



Australian Capital Territory

# Racing Act 1999

A1999-1

**Republication No 16**

**Effective: 1 March 2013 – 1 March 2014**

Republication date: 1 March 2013

Last amendment made by [SL2013-3](#)  
(republication for amendments by [A2013-1](#) and  
modification by [SL2010-3](#) as amended by [SL2013-3](#))

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Racing Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 March 2013. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 March 2013.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### 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](http://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 Act 2001*, part 11.3 authorises 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 Act 2001*, s 115 and s 117). 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.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Racing Act 1999

## Contents

---

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Dictionary 2
3	Notes 2
<b>Part 2</b>	<b>Control of races for the purpose of betting</b>
<b>Division 2.1</b>	<b>Race meetings</b>
4	Restriction on races for the purpose of betting 3
5	Licensed racecourses 3
6	Approval of betting at certain race meetings 4
7	Schedules of race meetings 4
8	Race meetings to be conducted in compliance with conditions 5
9	Phantom meetings 5

---

R16  
01/03/13

Racing Act 1999  
Effective: 01/03/13-01/03/14

contents 1

---

	Page
<b>Division 2.2</b>	<b>Approved rules</b>
10	Application of approved rules of a controlling body 6
11	Application of approved rules of an ARO 6
12	Approval of special rules for race meetings 7
13	Special rules to be made available before a race meeting 7
14	Application of special rules 7
<b>Part 3</b>	<b>Controlling bodies</b>
<b>Division 3.1</b>	<b>Controlling body for thoroughbred racing</b>
15	Racing club is the controlling body for thoroughbred racing 8
16	Functions of the racing club 8
17	Delegation by racing club 9
18	Racing club—reports and accounts 9
19	Rules of thoroughbred racing 9
20	Racing club—appointment of administrator 10
<b>Division 3.2</b>	<b>Controlling body for harness racing</b>
21	Harness club is the controlling body for harness racing 10
22	Functions of the harness club 11
23	Delegation by harness club 12
24	Harness club—reports and accounts 12
25	Rules of harness racing 12
26	Harness club—appointment of administrator 13
<b>Division 3.3</b>	<b>Controlling body for greyhound racing</b>
27	Greyhound club is the controlling body for greyhound racing 13
28	Functions of the greyhound club 14
29	Delegation by greyhound club 15
30	Greyhound club—reports and accounts 15
31	Rules of greyhound racing 15
32	Greyhound club—appointment of administrator 16
<b>Part 4</b>	<b>Approved racing organisations</b>
33	Approved racing organisations 17
34	Applications 17
35	Variation of conditions or approved rules 18

	Page
36	19
37	19
<b>Part 5</b>	<b>The Racing Appeals Tribunal</b>
<b>Division 5.1</b>	<b>The tribunal</b>
38	20
39	20
40	20
41	20
42	21
43	21
44	22
45	22
46	22
46A	22
<b>Division 5.2</b>	<b>Hearing of appeals</b>
47	23
48	23
49	24
50	24
51	24
52	24
53	25
54	25
55	25
56	25
57	25
58	26
59	26
60	26
61	26
<b>Part 5A</b>	<b>Jockeys accident insurance</b>
61A	27
61B	28

	Page
61C	29
61D	30
<b>Part 5B</b>	<b>Use of race field information</b>
<b>Division 5B.1</b>	<b>Limits on use of race field information</b>
61E	31
61F	33
61G	33
61H	33
61I	34
<b>Division 5B.2</b>	<b>Approval and conditions</b>
61J	35
61K	36
61L	37
61M	38
61N	38
61O	39
61P	39
61Q	40
61R	40
<b>Division 5B.3</b>	<b>Other matters</b>
61U	41
61V	41
61W	41
61X	42
<b>Part 6</b>	<b>Notification and review of decisions</b>
62	44
63	44
64	44
<b>Part 7</b>	<b>Miscellaneous</b>
66	45

