

## RACING AND GAMING AMENDMENT ACT (No. 2) 1983

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**No. 83 of 1983**


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## RACING AND GAMING AMENDMENT ACT (No. 2) 1983

No. 83 of 1983

AN ACT to amend the Racing and Gaming Act 1952.

[Royal Assent 11 January 1984]

**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**—This Act may be cited as the *Racing and Gaming Amendment Act (No. 2) 1983*. Short title.

**2**—This Act shall commence on 13th February 1984. Commence-  
ment.

**3**—In this Act, the *Racing and Gaming Act 1952*\* is referred to as the Principal Act. Principal Act.

**4**—Section 3 of the Principal Act is amended as follows:— Amendment of  
section 3 of  
Principal Act  
(Interpreta-  
tion).

(a) by omitting “ coursing ” from the definition of “ cease to race ” and substituting “ greyhound racing ”;

\* 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, and No. 40 of 1983.

- (b) by omitting the definition of “ chairman ” and substituting the following definition:—  
“ chairman ” means the chairman of the Directorate or of the Board, as is indicated by the context;
- (c) by omitting the definition of “ Commission ” and substituting the following definition:—  
“ Commission ” means the Gaming Commission constituted under section 5 of the *Gaming Act* 1983;
- (d) by omitting the definition of “ controlling body ” and substituting the following definition:—  
“ controlling body ” means the Tasmanian Principal Clubs Board, the Tasmanian Harness Racing Board, or the Tasmanian Greyhound Racing Board;
- (e) by omitting the definition of “ coursing ”;
- (f) by inserting the following definitions after the definition of “ controlling body ”:—  
“ Director ” means the Director of Racing appointed pursuant to section 11 of the *Racing Act* 1983;  
“ Directorate ” means the Tasmanian Racing Directorate constituted under section 5 of the *Racing Act* 1983;
- (g) by inserting the following definitions after the definition of “ functions ”:—  
“ greyhound racing ” means the running of greyhound dogs in competition against other greyhound dogs in pursuit of a moving object;  
“ harness racing ” means the racing of horses with a pacing or trotting gait;  
“ harness racing club ” means a club the principal object of which is to conduct meetings for harness racing;
- (h) by omitting the definition of “ horse-racing ” and substituting the following definition:—  
“ horse-racing ” includes harness racing and the racing of galloping-horses;
- (i) by omitting “ the racing of galloping-horses ” from the definition of “ horse-racing club ” and substituting “ horse-racing ”;

(j) by omitting the definition of “ member ” and substituting the following definition:—

“ member ” means a member of the Directorate or of the Board as is indicated by the context and includes in each case the chairman of the Directorate and the chairman of the Board;

(k) by omitting the definition of “ Rules of Racing ”;

(l) by omitting the definition of “ Secretary ”;

(m) by omitting the definition of “ trotting club ”;

(n) by omitting “ pacer;” from the definition of “ trotting-horse ” and substituting “ pacer.”; and

(o) by omitting the definition of “ Trust ”.

**5**—Part II of the Principal Act is repealed.

Repeal of Part II of Principal Act (THE TASMANIAN RACING AND GAMING COMMISSION).

**6**—The heading to Part III of the Principal Act is amended by omitting “ COURSING,” and substituting “ GREYHOUND RACING,”.

Amendment of heading to Part III of Principal Act.

**7**—Section 20A (2) (d) of the Principal Act is amended by omitting “ Tasmanian Trotting Association,” and substituting “ Tasmanian Harness Racing Board ”.

Amendment of section 20A of Principal Act (Prohibition on certain horse races).

**8**—Section 21 (1B) of the Principal Act is amended by omitting paragraph (a).

Amendment of section 21 of Principal Act (Conditions upon which clubs may be registered).

**9**—The heading to Division 1A of Part III of the Principal Act is amended by omitting “ coursing ” and substituting “ greyhound racing ”.

Amendment of heading to Division 1A of Part III of Principal Act.

Amendment of section 29 of Principal Act (Form and effect of registration).

