

Consequential
amendments.

23—(1) Section three of the Principal Act is amended by omitting from the definition of “registered club” the symbol “I” and substituting therefor the symbol “IA”.

(2) Part III of the Principal Act is amended—

(a) by omitting the heading “*Division I—Registration of racing clubs and coursing clubs.*” and substituting therefor the following heading:—
“*Division I—Restrictions on race meetings and horse races.*”; and

(b) by inserting immediately before section twenty-one the heading “*Division IA—Registration of racing clubs and coursing clubs.*”.

(3) In section sixty-one of the Principal Act subsection (3) is re-numbered as subsection (2).

Transitory
provisions.

24 Until the commencement of paragraphs (a) and (c) of subsection (1) of section two of this Act subsection (2) of section twenty A of the Principal Act (as amended by this Act) has effect as if the reference therein to the Tasmanian Trotting Association were a reference to the Southern Tasmanian Trotting Association or the Northern Tasmanian Trotting Association.

TASMANIAN TROTTING ASSOCIATION.

No. 43 of 1961.

AN ACT to provide for the establishment and constitution of a Tasmanian Trotting Association, and for purposes incidental thereto.

[15 December 1961.]

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:—

Short title
and com-
mencement.

1—(1) This Act may be cited as the *Tasmanian Trotting Association Act 1961*.

(2) This Act shall commence on a date to be fixed by proclamation.

Interpretation.

2—(1) In this Act, unless the contrary intention appears—
“Association” means the Tasmanian Trotting Association established under this Act;
“chairman” means the chairman of the Association;

- "Executive" means the Executive of the Association established under this Act;
- "existing associations" means the Northern Tasmanian Trotting Association and the Southern Tasmanian Trotting Association;
- "general meeting" means a meeting referred to in paragraph (a) of subsection (2) of section seven;
- "rules of the Association" means the rules of the Association having effect under this Act;
- "Rules of Trotting" means the Rules of Trotting having effect under this Act;
- "trotting club" means a trotting club that is a registered club for the purposes of the *Racing and Gaming Act 1952*.

(2) References in this Act to a trotting club that has ceased to race shall be construed as references to a trotting club that has ceased to race within the meaning of section forty-five of the *Racing and Gaming Act 1952*.

(3) References in this Act to the amendment of any rules shall be construed as including references to the rescission, revocation, variation, or modification of any of those rules and to the making of new rules.

(4) Subject to the foregoing provisions of this section, expressions used in this Act have the same meaning as they have for the purposes of the *Racing and Gaming Act 1952*.

3—(1) The trotting clubs in this State shall be formed into an association to be called the Tasmanian Trotting Association. Formation of Tasmanian Trotting Association.

(2) There shall be an Executive of the Association constituted in accordance with this Act.

(3) Subject to this Act, the Executive is charged on behalf of the Association with the control of trotting in this State in accordance with the rules of the Association and the Rules of Trotting.

(4) Any duty, obligation, or liability imposed, or any function, power, or right conferred, on the Association as a controlling body shall be discharged or may be exercised (as the case may be) by the Executive on behalf of the Association, and for the purposes of any enactment regulating or affecting a controlling body, or the exercise by it of any functions, powers, or duties, any decision or determination made, or any act or other thing done, by the Executive shall be deemed to have been made or done by the Association.

(5) For the purposes of the *Racing and Gaming Act 1952* the Executive shall be deemed to be the committee of the Association.

4—(1) The Governor may appoint a member of the Executive to be chairman of the Association. Chairman of the Association.

(2) The chairman ceases to hold office if he ceases to be a member of the Executive.

The
Executive.

5—(1) Subject to this section, the Executive shall consist of seven members appointed by the Governor of whom—

- (a) two shall be selected from persons nominated by northern city clubs;
- (b) two shall be selected from persons nominated by southern city clubs;
- (c) one shall be selected from persons nominated by north-western clubs;
- (d) one shall be selected from persons nominated by northern country clubs; and
- (e) one shall be selected from persons nominated by southern country clubs.

(2) The chairman shall be the chairman of the Executive.

(3) For the purpose of obtaining nominations from the clubs in any one group for the appointment of a member or members of the Executive the Commission shall serve on each of the clubs in that group a notice inviting that club to submit to the Minister, within such time and in such manner as may be specified in the notice, the names of—

- (a) if the notices are served for the purpose of obtaining nominations for the appointment of one member of the Executive, not more or less than two eligible persons; and
- (b) in any other case, not more or less than three eligible persons.