	Page
67 Determination of fees	45
<b>Part 10 Transitional—Racing Amendment Act 2013</b>	
100 Definitions—pt 10	46
101 Existing approvals etc to use race field information	46
101A Existing approval holders must continue to give monthly returns to commission	47
101B Certain existing approval holders must continue to pay old monthly charge for the pre-amendment period	47
101C Certain existing approval holders must pay new monthly charge in transitional period	47
101D Certain existing approval holders must pay pre-amendment and new race field information charge	47
101E Commission must refund charge if existing approval holder does not meet threshold	47
101F Existing race field information fund	47
102 Commission to act as relevant controlling bodies' agent	47
103 Permitted disclosure of information to relevant controlling bodies	48
104 Transitional regulations	48
105 Expiry—pt 10	48
<b>Schedule 1 Members of the tribunal</b>	49
1.1 Tribunal members—appointment	49
1.3 Tribunal members—term	49
1.4 Tribunal members—ending of appointment	50
1.6 Tribunal members—leave of absence	50
1.7 Tribunal members—disclosure of interests	50
<b>Schedule 2 Assessors of the tribunal</b>	52
2.1 Assessors—appointment	52
2.2 Assessors—term	52
2.3 Assessors—ending of appointments	52
2.5 Assessors—disclosure of interests	53

<b>Schedule 3</b>	<b>Reviewable decisions</b>	Page 54
<b>Dictionary</b>		55
<b>Endnotes</b>		
1	About the endnotes	59
2	Abbreviation key	59
3	Legislation history	60
4	Amendment history	63
5	Earlier republications	74
6	Modifications of republished law with temporary effect	76





Australian Capital Territory

## Racing Act 1999

---

An Act to regulate thoroughbred racing, harness racing and greyhound racing conducted for the purpose of betting, and for related purposes

---

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Racing Act 1999*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition '*licensed racecourse*—section 5.' means that the term 'licensed racecourse' is defined in that section and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

## **Part 2**                      **Control of races for the purpose of betting**

### **Division 2.1**              **Race meetings**

#### **4**                      **Restriction on races for the purpose of betting**

- (1) A person must not conduct a race for the purpose of betting, except at an authorised race meeting.

Maximum penalty: 100 penalty units.

- (2) A person must not participate in a race conducted for the purpose of betting, except at an authorised race meeting, as—

- (a) rider or driver of an animal; or
- (b) trainer; or
- (c) owner; or
- (d) in a capacity prescribed by regulation.

Maximum penalty: 100 penalty units.

- (3) It is a defence to a charge for an offence against subsection (2) that the person did not know, and had no reason to suppose, that the race was being conducted for the purpose of betting.

#### **5**                      **Licensed racecourses**

- (1) A racecourse is a *licensed racecourse* in relation to a controlling body or an ARO if approved as such by the commission on an application by the body or ARO.

- (2) A racecourse that was nominated by the ARO under section 34 (1) (c) (ii) is approved as a licensed racecourse in relation to the ARO.

- (3) The commission may revoke approval of a licensed racecourse in relation to a controlling body or an ARO—
  - (a) at the request of the controlling body or ARO concerned; or
  - (b) after determining by an inquiry that the approval should be revoked.

## **6 Approval of betting at certain race meetings**

- (1) The commission may approve race meetings for the purposes of betting, in accordance with this section.
- (2) A controlling body may propose for approval by the commission a race meeting for the purpose of betting that is to be held at a licensed racecourse of the body by another person.
- (3) In proposing such a race meeting, the controlling body may attach such conditions as it thinks appropriate.

## **7 Schedules of race meetings**

- (1) A controlling body or an ARO must publish from time to time a schedule of race meetings to be held by the body or ARO.
- (2) The commission may require schedules to be published at times and in a form approved by the commission.
- (3) A schedule must specify for each authorised race meeting—
  - (a) the day when it is to be held; and
  - (b) the racecourse where it is to be held; and
  - (c) the person or body who will conduct the meeting; and
  - (d) where any race at the race meeting will be subject to special rules as to racing or betting—
    - (i) the rules under which the race will be held; and

- (ii) the rules under which any betting on the race will be conducted; and
- (iii) an address where members of the public may obtain copies of the rules before the day of the race meeting.

