



Australian Capital Territory

Racecourses Act 1935 (repealed)

A1935-19

Republication No 3

Effective: 2 July 2001

Republication date: 12 July 2013

As repealed by A1999-1 s 68

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Racecourses Act 1935* (repealed) effective 2 July 2001.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation (Republication) Act 1996*, part 3, division 2 authorised the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation (Republication) Act 1996*, s 14 and s 16). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.



Australian Capital Territory

RACECOURSES ACT 1935

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

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THE SCHEDULE STATE ACTS TO CEASE TO APPLY TO TERRITORY

An Act relating to Racecourses and for other purposes

1. Short title

This Act may be cited as the *Racecourses Act 1935*.¹

2. State Acts to cease to apply

The Acts of the State of New South Wales specified in the Schedule to this Act shall, to the extent expressed in that Schedule, cease to apply to the Territory.

3. Interpretation

In this Act, unless the contrary intention appears—

“Meeting for horse-racing” means any meeting at which all horses, mares and geldings respectively may compete without any restriction or condition relating to the weight of the horses, mares or geldings;

“Meeting for pony-racing” means any meeting at which the conditions of any race include any condition relating to the height of any horse, mare or gelding eligible to compete therein;

“Owner” includes lessee or sub-lessee;

“Racecourse” means land used for race-meetings to which admission is granted by payment of money, by ticket or otherwise;

“Race-meeting” means a meeting for horse-racing, pony-racing, trotting-racing, dog-racing or foot-racing.

4. Racecourses to be licensed

A race-meeting shall not be held on any racecourse unless the racecourse is licensed under this Act.

5. Size of certain racecourses

A race-meeting for horse-racing or pony-racing shall not be held on a racecourse, being a racecourse the running ground of which does not consist of a straight course, if the circumference of the running ground of the racecourse, measured 1 metre from the inner boundary, is less than 1,200 metres.

6. Offences

If any race-meeting is held in contravention of section 4 or 5, the owner or trustees of the racecourse, and the club, association or person by or on behalf of which or whom the meeting was so held and each member of the managing body of the trustees, club or association, and any person acting at the race-meeting as starter or judge shall be guilty of an offence and liable to a penalty not exceeding—

- (a) for contravention of section 4—

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- (i) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both; or
- (ii) if the offender is a body corporate—250 penalty units; or
- (b) for contravention of section 5—
 - (i) if the offender is a natural person—50 penalty units; or
 - (ii) if the offender is a body corporate—250 penalty units.

7. Issue of licences

- (1) The Minister may, upon payment of the fee determined under section 10 for the purposes of this section, issue a licence in respect of a racecourse on such terms and conditions as he thinks fit.
- (2) Any such licence shall be for a year commencing on the first day of January.
- (4) The Minister may, for any good cause, cancel a licence.
- (5) A racecourse in respect of which a licence is issued under this section and is in force shall, for the purposes of this Act and any other law in force in the Territory, be deemed to be a licensed racecourse.

7A. Issue of special licences

- (1) Notwithstanding the provisions of section 7, the Minister may, upon payment of the fee determined under section 10 for the purposes of this section, issue a special licence for the holding of a race-meeting on any day or days on a racecourse not licensed under that section.
- (2) The special licence shall be subject to such terms and conditions as the Minister thinks fit.
- (4) The Minister may, for any cause, cancel a special licence.
- (5) A racecourse in respect of which a licence is issued under this section and is in force shall, for the purposes of this Act and any other law in force in the Territory, be deemed to be a licensed racecourse.

8. Trotting races on showgrounds

- (1) Nothing in sections 4, 5, 6 and 7 shall apply to any ground used for the purposes of a show by a pastoral or agricultural association, or to any trotting races held on the ground by the association, provided that the association has been registered by the Minister, and the conditions of the trotting races have been approved by the Minister.

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(2) It shall be a condition of any such registration that betting or wagering shall not be allowed on the ground.

9. Validation of licences

Where, prior to the commencement of this Act, any authority of the State of New South Wales has purported to licence any racecourse in the Territory, any licence which that authority has purported to issue for the purpose of licensing the racecourse shall be deemed to be, and, at all times to have been, as valid and effectual as if this Act had been in force when the authority purported to issue the licence and the licence had been issued under this Act.

10. Power of Minister to determine fees

The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

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THE SCHEDULE

Section 2

STATE ACTS TO CEASE TO APPLY TO TERRITORY

Number	Short title	Extent to which Act ceases to apply
No. 13, 1906	<i>Gaming and Betting Act, 1906</i>	Sections 28, 29 and 30
No. 55, 1906	<i>Gaming and Betting (Amendment) Act, 1906</i>	Section 4
No. 2, 1907	<i>Gaming and Betting (Amendment) Act, 1907</i>	Sections 2 to 5 (inclusive)

NOTES

1. The *Racecourses Act 1935* as shown in this reprint comprises Act No. 19, 1935 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

2. The *Legislation (Republication) Act 1996* (No. 51, 1996) authorises the Parliamentary Counsel in preparing a law for republication, to make certain editorial and other formal amendments in accordance with current legislative drafting practice. Those amendments make no change in the law. Amendments made pursuant to that Act do not appear in the Table of Amendments but details may be obtained on request from the Parliamentary Counsel's Office.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Racecourses Ordinance 1935</i>	19, 1935	5 Dec 1935	5 Dec 1935	
<i>Racecourses Ordinance 1945</i>	2, 1945	25 Jan 1945	25 Jan 1945	—
<i>Racecourses Ordinance 1946</i>	3, 1946	28 Mar 1946	28 Mar 1946	—
<i>Ordinances Revision Ordinance 1959</i>	21, 1959	23 Dec 1959	31 Dec 1959	—
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
<i>Racecourses Ordinance 1970</i>	4, 1970	26 Feb 1970	26 Feb 1970	—
<i>Racecourses (Amendment) Ordinance 1976</i>	71, 1976	30 Dec 1976	30 Dec 1976	—
<i>Racecourses (Amendment) Ordinance 1983</i>	37, 1983	29 Sept 1983	1 Oct 1983	—

Self-Government day 11 May 1989

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NOTES—continued

Table 2

Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
(Reprinted as at 31 July 1991)				
<i>Statute Law Revision (Penalties) Act 1998</i>	54, 1998	27 Nov 1998	Ss. 1 and 2: 27 Nov 1998 Remainder: 9 Dec 1998 (see <i>Gazette</i> 1998, No. 49, p. 1078)	—
as repealed by <i>Racing Act 1999</i>	1, 1999	26 February 1999	Ss. 1 and 2: 26 February 1999 (s 2) Remainder: 1 July 2001 (Gaz 1999 No S42)	—

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 3	am. No. 3, 1946; No. 4, 1970; No. 71, 1976
S. 5	am. No. 71, 1976
S. 6	am. No. 19, 1966; No. 71, 1976; Act No. 54, 1998
S. 7	am. No. 19, 1966; No. 71, 1976; No. 37, 1983
S. 7A	ad. No. 2, 1945 am. No. 19, 1966; No. 71, 1976; No. 37, 1983
S. 8	am. No. 21, 1959; No. 71, 1976
S. 10	ad. No. 37, 1983
The Schedule.....	am. No. 3, 1946