

Racing (Further Amendment) Bill

No.

TABLE OF PROVISIONS

Clause

1. Purpose
2. Commencement
3. Principal Act
4. Deputy chairperson of Harness Racing Board
5. Insertion of sections 45AAA and 45AA
 - 45AAA. Appeals to the Board
 - 45AA. Panel of assessors
6. Racing Appeals Tribunal
7. Removal of Sunday racing restrictions
8. Bookmakers
9. Betting
10. TAB
11. Statute law revision

By Authority L. V. North, Government Printer Melbourne



LEGISLATIVE ASSEMBLY

Read 1° 14 September 1993

(Brought in by Mr Reynolds and Mr Gude)

A BILL

to amend the **Racing Act 1958** and for other purposes.

Racing (Further Amendment) Act 1993

The Parliament of Victoria enacts as follows:

1. Purpose

The purpose of this Act is to make miscellaneous amendments to the **Racing Act 1958**.

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2. Commencement

(1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.

(2) Section 11 is deemed to have come into operation on 1 June 1993.

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(3) Subject to sub-section (4), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984**.)

- (4) If a provision referred to in sub-section (3) does not come into operation before 1 March 1994, it comes into operation on that day.

No. 6353.
Reprinted to
N . 49/1988
and
subsequently
amended by
Nos 65/1988,
73/1988,
78/1988,
12/1989,
41/1989,
71/1989,
12/1991,
53/1991,
66/1991,
17/1992,
49/1993 and
56/1993.

3. Principal Act

In this Act, the **Racing Act 1958** is called the Principal Act.

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4. Deputy chairperson of Harness Racing Board

- (1) In section 39 of the Principal Act, after sub-section (2) insert—
“(3) The Minister may appoint a member other than the chairperson to be deputy chairperson of the Board.”.
- (2) For section 42 (1) of the Principal Act substitute—
“(1) The chairperson must preside at all meetings of the Board or, in his or her absence, the deputy chairperson or, in the absence of both the chairperson and the deputy chairperson, a member of the Board chosen by the members present, must preside.”.
- (3) In section 42 (4) of the Principal Act, for “chairman of” substitute “person presiding at”.

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5. Insertion of sections 45AAA and 45AA

After section 45 of the Principal Act insert—

“45AAA. Appeals to the Board

- (1) For the purpose of hearing and determining an appeal against a decision of a steward made under the rules, the

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Board shall be constituted by one or more members of the Board selected by the Board who shall sit with one assessor appointed by the Board from the panel established by section 45AA.

- (2) If the Board selects more than one member to hear and determine an appeal, the Board must choose one of those members to preside.
- (3) The assessor to the Board may assist the Board in any way it may require in the hearing and determination of an appeal but must not participate in the making of any decision or order or in the giving of any direction by the Board.

45AA. Panel of assessors

- (1) There shall be formed a panel of assessors appointed by the Minister after consultation with the Board.
- (2) Members of the panel—
- (a) each hold office for the period specified in the instrument of his or her appointment but are eligible for re-appointment; and
- (b) may be removed from office at any time by the Minister at the absolute discretion of the Minister; and
- (c) must be paid remuneration determined by the Governor in Council and travelling and other allowances (if any) that are prescribed by the regulations.
- (3) The Minister must cause the names of members of the panel to be published in the Government Gazette.”.

6. Racing Appeals Tribunal

- (1) In section 83K (2) of the Principal Act, after “(4),”
insert “(4A), (4B),”.
- (2) In section 83K (4) of the Principal Act, after “period of”
insert “, in the case of harness racing, 3 months or
more or, in any other case,”. 5
- (3) After section 83K (4) of the Principal Act **insert**—
 - “(4A) If, in the case of harness racing, the penalty
imposed on the appellant is a fine of \$1000 or
more, the appellant may not appeal against the
imposition of that penalty to the Harness Racing
Board but the appellant may appeal against the
imposition of that penalty to the Tribunal. 10
 - (4B) If, in the case of harness racing, the appeal is
against a penalty imposed or any other decision or
order made in a matter involving a drug within the
meaning of the Rules of Harness Racing made
under section 49, the appellant may not appeal
against the penalty, decision or order to the
Harness Racing Board but the appellant may
appeal against the penalty, decision or order to the
Tribunal.”. 15
- (4) In section 83K (6A) (b) of the Principal Act, after “(4)”
insert “, (4A) or (4B)”. 20
- (5) In section 83K (6B) (b) of the Principal Act, after “(4)”
insert “, (4A) or (4B)”. 25

7. Removal of Sunday racing restrictions

- (1) In section 13 (3) of the Principal Act, **omit** “or any
Sunday other than a Sunday approved by the Minister
under section 18A”. 30
- (2) In section 18A of the Principal Act—
 - (a) after paragraph (a) **insert** “or”; and
 - (b) **omit** paragraph (c).
- (3) Section 22C (1) and (1A) of the Principal Act are
repealed. 35

(4) In section 22C (2) of the Principal Act, for “the Sundays approved under sub-section (1A)” **substitute** “any Sunday”.

(5) Section 22C (5) of the Principal Act is **repealed**.

(6) In section 32 (3) of the Principal Act, for the words and expressions commencing “Good Friday” and ending at the end of the sub-section **substitute** “Good Friday or Christmas Day.”.

(7) Section 54 (2) and (2A) of the Principal Act are **repealed**.

(8) In section 54 (3) of the Principal Act, for “the Sundays approved under sub-section (2A)” **substitute** “any Sunday”.

(9) Section 54 (5) of the Principal Act is **repealed**.

(10) In section 54A of the Principal Act—

(a) after paragraph (a) **insert** “or”; and

(b) at the end of paragraph (b) **omit** “; or”; and

(c) **omit** paragraph (c).

8. Bookmakers

(1) In section 86 (1) of the Principal Act, **omit** “to whom a club bookmaker’s licence has been issued”.

(2) Section 86 (6) of the Principal Act is **repealed**.

9. Betting

(1) In section 109 of the Principal Act, after “109.” **insert** “(1)”.

(2) After section 109 (1) of the Principal Act **insert**—

“(2) Sub-section (1) (b) and (c) (ii) do not apply to a bookmaker or a bookmaker’s clerk or a bookmaker’s course agent who—

(a) is registered under this Act; and

(b) is carrying on his or her business or is engaged in his or her employment (as the

case may be) at a race-meeting authorised under this Act; and

- (c) complies with any conditions imposed by the Minister after consultation with the Victoria Racing Club, the Harness Racing Board or the Greyhound Racing Control Board (as the case may be) and the Victorian Bookmakers' Association.”. 5

10. TAB

- (1) For section 116D (5) of the Principal Act **substitute—** 10
 - “(5) Each member of the Board is severally entitled to be paid—
 - (a) remuneration determined by the Governor in Council; and
 - (b) travelling and other allowances (if any) that 15are prescribed by the regulations.”.
- (2) The Governor in Council may make a determination of remuneration payable from 1 June 1993.

11. Statute law revision

The **Racing (Amendment) Act 1993** is amended as follows: 20

- (a) In section 4 (1), after ““Ballarat”” **insert** “(where secondly occurring)”;
- (b) In section 4 (2), after ““Ballarat”” **insert** “(where secondly occurring)”. 25