**8 Race meetings to be conducted in compliance with conditions**

A person conducting a race meeting must comply with this Act and with any conditions set under section 6 (3) or section 34 (3).

Maximum penalty: 50 penalty units.

**9 Phantom meetings**

A person must not conduct a race meeting for the purpose of betting without running races at the meeting, other than with the approval in writing of the commission, unless—

- (a) the meeting is an authorised race meeting; and
- (b) races were scheduled to be run at the meeting and nominations called for; and
- (c) sufficient nominations were received for races to be run at the meeting; and
- (d) the races were cancelled only because of unforeseen circumstances; and
- (e) those circumstances did not permit the cancellation to be made more than 2 business days before the meeting.

## Division 2.2 Approved rules

### 10 Application of approved rules of a controlling body

The approved rules of a controlling body apply in relation to—

- (a) a person (an *affected person*) registered with or licensed by—
  - (i) the controlling body; or
  - (ii) where the registration or licence is of a kind recognised by the controlling body for the purposes of the rules—a corresponding body that deals with racing of the same kind; and
- (b) an animal registered with or licensed by a body referred to in paragraph (a) (i) or (ii); and
- (c) a person who was formerly an affected person—
  - (i) whose registration or licence is under suspension; or
  - (ii) so far as the rules relate to the dealings of the person with an affected person—whose registration or licence is cancelled; and
- (d) subject to any approval by the commission of special rules—a race meeting conducted by the controlling body; and
- (e) any premises owned or occupied by the controlling body.

### 11 Application of approved rules of an ARO

The approved rules of an ARO apply in relation to—

- (a) a person registered with or licensed by the ARO (an *affected person*); and
- (b) an animal registered with or licensed by the ARO; and
- (c) a person who was formerly an affected person—
  - (i) whose registration or licence is under suspension; or

- (ii) so far as the rules relate to the dealings of the person with an affected person—whose registration or licence is cancelled; and
- (d) subject to any approval by the commission of special rules—any authorised race meeting conducted by the ARO; and
- (e) any premises owned or occupied by the ARO.

**12 Approval of special rules for race meetings**

The commission may approve, on the application of a controlling body or an ARO, rules other than the approved rules for a race meeting, or for some races at a race meeting.

**13 Special rules to be made available before a race meeting**

A person conducting a race meeting at which special rules will apply must ensure that any member of the public is able to obtain a copy of the rules—

- (a) from the time of publication of the relevant schedule under section 7—at the address specified in the schedule; and
- (b) on the day of the meeting—at the racecourse.

Maximum penalty: 50 penalty units.

**14 Application of special rules**

- (1) Special rules apply in relation to—
  - (a) the races or race meeting in relation to which they were approved; and
  - (b) a person or animal participating in a race in relation to which they were approved.
- (2) For this section, where special rules are approved in relation to a race meeting, they are approved in relation to each race at that meeting.

## Part 3 Controlling bodies

### Division 3.1 Controlling body for thoroughbred racing

#### 15 Racing club is the controlling body for thoroughbred racing

- (1) The Australian Capital Territory Racing Club Inc. (the *racing club*), a body incorporated under the *Associations Incorporation Act 1991*, is the controlling body in relation to thoroughbred racing for this Act.
- (2) The racing club must not amend its constitution without giving the commission 14 days notice in writing.
- (3) The constitution of the racing club must be consistent with this Act and must give it the necessary capacity to fulfil its functions under this Act.

