

## RACING AMENDMENT ACT (No. 2) 1985

### No. 123 of 1985

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## RACING AMENDMENT ACT (No. 2) 1985

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No. 123 of 1985  
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**AN ACT to amend the Racing Act 1983 and the Racing and Gaming Act 1952.**

**[Royal Assent 28 November 1985]**

**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 I

#### PRELIMINARY

**1**—This Act may be cited as the *Racing Amendment Act (No. 2)* Short title. 1985.

**2**—(1) This section and section 1 shall commence on the day on which this Act receives the Royal assent. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

Principal Act. **3**—In this Act, the *Racing Act 1983*\* is referred to as the Principal Act.

## PART II

### AMENDMENTS OF THE PRINCIPAL ACT

Amendment of section 4 of Principal Act (Interpretation).

**4**—Section 4 of the Principal Act is amended as follows:—

(a) by inserting the following definition after the definition of “ functions ”:—

“ Rules of Racing ” means the Australian Rules of Racing as adopted by the Council, and includes the rules of racing of the Tasmanian Racing Club, the Tasmanian Turf Club, the Tasmanian Harness Racing Board, and the Tasmanian Greyhound Racing Board, or any of those bodies;

(b) by omitting paragraph (a) of the definition of “ the Board ”;

(c) by inserting the following definition after the definition of “ the Board ”:—

“ the Council ” means the Tasmanian Thoroughbred Racing Council constituted under section 17;

Amendment of section 6 of Principal Act (Membership of the Directorate).

**5**—Section 6 (1) of the Principal Act is amended as follows:—

(a) by omitting subparagraph (i) of paragraph (c);

(b) by omitting from paragraph (c) (iii) “ Board; and ” and substituting “ Board; ”;

(c) by inserting the following paragraph after paragraph (c):—

(ca) the chairman of the Council; and

Amendment of section 11 of Principal Act (Staff).

**6**—Section 11 (1) of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:—

(b) the Council;

7—Section 11AA (3) of the Principal Act is amended by omitting “the Tasmanian Principal Clubs Board,” and substituting “the Council,”.

Amendment of section 11AA of Principal Act (Part-time employees).

8—Part III of the Principal Act is repealed and the following Part is substituted:—

Substitution of Part III of Principal Act.

### PART III

#### THE TASMANIAN THOROUGHBRED RACING COUNCIL

17—(1) There is constituted by this Act a council to be known as the Tasmanian Thoroughbred Racing Council.

Constitution of Council.

(2) The Council shall consist of 7 members appointed by the Governor, of whom—

(a) 3 shall be nominated by the Tasmanian Racing Club;

(b) 3 shall be nominated by the Tasmanian Turf Club;  
and

(c) one shall be nominated by the Devonport Racing Club,

following the receipt by the club of a request from the Minister to make the necessary nominations or nomination.

(3) If a club referred to in paragraph (a), (b), or (c) of subsection (2) changes its name to another name or ceases to exist under the name referred to in the relevant paragraph, the Governor may, by order-in-council, amend that paragraph—

(a) by substituting for the name of that club that other name; or

(b) by substituting for the name of that club the name of some other club or body which he is satisfied represents substantially the same interests as those represented by the first-mentioned club.

(4) If the nominations or nomination required to be made by paragraph (a), (b), or (c) of subsection (2) are or is not made within 30 days after the Minister requests the relevant club to make the nominations or nomination, the Governor

may, on the recommendation of the Minister, appoint members or a member of that club, as the case may be, as members or a member of the Council to represent that club.

(5) Each member of the Council shall hold office for such term, not exceeding 3 years, as is specified in his instrument of appointment.

(6) Schedule 1 has effect with respect to the membership of the Council.

(7) Schedule 2 has effect with respect to meetings of the Council.

(8) The chairman of the Council shall be a member of the Council elected by the Council in such manner as the Council determines.

Eligibility for membership.

18—A person is not eligible to be appointed, or continue, as a member of the Council if—

(a) he is the holder of a licence issued under the Rules of Racing; or

(b) he is a paid officer of a racing club.

Powers and functions of the Council.

19—(1) Subject to the authority of the Directorate and to any directions given to it, the Council, on behalf of the Principal Clubs, is responsible for the control of thoroughbred horse racing in Tasmania.

(2) Subject to subsection (1), the powers that may be exercised, and the functions that shall be performed, by the Council are the powers and functions set out in an agreement in writing entered into between the Principal Clubs and the Minister.

(3) An agreement under subsection (2) shall remain in force for a period of 3 years commencing on the date on which the agreement is entered into by the Principal Clubs and the Minister.

(4) Subject to subsection (5), the Principal Clubs and the Minister may enter into fresh agreements in writing with respect to the powers that may be exercised, and the functions that shall be performed, by the Council after the agreement under subsection (2) is no longer in force.

(5) An agreement under subsection (4)—

- (a) shall be entered into while the agreement under subsection (2) or (4) which it immediately succeeds is still in force; and
- (b) shall remain in force for a period of 3 years commencing on the day immediately after the date on which the relevant agreement referred to in paragraph (a) ceases to be in force.

20—Not later than the end of October in each year, the Council shall submit to the Minister through the Directorate a report detailing the activities of the Council during the previous racing year ending on 31st July and shall submit with that report a copy of its annual accounts for that racing year.

**Council to report to Minister annually.**

20A—(1) The Council may, with the approval of the Minister, make rules—

**Rules of the Council.**

- (a) authorizing the Council to make levies on racing clubs for the purpose of meeting the liabilities and expenses of the Council;
- (b) providing for the keeping and audit of the accounts of the Council; and
- (c) requiring the payment of the money received by the Council into an account at a bank and regulating the withdrawal of any of that money from that account.

