will be the fee or series of fees payable by an approval holder for the next approval period, unless Tasracing vary that fee or series of fees by notice in the *Gazette* prior to 1 April immediately preceding that subsequent approval period.

	This amendment not only ensures Tasracing provides wagering operators with a minimum of 3 months notice of its intention to vary the fee or series of fees currently in force, but also ensures there is adequate time for any proposed variation to the fee or series of fees to be scrutinised by Parliament as provided for by the insertion of subsection (2F) under clause 5(b) of this Bill, and its subsequent amendment by paragraph (g) of this clause;
new subsection (4)	This subsection empowers Tasracing to review the fee or series of fees from time to time, in consultation with the relevant racing clubs for each code of racing, and vary the fee or series of fees by notice in the *Gazette*;
new subsection (5)	This subsection establishes that the legislative mechanism for Tasracing to vary the fee or series of fees referred to in subsection (4) is by notice in the *Gazette* and that the variation is taken to have been made by that notice on the date the notice is executed by Tasracing;
new subsection (6)	This subsection clarifies that where the fee or series of fees has been varied by notice in the *Gazette*, the fee or series of fees is payable in respect of the approval period specified in that notice;
new subsection (7)	This subsection makes it clear that race field information publication fees are a debt due to Tasracing, are recoverable in a court of competent jurisdiction and are payable to Tasracing. This subsection has been renumbered, a consequence of the insertion of several new subsections under this clause;
new subsection (8)	This subsection empowers Tasracing to cancel or vary the terms of a race field information publication approval by written notice to the approval holder. It also prohibits Tasracing from varying the fee or series of fees or the integrity conditions imposed on the approval for an approval period already in force; and
new subsection (9)	This subsection requires Tasracing to provide written reasons to the approval holder where it cancels or varies a race field information publication approval. This is consistent with previous changes under this clause.

Clause 21 This clause amends section 54C of the Principal Act which deals with applications for race field information publication approvals, by –

under paragraph (a), deleting subsections (1), (2), (3) and (4) and substituting new subsection (1) to enable Tasracing to determine from time to time the manner and time in which an application must be made and the information that must accompany such application. This amendment removes provisions that are considered too prescriptive and inflexible for matters of an administrative nature;

under paragraph (b), substituting in subsection (5) references to "the Director" with "Tasracing", consistent with the previous changes under paragraph (a) of this clause and clause 20(a) of this Bill; and

under paragraph (c), clarifying in subsection (5) that Tasracing is to provide written reasons to the applicant where it determines not to grant a Tasmanian race field publication approval or to impose conditions, other than integrity or fee conditions, on an approval.

Clause 22 This clause repeals section 54D of the Principal Act which deals with race field information publication matters that may be appealed to the IAB, consequential to the consolidation of all provisions relating to matters that may be appealed to the IAB under Part 4 of the Act. This is consistent with the previous changes made under clauses 15 and 16 of this Bill.

This clause also substitutes the repealed section 54D with a new provision to provide transitional arrangements for an application for a race field information publication approval lodged but not determined by the Director of Racing before 1 April 2011. Such an application is to be determined by Tasracing, consistent with the transfer of that power on 1 April 2011 under clauses 2 and 20(a) of this Bill.

Clause 23 This clause amends section 63 of the Principal Act, which deals with the automatic cancellation of a bookmaker's registration for certain convictions, by replacing subsection (1) to –

remove reference to section 71 (see Subdivision 1 of Division 3), which deals with restrictions on the power of clubs to control or charge bookmakers. This section has no relevance in the context of this provision;

include a reference to section 95, which deals with the bribery of stewards and other racing officials. A conviction for this type of offence is considered appropriate grounds for the automatic cancellation of a bookmaker's registration; and

remove the reference to an offence against section 5A of the *Gaming Control Act 1993,* which deals with gaming and related activities

prohibited in certain circumstances. Not only is the subject matter contained in section 5A of the Gaming Control Act already covered by sections 92, 93 and 94 of the Principal Act, it is also considered inappropriate for the Director of Racing to regulate bookmakers licensed under the *Racing Regulation Act 2004* for breaches of other State legislation.