#### 16 Functions of the racing club

- (1) The functions of the racing club are—
  - (a) to conduct thoroughbred race meetings and thoroughbred races within the Territory; and
  - (b) to participate in the national body coordinating thoroughbred racing in Australia; and
  - (c) to make or adopt rules to govern the conduct of thoroughbred racing and betting conducted at race meetings; and
  - (d) to prepare and implement plans and strategies for the management of the financial affairs of the thoroughbred racing code and for the development, promotion and marketing of the code; and



- (e) to approve race meetings to be conducted by other people, for the purpose of proposals under section 6, on such conditions as it thinks appropriate; and
  - (f) to advise and inform the Minister as he or she requires.
- (2) The racing club may, for the purpose of performing its functions and discharging its duties under this Act, enter into reciprocal arrangements with another controlling body or any corresponding body in relation to—
- (a) the registration of animals; or
  - (b) the endorsement and recognition of disqualifications, licences, permits and defaulters; or
  - (c) any other matter relating to the administration and control of racing.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

## **17 Delegation by racing club**

The racing club may delegate its functions under this Act to a member, officer or employee of the racing club.

*Note* For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

## **18 Racing club—reports and accounts**

The racing club must give the commission a copy of each report and statement of accounts that it gives to its members.

## **19 Rules of thoroughbred racing**

- (1) The racing club may adopt the Australian Rules of Racing (as adopted by the Australian Racing Board and in force from time to time).

- (2) Subject to this Act, the racing club may make local rules in accordance with the Australian Rules of Racing.
- (3) Rules made or adopted by the racing club under this section are not subordinate laws under the [Legislation Act](#).

## **20 Racing club—appointment of administrator**

- (1) The Minister may, if advised to do so by the commission following an inquiry, suspend the appointments of the directors of the racing club and appoint an administrator to deal with its affairs until such time as new directors can conveniently be appointed in accordance with its constitution.

*Note* For the making of appointments, see the [Legislation Act](#), pt 19.3.

- (2) If the Minister acts under subsection (1), the Minister must ensure that, not later than 7 sitting days after the day the Minister takes the action—
  - (a) the Legislative Assembly is told of the action; and
  - (b) a copy of the commission’s advice is presented to the Assembly.
- (3) To remove any doubt, the [Legislation Act](#), division 19.3.3 does not apply to an appointment of an administrator under subsection (1).
- (4) The [Legislation Act](#), section 254A (Delegation by Minister) does not apply to a function under this section.

## **Division 3.2 Controlling body for harness racing**

### **21 Harness club is the controlling body for harness racing**

- (1) The Canberra Harness Racing Club Inc. (the *harness club*), a body incorporated under the [Associations Incorporation Act 1991](#), is the controlling body in relation to harness racing for this Act.
- (2) The harness club must not amend its constitution without giving the commission 14 days notice in writing.

- (3) The constitution of the harness club must be consistent with this Act and must give it the necessary capacity to fulfil its functions under this Act.

## **22 Functions of the harness club**

- (1) The functions of the harness club are—
- (a) to conduct harness race meetings and harness races within the Territory; and
  - (b) to participate in the national body coordinating harness racing in Australia; and
  - (c) to make or adopt rules to govern the conduct of harness racing and betting conducted at race meetings; and
  - (d) to prepare and implement plans and strategies for the management of the financial affairs of the harness racing code and for the development, promotion and marketing of the code; and
  - (e) to approve race meetings to be conducted by other people, for the purpose of proposals under section 6, on such conditions as it thinks appropriate; and
  - (f) to advise and inform the Minister as he or she requires.
- (2) The harness club may, for the purpose of performing its functions and discharging its duties under this Act, enter into reciprocal arrangements with another controlling body or any corresponding body in relation to—
- (a) the registration of animals; or
  - (b) the endorsement and recognition of disqualifications, licences, permits and defaulters; or

- (c) any other matter relating to the administration and control of racing.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

### **23 Delegation by harness club**

The harness club may delegate its functions under this Act to a member, officer or employee of the harness club.

*Note* For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

### **24 Harness club—reports and accounts**

The harness club must give the commission a copy of each report and statement of accounts that it gives to its members.

### **25 Rules of harness racing**

- (1) Subject to this Act, the harness club may make rules for—
  - (a) the regulation, control and promotion of the sport of harness racing; and
  - (b) the conduct of harness race meetings and harness races within the Territory; and
  - (c) betting conducted at harness race meetings.
- (2) The harness club may make rules consistent with those made by corresponding bodies in Australia in relation to harness racing.
- (3) Rules made by the harness club under this section are not subordinate laws under the [Legislation Act](#).