(4) The persons whose names are submitted in accordance with the notices served under subsection (3) of this section by the clubs in any one group shall, subject to this section, be deemed, for the purposes of subsection (1) of this section, to be the persons nominated by those clubs.

(5) A person shall be deemed not to have been nominated by a trotting club for the purposes of subsection (1) of this section unless a notice in writing signed by him stating that he consents so to be nominated is delivered to the Minister.

(6) Notwithstanding anything in this section, the Commission is not required to serve a notice under subsection (3) of this section on a trotting club that has ceased to race and such a club is not entitled to submit any names to the Minister under that subsection.

(7) If no eligible person is nominated under this section by the clubs in any one group for the purpose of the appointment of a member of the Executive, the Governor may appoint such eligible person as he thinks fit to be a member of the Executive, and that person shall be deemed to have been appointed to be a member of the Executive on the nomination of those clubs.

(8) Section one hundred and fifteen of the *Racing and Gaming Act 1952* applies to notices required to be served by the Commission under this section as it applies to notices required to be served under that Act.

(9) A notice in writing served on the Minister purporting to be signed by the chairman and secretary of a club that states that the name of a person is submitted for the purpose

of the appointment of a member of the Executive is sufficient evidence that the name of that person is duly submitted by that club.

(10) Subject to this section, each member of the Executive (other than the chairman) shall hold office for a term of three years.

(11) A member of the Executive (other than the chairman) may resign his office by a notice in writing delivered to the chairman.

(12) Where a member of the Executive (other than the chairman) dies or ceases to hold office otherwise than by reason of the effluxion of time the person appointed to fill the vacancy shall hold office only for the unexpired portion of the term of office of the member in whose place he is appointed.

(13) No person shall be appointed as a member of the Executive unless he is an eligible person, and a member of the Executive who ceases to be an eligible person thereupon ceases to be a member of the Executive.

(14) No person shall act as a member of the Executive unless he is an eligible person.

Penalty: Fifty pounds.

(15) The Governor may remove a member of the Executive from his office on the grounds of the misconduct of that member or if the Governor considers that, by reason of bodily or mental illness or infirmity, the member is incapable of performing adequately the functions of his office or if the member, without leave granted by the Executive, has been absent from four consecutive meetings of the Executive.

(16) Subject to the rules of the Association, the Executive may regulate its own proceedings.

(17) No act or proceeding of the Executive is invalidated by any defect or irregularity in its constitution, or in the appointment or qualification of any member thereof.

(18) A person is an eligible person for the purposes of this section if he is a member of a trotting club (not being a trotting club that has ceased to race) and—

- (a) is not a paid officer of the Association, the Executive, or a trotting club;
- (b) is not the holder of any licence granted or issued under the Rules of Racing; and
- (c) is not, and has not at any time been, subject to any disqualification imposed under the Rules of Racing.

(19) In this section—

“city club” means a trotting club that ordinarily conducts race meetings for trotting-horses in a city area;

“country club” means a trotting club that is not a city club;

“northern city club” means a city club that ordinarily conducts race meetings for trotting-horses in the Northern Division of the State;

"northern country club" (not being a north-western club) means a country club that ordinarily conducts race meetings for trotting-horses in the Northern Division of the State;

"north-western club" means a trotting club that ordinarily conducts race meetings for trotting-horses in that part of the Northern Division of this State that lies to the west of a line following the boundary between, on the one hand, the municipalities of Latrobe, Deloraine, and Bothwell and, on the other hand, the municipalities of Beaconsfield, Westbury, Longford, and Campbell Town;

"southern city club" means a city club that is not a northern city club;

"southern country club" means a country club that is not a northern country club.

(20) References in this section to the clubs in any one group shall be construed as references to the clubs referred to in any one of the paragraphs of subsection (1) of this section.

Officers.

6—(1) The Executive shall appoint a secretary and a treasurer of the Association, and may appoint such other officers of the Association as it may think fit.

(2) No person shall be appointed treasurer of the Association unless he is a member of the Executive, and a person who is treasurer of the Association ceases to hold that office if he ceases to be a member of the Executive.

(3) The Executive may pay to any person, other than a member of the Executive, appointed under this section such remuneration as it considers reasonable.

(4) The powers and duties of the Executive under this section shall be exercised in accordance with the rules of the Association.

Rules of the Association.