Clause 24 — This clause repeals section 80 of the Principal Act which requires bookmakers to give certain betting records to racing clubs. These records are reviewed by racing clubs to estimate the bookmakers' commission they are entitled to receive pursuant to section 84 of the Act. Section 80 also requires racing clubs to forward those betting records to the Director of Racing within a specified time. The repeal of this section is consequential to the previous changes in clauses 7 and 8 of this Bill with respect to the abolition of commission payable by bookmakers on their 'racing' turnover.

Clause 25 — This clause amends section 109(2) of the Principal Act by substituting subparagraph (i) to –

remove a number of matters for which regulations may be made in respect of the control of race field information publication by wagering operators; and

retain those matters which regulate the publication of race field information by wagering operators, including integrity conditions determined by the Director of Racing pursuant to clause 12 of this Bill.

These amendments are consistent with the previous changes in clause 21(a) of this Bill.

Clause 26 — This clause amends Part 10 of the Principal Act by inserting a new section 109A to remove any doubt that the regulations amended by this *Racing Regulation Amendment (Race Fields) Act 2011* can be rescinded or continue to be amended in the normal manner.

Clause 27 — This clause amends clause 5(2)(e) of Schedule 3A to the Principal Act by removing reference to an Act that was repealed consequential to the commencement of the *Gaming Control Amendment Act 2009* on 1 July 2009.

Clause 28 — This clause amends clause 5(2)(e) of Schedule 3B of the Principal Act by removing reference to an Act that was repealed consequential to the commencement of the *Gaming Control Amendment Act 2009* on 1 July 2009.

PART 4 RACING (RACE FIELDS) REGULATIONS 2009 AMENDED

Clause 29 This clause provides that, for the purposes of Part 4 of this Bill, the Principal Regulations are the *Racing (Race Fields) Regulations 2009*.

Clause 30 This clause amends regulation 3(1) of the Principal Regulations by removing a number of definitions, as follows:

under paragraph (a), the definitions of "assessable turnover" and "bet back" have been omitted as they are no longer required for the purpose of the Regulations. These amendments are consequential to the rescinding of regulation 5 (in which the term "assessable turnover" appears) made under clause 31 of this Bill. The definition of "assessable turnover" includes reference to "bets back";

under paragraph (b), the definition of "betting exchange" has been omitted. This amendment is brought about by the inclusion of this definition in section 3 of the Principal Act by clause 4(a) of this Bill;

under paragraph (c), the definitions of "gross revenue" and "GST" have been omitted as they are no longer required for the purpose of the Principal Regulations. These amendments are consequential to the changes made under clauses 31 and 35 of this Bill; and

under paragraph (d), the definition of "race field information publication fee" has been omitted as it is no longer required for the purpose of the Principal Regulations. This amendment is consequential to the changes made under clauses 31 and 35 of this Bill.

Clause 31 This clause rescinds regulation 4 of the Principal Regulations, which deals with fees for race field information publication approvals, to remove the prescribed restriction in terms of the upper limit of such fees that can be imposed on a wagering operator. This amendment will enable Tasracing to make commercial decisions based on existing market forces and is consistent with the previous changes under clause 20 of this Bill.

This clause also rescinds regulation 5 of the Principal Regulations to remove the threshold which exempts wagering operators with turnover of $2.5 million or less from paying a race field information publication fee.

PART 5 RACING (RACE FIELDS) REGULATIONS 2009 FURTHER AMENDED

Clause 32 This clause provides that, for the purposes of Part 5 of this Bill, the Principal Regulations are the *Racing (Race Fields) Regulations 2009*.

Clause 33 The clause removes certain definitions and terms from regulation 3 of the Principal Regulations, by:-

under paragraph (a), deleting the definitions of “approval holder” and “approval period” from sub-regulation (1). This amendment is brought about by the inclusion of these definitions in section 3 of the Principal Act by clause 11(a) of this Bill;

under paragraph (b), deleting the definition of “key employee” from sub-regulation (1). This amendment is brought about by the repeal of regulations 7 and 9 (in which this term appears) by clause 35 of this Bill;

under paragraph (c), deleting the definitions of “relevant financial interest”, “relevant position” and “relevant power” from sub-regulation (1). This amendment is brought about by the repeal of sub-regulation (2), in which these terms appear, by paragraph (d) of this clause; and

under paragraph (d), deleting sub-regulation (2) which defines the term “business associate” for the purpose of the regulations. This amendment is brought about by the repeal of regulations 7, 8 and 9 (in which this term appears) by clause 35 of this Bill.