## **26 Harness club—appointment of administrator**

- (1) The Minister may, if advised to do so by the commission following an inquiry, suspend the appointments of the directors of the harness club and appoint an administrator to deal with its affairs until such time as new directors can conveniently be appointed in accordance with its constitution.

*Note* For the making of appointments, see the [Legislation Act](#), pt 19.3.

- (2) Where the Minister acts under this section, he or she must ensure that—
  - (a) the Legislative Assembly is informed of the action; and
  - (b) a copy of the advice of the commission is presented to the Assembly;within 7 sitting days after the action.
- (3) To remove any doubt, the [Legislation Act](#), division 19.3.3 does not apply to an appointment of an administrator under subsection (1).
- (4) The [Legislation Act](#), section 254A (Delegation by Minister) does not apply to a function under this section.

## **Division 3.3 Controlling body for greyhound racing**

### **27 Greyhound club is the controlling body for greyhound racing**

- (1) The Canberra Greyhound Racing Club Inc. (the *greyhound club*), a body incorporated under the [Associations Incorporation Act 1991](#), is the controlling body in relation to greyhound racing for this Act.
- (2) The greyhound club must not amend its constitution without giving the commission 14 days notice in writing.

- (3) The constitution of the greyhound club must be consistent with this Act and must give it the necessary capacity to fulfil its functions under this Act.

## **28 Functions of the greyhound club**

- (1) The functions of the greyhound club are—
- (a) to conduct greyhound race meetings and greyhound races within the Territory; and
  - (b) to participate in the national body coordinating greyhound racing in Australia; and
  - (c) to make or adopt rules to govern the conduct of greyhound racing and betting conducted at race meetings; and
  - (d) to prepare and implement plans and strategies for the management of the financial affairs of the greyhound racing code and for the development, promotion and marketing of the code; and
  - (e) to approve race meetings to be conducted by other people, for the purpose of proposals under section 6, on such conditions as it thinks appropriate; and
  - (f) to advise and inform the Minister as he or she requires.
- (2) The greyhound club may, for the purpose of performing its functions and discharging its duties under this Act, enter into reciprocal arrangements with another controlling body or any corresponding body in relation to—
- (a) the registration of animals; or
  - (b) the endorsement and recognition of disqualifications, licences, permits and defaulters; or

- (c) any other matter relating to the administration and control of racing.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

## **29 Delegation by greyhound club**

The greyhound club may delegate its functions under this Act to a member, officer or employee of the greyhound club.

*Note* For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

## **30 Greyhound club—reports and accounts**

The greyhound club must give the commission a copy of each report and statement of accounts that it gives to its members.

## **31 Rules of greyhound racing**

- (1) Subject to this Act, the greyhound club may make rules for—
- (a) the regulation, control and promotion of the sport of greyhound racing; and
  - (b) the conduct of greyhound race meetings and greyhound races within the Territory; and
  - (c) betting conducted at greyhound race meetings.
- (2) The greyhound club may make rules consistent with those made by corresponding bodies in Australia in relation to greyhound racing.
- (3) Rules made by the greyhound club under this section are not subordinate laws under the [Legislation Act](#).

### **32 Greyhound club—appointment of administrator**

- (1) The Minister may, if advised to do so by the commission following an inquiry, suspend the appointments of the directors of the greyhound club and appoint an administrator to deal with its affairs until such time as new directors can conveniently be appointed in accordance with its constitution.

*Note* For the making of appointments, see the [Legislation Act](#), pt 19.3.

- (2) Where the Minister acts under this section, he or she must ensure that—
- (a) the Legislative Assembly is informed of the action; and
  - (b) a copy of the advice of the commission is presented to the Assembly;
- within 7 sitting days after the action.
- (3) To remove any doubt, the [Legislation Act](#), division 19.3.3 does not apply to an appointment of an administrator under subsection (1).
- (4) The [Legislation Act](#), section 254A (Delegation by Minister) does not apply to a function under this section.