**10**—Section 29 of the Principal Act is amended as follows:—

- (a) by omitting paragraph (a) of subsection (1A);
- (b) by omitting subsections (4) and (5).

Amendment of section 33 of Principal Act (Purchase, improvement, &c., of race-courses to be subject to the approval of the Directorate).

**11**—Section 33 of the Principal Act is amended by omitting subsection (2).

Amendment of section 34 of Principal Act (Allotment of racing days).

**12**—Section 34 (1) of the Principal Act is amended as follows:—

- (a) by omitting “ coursing ”, where firstly occurring, and substituting “ greyhound racing ”;
- (b) by omitting “ and coursing clubs ” and substituting “, greyhound racing clubs, and controlling bodies ”.

Amendment of section 39 of Principal Act (Power of committee to remove persons from, or prohibit persons from entering, a racecourse).

**13**—Section 39 of the Principal Act is amended by omitting from subsection (2) “ Secretary ” and substituting “ Director ”.

Amendment of section 40A of Principal Act (Appointment of stipendiary stewards by Directorate).

**14**—Section 40A of the Principal Act is amended by omitting subsections (5) and (6).

Repeal of sections 42 and 42A of Principal Act (Appeals from decisions of stewards, &c.).

**15**—Sections 42 and 42A of the Principal Act are repealed.

Amendment of section 43 of Principal Act (Fund for the relief of jockeys and their dependants).

**16**—Section 43 of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (d) of subsection (3) “ subsection (5) or section 57zx (1) (ab) ” and substituting “ section 9 of the *Racing Act 1983* ”; and
- (b) by omitting subsections (5) and (6).

**17**—Section 45 of the Principal Act is amended as follows:—

Amendment of section 45 of Principal Act (Winding-up of clubs).

- (a) by omitting from subsection (6) “to the Trust.” and substituting “into the funds of the Directorate.”;
- (b) by omitting from subsection (7) “shall not be sold or otherwise realized without the consent of the Trust but shall, if the Trust” and substituting “shall, if the Directorate”;
- (c) by omitting from that subsection “objects of the Trust” and substituting “objects of the Directorate”; and
- (d) by omitting subsection (9).

**18**—Section 46 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 46 of Principal Act.

46—(1) There shall be a board to be known as the Totalizator Agency Board which shall consist of 4 members appointed by the Governor, one of whom shall be appointed as chairman of the Board.

Totalizator Agency Board.

(2) In the absence of the chairman of the Board from a meeting of the Board, the members present at that meeting shall elect one of their number to preside at that meeting.

**19**—Section 47 of the Principal Act is amended as follows:—

Amendment of section 47 of Principal Act (Period of membership of Board).

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2) “other than the chairman thereof”.

**20**—Section 48 of the Principal Act is repealed.

Repeal of section 48 of Principal Act (Non-application of Acts Interpretation Act 1931 (Chairman of Board)).

**21**—Section 51 (1) (b) (ii) of the Principal Act is amended by omitting “(except in the case of the chairman)”.

Amendment of section 51 of Principal Act (Vacation of membership of Board).

Amendment of section 53 of Principal Act (Proceedings of Board).

**22**—Section 53 (3) of the Principal Act is amended as follows:—

- (a) by omitting “, if present, or if the chairman is not present the deputy-chairman of the Commission, if present,” and substituting “ of the Board ”;
- (b) by omitting “ and, if the chairman and the deputy-chairman of the Commission are ” and substituting “ and if the chairman of the Board is ”; and
- (c) by omitting “ either of them ” and substituting “ he ”.

Amendment of section 57P of Principal Act (Unclaimed dividends and refunds).

**23**—Section 57P (1) of the Principal Act is amended by omitting “ Trust ” and substituting “ Directorate for the purposes specified in section 9 of the *Racing Act 1983* ”.

Amendment of section 57Q of Principal Act (Disbursement of totalizator commission).