7—(1) Subject to this Act, the Executive shall make rules governing and regulating the affairs and proceedings of the Association and the Executive and defining the functions, powers, and duties of the Executive and of the officers of the Association, and may amend those rules.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the rules of the Association shall—

- (a) provide for the holding of meetings (in this Act referred to as "general meetings") which representatives of trotting clubs are entitled to attend;
- (b) provide for, and regulate, the appointment by trotting clubs of persons to attend general meetings as their representatives;
- (c) require a general meeting (in this section referred to as an "annual general meeting") to be held not less than once in every period of twelve months;

- (d) provide that the Rules of Trotting may be amended only at a general meeting and provide for the manner in which they may be so amended;
- (e) authorize the Executive to make levies on trotting clubs for the purpose of meeting the liabilities and expenses of the Association or the Executive;
- (f) provide for the keeping and the audit of the accounts of the Association and the submission to the annual general meeting of balance sheets and statements of account;
- (g) require the payment of the moneys received by or on behalf of the Association into an account at a bank and regulate the withdrawal of the moneys from that account; and
- (h) make provision for requiring the Executive to prescribe the manner in which trotting-horses may be handicapped and for requiring the handicaps allotted to trotting-horses to be determined by officers of the Association or other persons appointed by the Executive.

(3) The rules of the Association may, on such grounds or in such circumstances as may be specified in those rules, prohibit a trotting club from appointing a representative to a general meeting, and may prescribe the qualifications of the persons who may be so appointed.

(4) Rules made for the purpose of paragraph (e) of subsection (2) of this section may make different provision with respect to different trotting clubs, and, in particular, may specify, or authorize the Executive to determine, the basis upon which the amount of any levy is to be determined.

(5) Until rules of the Association are made and come into operation under the foregoing provisions of this section, the provisions of the schedule to this Act have effect, notwithstanding anything in the foregoing provisions of this section, as if they were rules of the Association.

8—(1) As soon as may be after the commencement of this Act, the Executive shall determine which of the rules commonly regarded in any part of the State as the rules of trotting shall be treated as the rules of trotting for this State, and those rules, with such amendments as the Executive may, then or subsequently, determine, shall be deemed to be the Rules of Trotting until further Rules of Trotting come into operation under the following provisions of this section.

Rules of
Trotting.

(2) The Executive shall formulate rules for the regulation of the racing of trotting-horses (in this section referred to as the "draft Rules of Trotting") and shall cause them to be submitted to a general meeting.

(3) When the draft Rules of Trotting have been approved by a general meeting, either with or without amendments, they shall, with those amendments (if any), be deemed to be the Rules of Trotting and shall come into operation on such date as may be specified therein in that behalf.

(4) For the purposes of the *Racing and Gaming Act* 1952, the Rules of Trotting shall be deemed to be the rules of racing of the Association.

Effect of
rules, &c.

9—(1) The rules of a trotting club and any other provisions, having effect otherwise than by virtue of any enactment, that determine, regulate, or affect the rights, duties, powers, liabilities, and obligations of the committee of that club, or of any person as a member or officer of that club or that committee, have effect subject to the rules of the Association and the Rules of Trotting and to the determinations, decisions, directions, and requirements of the Executive, and the rules of the Association and the Rules of Trotting and the determinations, decisions, directions, and requirements of the Executive are binding on the committee, members, and officers of each trotting club in like manner as if they were rules of that trotting club.

(2) The Rules of Trotting have effect subject to the rules of the Association.

Functions,
&c., of
Commission.

10 The *Racing and Gaming Act* 1952 has effect as if the functions, powers, and duties of the Commission under this Act were functions, powers, and duties of the Commission under that Act, and as if the costs incurred by the Commission under this Act were part of the costs incurred by it in the administration of that Act.

Transfer of
property,
&c., of
existing
associations.

11—(1) An existing association and any committee or officer of that association shall, when so required by or on behalf of the Executive, give to the Executive such information as the Executive may require with respect to the property, rights, and interests of that association, or held by, or vested in, any person on behalf of that association, and with respect to the obligations and liabilities of the association or to which any person is subject on behalf of the association.

(2) On a date to be fixed by proclamation for the purposes of this section with respect to an existing association, that association shall be deemed to be disbanded, and the property, rights, and interests that, immediately before that date were held by or vested in, or held by or vested in any person on behalf or for the purposes of, that existing association, shall vest in the Executive to be held by it on behalf of the Association, and the obligations and liabilities to which that existing association, or any person on its behalf, was subject immediately before that date, shall become obligations and liabilities of the Executive to be discharged by it on behalf of the Association.

Saving.

12 Except as otherwise expressly provided in this Act, nothing in this Act affects the operation of the *Racing and Gaming Act* 1952.