## Part 4 Approved racing organisations

### 33 Approved racing organisations

- (1) The commission may approve, in accordance with this part, a racing organisation to be an approved racing organisation (an **ARO**).
- (2) An ARO may conduct race meetings consisting of races of the kinds specified in its instrument of approval for the purposes of betting.
- (3) The commission must not approve an ARO to conduct race meetings that include thoroughbred races.

### 34 Applications

- (1) An applicant for approval to be an ARO must—
  - (a) be a body corporate; and
  - (b) have the capacity—
    - (i) to conduct and control race meetings for the purpose of betting; and
    - (ii) ensure that races conducted by it will be conducted honestly and free from criminal influence; and
  - (c) provide to the commission—
    - (i) a copy of the rules under which it proposes to conduct race meetings (including a specification of the kinds of races); and
    - (ii) the particulars of the racecourse or racecourses where it proposes to conduct race meetings; and
    - (iii) such other information as the commission requires for the purpose of evaluating the application.
- (2) If the commission is satisfied that—
  - (a) the applicant satisfies subsection (1) (a) and (b); and

- (b) the rules referred to in subsection (1) (c) (i) are satisfactory;  
the commission must approve an application unless it has determined by an inquiry that it would be against the public interest to do so.
- (3) An approval may be subject to such conditions as the commission thinks appropriate.
- (4) An approval under this section includes an approval of the rules referred to in subsection (1) (c) (i).
- (5) If the commission refuses an application, it must give the reasons for the decision in writing.
- (6) An applicant who is refused approval under subsection (3) on the ground that the commission is satisfied that it would be against the public interest may apply to the Minister for a review of the decision.
- (7) The Minister, on reviewing the decision, may direct the commission to grant approval to the applicant.
- (8) A direction by the Minister under subsection (7)—
- (a) is a disallowable instrument; and
  - (b) takes effect, unless disallowed, at the end of the period during which it is disallowable.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

### **35 Variation of conditions or approved rules**

- (1) The commission may, on its own initiative or on the application of an ARO, add to or vary any conditions of approval under section 34 (3).
- (2) The commission may, on the application of an ARO, approve a change to the rules approved under section 34 (4).

- (3) In considering whether to act under this section, the commission must satisfy itself as to the matters referred to in section 34 (2), and may require the ARO to provide such information as it requires for that purpose.

### **36 Revocation of approval of AROs**

- (1) If the commission is satisfied, following an inquiry, that an ARO no longer satisfies section 34 (1) (a) or (b), or has contravened a provision of this Act, it may revoke the organisation's approval.
- (2) If the commission is satisfied that it is no longer in the public interest that an ARO be approved, it may direct the commission to revoke the organisation's approval.
- (3) A direction by the commission under subsection (2)—
- (a) is a disallowable instrument; and
  - (b) takes effect, unless disallowed, at the end of the period during which it is disallowable.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

### **37 AROs must provide reports**

An ARO must provide the commission with a copy of each report or statement of accounts of the organisation provided to members or shareholders of the organisation.

## **Part 5                    The Racing Appeals Tribunal**

### **Division 5.1            The tribunal**

#### **38                    Establishment**

The Racing Appeals Tribunal is established.

#### **39                    Functions**

The functions of the tribunal are—

- (a) to hear and determine appeals; and
- (b) to exercise the functions given to the tribunal by this Act or another Act.

#### **40                    Membership**

- (1) The tribunal must consist of—
  - (a) a president; and
  - (b) a deputy president; and
  - (c) 4 other members.
- (2) The appointment and conditions of office of members of the tribunal must be in accordance with schedule 1.

#### **41                    Constitution for appeals**

- (1) For the purpose of hearing an appeal, the tribunal must be constituted, subject to subsection (2), by 3 members, of which 1 must be the president or deputy president.
- (2) If the president is satisfied that an appeal for hearing is of a sufficiently minor nature, the tribunal must be constituted as determined by the president.