**24**—Section 57Q of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) (a) (ii) “ Commission ” and substituting “ Consolidated Revenue Fund ”;
- (b) by omitting from subsection (1) (a) (iii) “ Trust ” and substituting “ Directorate for the purposes specified in section 9 of the *Racing Act 1983* ”;
- (c) by omitting from subsection (1) (b) (ii) “ Commission ” and substituting “ Consolidated Revenue Fund ”;
- (d) by omitting from subsection (1) (b) (iii) “ Trust ” and substituting “ Directorate for the purposes specified in section 9 of the *Racing Act 1983* ”;
- (e) by omitting from subsection (2) (a) (ii) “ Commission ” and substituting “ Consolidated Revenue Fund ”;
- (f) by omitting from subsection (2) (a) (iii) “ Trust ” and substituting “ Directorate for the purposes specified in section 9 of the *Racing Act 1983* ”;
- (g) by omitting from subsection (2) (b) (ii) “ Commission ” and substituting “ Consolidated Revenue Fund ”.

Amendment of section 57r of Principal Act (Transfer of profits from Board to Directorate).

**25**—Section 57r of the Principal Act is amended by omitting “ Trust ” and substituting “ Directorate for the purposes specified in section 9 of the *Racing Act 1983* ”.

Amendment of section 57v of Principal Act (Restriction on issue of totalizator licences).

**26**—Section 57v (2) of the Principal Act is amended by omitting “ Commission’s ” and substituting “ Directorate’s ”.



**27**—Part IVA of the Principal Act is repealed.

Repeal of Part IVA of Principal Act (THE RACING TRUST).

**28**—(1) Section 58 (1) of the Principal Act is amended by omitting “(1) The Secretary” and substituting “The Director”.

Amendment of section 58 of Principal Act (Registrar of Bookmakers).

(2) Section 58 (2) of the Principal Act is repealed.

**29**—Section 69 (9) of the Principal Act is amended by omitting “Secretary” and substituting “Director”.

Amendment of section 69 of Principal Act (Duties of bookmakers).

**30**—Schedule II to the Principal Act is repealed and the following Schedule is substituted:—

Substitution of Schedule II to Principal Act (EXISTING CLUBS).

**SCHEDULE II**  
**EXISTING CLUBS**

Section 3

Burnie Trotting Club.  
Carrick Park Trotting Club.  
Deloraine Turf Club.  
Devonport Greyhound Racing Club.  
Devonport Pacing Club.  
Devonport Racing Club.  
Hobart Greyhound Racing Club.  
King Island Racing Club.  
Launceston Greyhound Racing Club.  
Launceston Pacing Club.  
New Norfolk Trotting Club.  
North Eastern Trotting Club.  
St. Marys Trotting Club.  
Sheffield Racing Club.  
Tasmanian Pacing Club.  
Tasmanian Racing Club.  
Tasmanian Turf Club.  
Ulverstone Pacing Club.

**31**—Each of the provisions of the Principal Act specified in Column 1 of Schedule 1 is amended by omitting “Commission”, as indicated in Column 2 of that Schedule, and substituting “Directorate”.

Miscellaneous amendments of references in Principal Act to Commission.

**32**—Each of the provisions of the Principal Act specified in Column 1 of Schedule 2 is amended by omitting “coursing”, as indicated in Column 2 of that Schedule, and substituting “greyhound racing”.

Miscellaneous amendment of references in Principal Act to coursing.

**33**—On the commencement of this Act the transitional provisions and savings set out in Schedule 3 have effect.

Transitional provisions and savings.