Clause 34 This clause amends regulation 6(1) of the Principal Regulations by –

under paragraph (a), replacing the reference to “section 54B(2)(b)” with “section 54B(2)(a)” to reflect the renumbering of paragraphs consequential to the changes made under clause 20(a) of this Bill. This amendment is also consistent with the changes made under paragraph (b) of this clause;

under paragraph (b), omitting paragraphs (a) and (b) which prescribe certain permissible conditions in respect of a race field information publication approval. The removal of these conditions is consequential to the previous changes made under clause 21(a) of this Bill; and

under paragraph (c) –

omitting paragraphs (d), (e) and (f) which also prescribe certain permissible conditions in respect of a race field information publication approval. The removal of these conditions is for the reasons outlined under paragraph (b) of this clause; and

omitting paragraph (g). This permissible condition is considered to be of an integrity rather than a commercial nature. It has been amended to reflect the changes made under clause 4(b) of this Bill and inserted by paragraph (e) of this clause as an additional permissible integrity condition prescribed under paragraph (h) of regulation 6(1); and

under paragraph (d), by amending punctuation in subparagraph (viii) of regulation 6(1)(h) as a consequence of inserting a new subparagraph (ix) of paragraph (h), under paragraph (e) of this clause; and

under paragraph (e), by inserting a new subparagraph (ix) of paragraph (h) to require both domestic and international wagering operators that hold a race field information publication approval, to hold and continue to hold the appropriate licence or authority under the relevant domestic or international laws.

Clause 35 This clause rescinds a number of regulations of the Principal Regulations, as follows:

regulation 7, which prescribes the manner and time in which a race field information publication application must be made to the Director of Racing and the information that must accompany such application. This amendment is brought about by the changes under clause 21 of this Bill;

regulation 8, which prescribes the criteria for determining applications for race field information publication approvals. The criteria specified relate to the suitability of an applicant to hold an approval. This regulation is considered redundant as an applicant's host jurisdiction would have already considered like criteria in granting the applicant's wagering licence, a prerequisite for any race field information publication approval.

regulation 9, which prescribes the grounds for the cancellation or variation of race field publication approvals. This regulation is also considered redundant as an approval holder's host jurisdiction would be responsible for determining the grounds which would justify the cancellation or variation of an approval holder's wagering licence.

regulation 10, which provides for the distribution of fees, collected by the Crown in relation to race field information publication approvals. This amendment reflects the transfer of responsibility for the collection of such fees from the Crown to Tasracing and is consistent with the changes made under clause 5(c) of this Bill.

PART 6 RACING (RACE FIELDS) REGULATIONS 2009 FURTHER AMENDED

Clause 36 This clause provides that, for the purposes of Part 6 of this Bill, the Principal Regulations are the *Racing (Race Fields) Regulations 2009*.

Clause 37 This clause amends regulation 6(1), which prescribes the kinds of permissible conditions that may be imposed by the Director of Racing on a race field information publication approval, by –

under paragraph (a), omitting paragraph (c) which specifies some, but not all, of the events that must be notified to the Director of Racing by the approval holder. This condition is considered redundant for the reasons outlined in clause 35.

under paragraph (b), substituting subparagraph (vi) of paragraph (h), which currently prohibits a wagering operator from opening a betting account for a customer if that customer has not established his or her identity. The new subparagraph (vi) provides for customer identification procedures to comply with the Commonwealth's *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*, consistent with most other racing jurisdictions.

PART 7 REPEAL

Clause 38

This clause provides for the automatic repeal of the *Racing Regulation Amendment (Race Fields) Act 2011*, a standard provision to be 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 Amendment Acts from the statute books as once the amendments are incorporated into the Principal Act the Amendment Act serves no practical purpose. The standard 90 day repeal provision has been extended to 12 months for the *Racing Regulation Amendment (Race Fields) Act 2011*, to allow for the three different commencement dates specified in section 2 of that Act.