- (3) The tribunal, separately constituted under this section, may sit simultaneously to determine separate matters.

## **42 Assessors**

- (1) The tribunal may have assessors.
- (2) The president may direct that the tribunal, in hearing an appeal, must be assisted by 1 or more assessors.
- (3) An assessor assisting the tribunal may assist and advise the tribunal on any matter before it, but must not adjudicate on any matter.
- (4) The appointment and conditions of office of assessors must be in accordance with schedule 2.

## **43 Powers in relation to witnesses etc**

- (1) The president, the deputy president or the registrar, may, by written notice given to a person, require the person to appear before the tribunal at a hearing, at a stated time and place, to do either or both of the following:
- (a) to give evidence;
  - (b) to produce a stated document or other thing relevant to the hearing.
- (2) The member presiding at a hearing of the tribunal may require a witness appearing before the tribunal to give evidence to do 1 or more of the following:
- (a) to take an oath;
  - (b) to answer a question relevant to the hearing;
  - (c) to produce a stated document or other thing relevant to the hearing.

*Note 1* **Oath** includes affirmation and **take** an oath includes make an affirmation (see [Legislation Act](#), dict, pt 1).

*Note 2* The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

- (3) The tribunal may inspect or make copies of any document or other thing produced before the tribunal and keep it for the reasonable period it considers appropriate.

#### **44 Application of Criminal Code, ch 7**

An appeal before the tribunal is a legal proceeding for the [Criminal Code](#), chapter 7 (Administration of justice offences).

*Note* That chapter includes offences (eg perjury, falsifying evidence, failing to attend and refusing to be sworn) applying in relation to tribunal proceedings.

#### **45 Rules of the tribunal**

- (1) The tribunal may make rules (the *rules of the tribunal* ) for the procedure of the tribunal.
- (2) A rule made under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

#### **46 Registrar of tribunal**

The chief executive officer must appoint a public servant as the registrar of the tribunal.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

#### **46A Protection from liability for tribunal members**

- (1) A tribunal member is not civilly liable for anything done or omitted to be done honestly and without recklessness—
  - (a) in the exercise of a function under this Act; or

- (b) in the reasonable belief that the act or omission was in the exercise of a function under this Act.
- (2) Any liability that would, apart from this section, attach to a tribunal member attaches instead to the Territory.

## **Division 5.2            Hearing of appeals**

### **47            Jurisdiction**

- (1) The tribunal has jurisdiction to hear and determine an appeal from a person aggrieved by a decision of a controlling body, an ARO or another person conducting a race meeting if—
  - (a) the decision was made, or purported to be made, under the relevant approved rules or special rules; and
  - (b) the decision—
    - (i) disqualified or suspended a person or animal from participating in events governed by those rules in any particular capacity; or
    - (ii) imposed a fine.
- (2) The tribunal has jurisdiction to hear and determine an appeal from a person aggrieved by a decision of a controlling body or an ARO that requires a person not to enter a racecourse or training track.

### **48            Appeals—filing**

An appeal mentioned in section 47 must be filed with the registrar not later than—

- (a) 7 days after the day the appellant is told of the decision from which the appeal is made; or
- (b) if the tribunal allows the appeal to be filed by a later time—that time.

**49                    Suspension of decision pending hearing of the appeal**

The president or the deputy president of the tribunal may, if satisfied that it is appropriate to do so, order that the operation of the decision appealed against be suspended until the tribunal determines otherwise.

**50                    Parties**

The parties to an appeal are—

- (a) the appellant; and
- (b) the controlling body, ARO or other person whose decision is being appealed against; and
- (c) any other person who satisfies the tribunal that the person is directly affected by or interested in the subject matter of the appeal.

**51                    Notice of hearing**

- (1) The tribunal must give a party to an appeal reasonable notice of the time and place at which it intends to hear the appeal.
- (2) If a party fails to appear at a hearing, in person or by a representative, the tribunal may hear the appeal in that party's absence.