## SCHEDULE 1

## Section 31

## AMENDMENT OF REFERENCES TO COMMISSION

COLUMN 1	COLUMN 2	COLUMN 1	COLUMN 2
Provisions of Principal Act amended	Number of times word omitted occurs in provision	Provisions of Principal Act amended	Number of times word omitted occurs in provision
Section 20B (1)	2	Section 32 (2)	1
(2)	1	(4) (a)	1
Section 21 (1) (a)	1	(4) (d)	1
(1) (b)	2	Section 33 (1)	1
(1B)	1	(3)	1
(2)	1	Section 34 (1)	2
Section 22 (1)	1	Section 35 (1)	2
(2)	1	(2)	2
(3)	1	(3)	1
Section 23 (1) (c)	1	(4)	4
(2)	1	Section 35A (1)	1
(2A)	1	(2)	2
(4)	1	(3)	1
Section 24 (1)	3	(4)	2
(2)	1	Section 36 (2)	2
(3)	2	Section 37 (2)	1
(4)	1	(3)	1
(5)	4	Section 39 (3)	1
(6)	1	(4)	1
(9)	1	(7)	1
Section 26 (1)	1	Section 40A (1)	1
(2)	1	(2)	2
(3)	1	(3)	2
(4)	2	(4)	1
Section 27 (3)	1	Section 41 (1)	2
Section 28	1	(2)	1
Section 29 (1)	1	(3)	2
(2)	1	(4)	1
(2A)	1	(5)	1
(3)	1	(6)	1
Section 30 (1)	3	(8)	4
(2)	1	Section 43 (2)	1
(3)	2	(3) (b)	1
(4)	1	(3) (c)	1
(5)	3	(4) (a)	1
(6)	1	(4) (ab)	1
(8)	1	(4A)	2
		(4B)	1

COLUMN 1	COLUMN 2	COLUMN 1	COLUMN 2
Provisions of Principal Act amended	Number of times word omitted occurs in provision	Provisions of Principal Act amended	Number of times word omitted occurs in provision
Section 43 (4C)	1	(11)	2
(7)	1	(12)	1
Section 44A (1)	1	(13)	1
(2)	2	(15)	1
Section 45 (1)	2	Section 59A (1)	1
(2)	3	(2)	4
(4)	1	Section 60 (2)	1
(5)	1	Section 60AA (1)	1
(6)	2	(2)	1
(7)	1	(3)	2
(12)	1	(4)	2
(13)	4	(5)	3
(15)	1	(6)	1
Section 45AA (1)	1	(8)	2
(2)	2	(9)	1
Section 45A (1)	1	Section 60AAB (1)	1
(2) (c)	1	(2)	3
(3)	1	(3)	1
(4)	1	Section 60AAC (1) (a)	1
(5)	1	Section 61 (1)	1
Section 45B (1)	1	(2)	1
(2)	2	(3)	2
Section 57H	1	(4)	1
Section 57U (1)	1	Section 64 (2)	3
(3)	1	(3)	1
(4)	2	(4)	1
Section 57v (1)	1	(5)	2
(2)	2	Section 69 (4) (c)	1
Section 57YA	1	(4) (d)	2
Section 57Z (1)	1	(4) (e)	1
Section 57ZA	1	(4) (f)	1
Section 37ZF (1)	2	(8)	2
(2)	1	Section 70 (1)	1
(3)	1	(2)	1
(5)	1	(4)	2
Section 59 (2)	1	Section 71 (1)	2
(3)	1	Section 74 (1)	1
(4)	1	(2)	2
Section 59 (4A)	1	Section 74 (3)	1
(4B)	1	(5)	1
(7)	1	Section 75 (3)	1
(8)	4	Section 77 (1A)	2
(8A)	2		

COLUMN 1 Provisions of Principal Act amended	COLUMN 2 Number of times word omitted occurs in provision	COLUMN 1 Provisions of Principal Act amended	COLUMN 2 Number of times word omitted occurs in provision
(1B)	1	Section 119 (2) (a)	1
(1C)	1	(2) (c)	1
Section 111A (2)	1	(3)	1
Section 117 (1)	2	(3B)	1
(2)	1	(4)	2

## SCHEDULE 2

## Section 32

## AMENDMENT OF REFERENCES TO COURSING

COLUMN 1 Provision of Principal Act amended	COLUMN 2 Number of times word omitted occurs in provision
Section 21 (1B) (b)	1
Section 29 (1A) (b)	2
Section 32 (2) (a)	1
(3) (b)	1
(4) (b) (ii)	1
(4) (c)	1
Section 44	1
Section 57DA—	
definition of “approved sporting contingency”	1
definition of “event”	1
Section 57E (1) (a)	1
Section 57ZE (2) (a)	1
(3)	1
(4)	1
(5)	2
Section 57ZH (1) (b)	1
Section 75 (3)	1

## SCHEDULE 3

## Section 33

## TRANSITIONAL PROVISIONS AND SAVINGS

Winding up  
of Commission  
and Trust.