(2) Rules made for the purposes of paragraph (a) of subsection (1) may make different provision with respect to different racing clubs and, in particular, may specify, or authorize the Council to determine, the basis on which the amount of a levy referred to in that paragraph is to be determined.

20B—The Tasmanian Racing Club and the Tasmanian Turf Club are Principal Clubs for the purposes of this Part and the Rules of Racing.

**Principal Clubs.**

Amendment of Schedule 1 to Principal Act (FURTHER PROVISIONS WITH RESPECT TO THE CONSTITUTION AND MEMBERSHIP OF THE DIRECTORATE, THE COUNCIL, THE TASMANIAN GREYHOUND RACING BOARD, AND THE RACING APPEAL BOARD).

- 9**—Schedule 1 to the Principal Act is amended as follows:—
- (a) by omitting from the heading “TASMANIAN PRINCIPAL CLUBS BOARD,” and substituting “TASMANIAN THOROUGHBRED RACING COUNCIL,”;
  - (b) by omitting from clause 1 “Tasmanian Principal Clubs Board,” and substituting “Council,”;
  - (c) by inserting in clause 2 “, other than the Council,” after “Board”.

Amendment of Schedule 2 to Principal Act (PROVISIONS WITH RESPECT TO MEETINGS OF THE DIRECTORATE, THE COUNCIL, AND THE TASMANIAN GREYHOUND RACING BOARD).

- 10**—Schedule 2 to the Principal Act is amended as follows:—
- (a) by omitting from the heading “TASMANIAN PRINCIPAL CLUBS BOARD,” and substituting “TASMANIAN THOROUGHBRED RACING COUNCIL,”;
  - (b) by omitting from clause 1 “Tasmanian Principal Clubs Board,” and substituting “Council,”;
  - (c) by omitting from clause 3 (1) “Tasmanian Principal Clubs Board,” and substituting “Council,”.

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### PART III

#### DISSOLUTION OF THE BOARD AND MATTERS ARISING OUT OF THAT DISSOLUTION

Interpretation:  
Part III.

- 11**—In this Part—
- “the Board” means the Tasmanian Principal Clubs Board;
  - “the commencement day” means the day fixed by proclamation under section 2 (2);
  - “the Council” means the Tasmanian Thoroughbred Racing Council;
  - “instrument” means a document, other than an Act, that creates, evidences, modifies, or extinguishes rights and obligations.

Dissolution of the Board, &c.

- 12**—(1) On the commencement day, by virtue of this section—
- (a) the Board is dissolved;
  - (b) the appointment of each person who, immediately before that day, holds office as a member of the Board is terminated; and



(c) the appointment of the person who, immediately before that day, holds office as the chairman of the Board is terminated.

(2) A person who ceases to hold an appointment by virtue of subsection (1) (b) or (c) is not entitled to be paid any remuneration or compensation by reason of his ceasing to hold that appointment.

(3) On and after the commencement day, unless the contrary intention appears, where in an instrument that was in force immediately before that day there is a reference to the Board, that instrument continues in force as if that reference were a reference to the Council.

**13**—As soon as possible after the commencement day, the person who, immediately before that day, was the chairman of the Board shall hand over, or cause to be handed over, to the chairman of the Council all personal property of the Directorate or the Crown used for the purposes of the Board before that day.

Handing over  
of personal  
property.

**14**—An account opened with a bank or other financial institution by the Board that is in existence immediately before the commencement day shall, on and after that day, be deemed to be an account opened and maintained by the Council.

Bank accounts,  
&c.

**15**—(1) A person who, immediately before the commencement day, is employed under section 11 of the Principal Act for the proper exercise and performance of the powers and functions of the Board shall, on that day, be deemed to be employed under that section for the proper exercise and performance of the powers and functions of the Council on the same terms and conditions as those on which he was employed immediately before that day and with the rights and obligations accrued or accruing in respect of his employment under that section before that day.

Supplementary  
provisions with  
respect to  
employees.

(2) A person who, immediately before the commencement day, is employed on a part-time basis under section 11AA (1) (b) of the Principal Act and who, pursuant to section 11AA (2) of that Act, is required to work with the Board shall, on that day, be deemed to be employed on a part-time basis under section 11AA (1) (b) of that Act and required, pursuant to section 11AA (2) of that Act, to work with the Council.

Saving of  
certain rules.

**16**—(1) Where, immediately before the commencement day, any rules made by the Board under section 20A of the Principal Act are in force, those rules shall, on and after that day, be deemed to be rules—

- (a) made by the Council under section 20A of the Principal Act, as inserted by this Act; and
- (b) approved by the Minister, as required by that last-mentioned section.

(2) A reference to the Board in the rules mentioned in subsection (1) shall, on and after the commencement day, be deemed to be a reference to the Council.

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#### PART IV

#### AMENDMENT OF THE RACING AND GAMING ACT 1952

Amendment of  
the *Racing and  
Gaming Act*  
1952.

**17**—Section 3 of the *Racing and Gaming Act* 1952\* is amended by omitting “ Tasmanian Principal Clubs Board,” from the definition of “ controlling body ” and substituting “ Tasmanian Thoroughbred Racing Council,”.

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\* No. 98 of 1952. For this Act, as amended to 1975, see Appendix D to the Annual Volume of Statutes for 1974. Subsequently amended by No. 71 of 1975, No. 85 of 1976, No. 104 of 1977, No. 54 of 1978, Nos. 19 and 73 of 1979, No. 90 of 1980, Nos. 9, 10, and 99 of 1982, Nos. 40 and 83 of 1983, Nos. 29 and 36 of 1984, and No. 51 of 1985.