## 1—(1) On the commencement of this Act—

- (a) the offices of the members of the Tasmanian Racing and Gaming Commission become vacant as if their terms of office have expired;
- (b) the Tasmanian Racing and Gaming Commission is dissolved;
- (c) notwithstanding paragraph (b)—
  - (i) in respect of horse-racing and greyhound racing, the Directorate; and
  - (ii) in respect of gaming and lotteries, the Gaming Commission, is the universal successor of the Tasmanian Racing and Gaming Commission and is deemed to be the same entity as that Commission, so that—
  - (iii) all obligations of that Commission may be enforced by or against; and
  - (iv) all the unfinished business of that Commission (other than appeals under section 42 of the Principal Act) may be carried on and concluded by,
    - the appropriate one of the new bodies;
- (d) the Secretary of the Tasmanian Racing and Gaming Commission and any of its officers required by him shall continue in office until the records, files, and papers of that Commission are divided up and passed over to the appropriate new body; and
- (e) where the same record, file, or paper is required by *more than one new body*, one shall receive the original and the others a copy.

(2) Any question that arises as to the appropriate new body for the purposes of subclause (1) shall be decided by the Minister, and he may apportion the burden or benefit of an obligation as he sees fit.

## (3) On the commencement of this Act—

- (a) the Racing Trust is dissolved;
- (b) notwithstanding paragraph (a), the Directorate is the universal successor of the Racing Trust and is deemed to be the same entity as the Racing Trust, so that—
  - (i) all obligations of the Racing Trust may be enforced by or against the Directorate;
  - (ii) all interests in property, whether real or personal, of the Racing Trust vest in the Directorate;
  - (iii) all unfinished business of the Racing Trust may be carried out and concluded by the Directorate.

2—(1) The Tasmanian Racing Appeal Board shall take over any appeals <sup>Appeals.</sup> which are at the commencement of this Act pending under section 42 of the Principal Act as they stand, and shall hear and determine them.

(2) An appeal referred to in subclause (1) which has been heard wholly or in part shall be heard afresh unless the parties otherwise agree.

3—(1) Where a person who was employed by the Tasmanian Racing and Gaming Commission or by the Tasmanian Trotting Control Board immediately before the commencement of this Act transfers to employment— <sup>Staff.</sup>

(a) with the Tasmanian Gaming Commission pursuant to section 8 of the *Gaming Act 1983*; or

(b) with the Directorate pursuant to section 11 of the *Racing Act 1983* in accordance with the provisions of the *Public Service Act 1973*, that person—

(c) shall be paid a salary or wage not less than the salary or wage payable to him immediately before that commencement and shall be entitled to receive the same allowances as those to which he was entitled immediately before that commencement;

(d) shall retain any rights that, immediately before that commencement, have accrued or are accruing to him by virtue of being an officer employed by the Tasmanian Racing and Gaming Commission, or the Tasmanian Trotting Control Board including any rights accruing to him under any superannuation scheme to which he was contributing immediately before that commencement;

(e) may continue to contribute to that scheme; and

(f) shall be entitled to receive any leave (including long-service leave) and any remuneration, pension, gratuity, or other payment,

as if he had continued to be employed by that Commission or that Board.

(2) Where any term or condition of employment of a person transferred as mentioned in subclause (1) is, immediately before the commencement of this Act, regulated by an award or industrial agreement or an agreement made under or in accordance with any law in force in this State that relates to industrial relations, that term or condition shall continue to be so regulated until an award regulating that term or condition is made by a competent tribunal.