**52                    Representation**

A party to an appeal may be represented—

- (a) by a lawyer; or
- (b) with the leave of the tribunal, by some other representative.



**53 Bond**

- (1) An appeal must not be heard by the tribunal unless the appellant has first lodged with the registrar any bond required under the rules of the tribunal .
- (2) A bond paid by an appellant must not be refunded unless—
  - (a) the tribunal allows the appeal in whole or in part; or
  - (b) the appellant satisfies the tribunal that the appeal was genuinely instituted on reasonable grounds and not for the purpose of delaying the operation of the decision or order under appeal.

**54 Hearings to be in public**

An appeal to the tribunal must be heard in public unless the tribunal, for good reason, determines otherwise.

**55 Adjournments**

The tribunal may at any time adjourn the hearing of an appeal as it considers appropriate.

**56 Record of proceedings**

The tribunal must keep a record of its proceedings.

**57 Evidence**

- (1) Except as otherwise determined by the tribunal, an appeal must be conducted by way of rehearing on the evidence at the original hearing, but the tribunal may receive fresh evidence given orally or, if the tribunal so determines, by statutory declaration.
- (2) The tribunal may inform itself in any way it considers appropriate.
- (3) The tribunal must give each party to an appeal a reasonable opportunity to make submissions to the tribunal, to give evidence and to call, examine or cross-examine witnesses.

**58 Procedure for decision by the tribunal**

- (1) A decision by the tribunal must be made by a majority of the members present, with the senior member having a casting vote where there is no majority.
- (2) For this section, the president must determine the order of seniority of members of the tribunal.

**59 Principles on which decisions made**

- (1) The tribunal must act according to equity and good conscience and the substantial merits of the case without regard to technicalities and legal forms.
- (2) The tribunal is not bound by the rules of evidence and may inform itself on any matter as it considers appropriate.

**60 Orders etc that may be made by the tribunal**

- (1) The tribunal may, on the hearing of an appeal—
  - (a) affirm, vary or quash the decision or order appealed against, or substitute, or make in addition, any decision or order that could have been made by the original decision-maker;
  - (b) remit the subject matter of the appeal to the person or body that made the decision for further hearing or consideration; or
  - (c) subject to subsection (2), make any other order that the case requires.
- (2) The tribunal may make an order as to costs if it considers that it would be unjust for each party to bear its own costs.

**61 Decisions of tribunal final and binding**

A decision of the tribunal on an appeal is final and binding on the entities affected.

## Part 5A Jockeys accident insurance

### 61A Definitions—pt 5A

In this part:

*1987 NSW Act* means the *Workers Compensation Act 1987* (NSW).

*1998 NSW Act* means the *Workplace Injury Management and Workers Compensation Act 1998* (NSW).

*ACT jockey* means a jockey, apprentice jockey or other person who is—

- (a) licensed by Racing NSW as an approved rider; and
- (b) engaged—
  - (i) to ride a horse for fee or reward at a meeting for horse racing conducted or held by the racing club; or
  - (ii) in riding work in connection with horse racing (but not harness racing) on the racecourse or other premises of the racing club.

*applied NSW Acts* means the NSW Acts applied under section 61B.

*injury* has the same meaning as in the applied NSW Acts.

*NSW Acts* means the 1987 NSW Act and the 1998 NSW Act, including the special insurance scheme for NSW jockeys under those Acts.

*Note* A reference to a law (including a law of another jurisdiction) includes a reference to—

- the law as originally made and as amended (see [Legislation Act](#), s 102); and
- the statutory instruments made or in force under the law (see [Legislation Act](#), s 104).

**NSW jockey** means a jockey, apprentice jockey or other person who is—

- (a) licensed by Racing NSW as an approved rider; and
- (b) taken to be a worker under the NSW Acts because of the [1998 NSW Act](#), schedule 1, clause 9 (1) (a) or (c).

*Note* The [1998 NSW Act](#), schedule 1, clause 9 (1) (a) and (c) applies respectively to a person who is—

engaged to ride a horse for fee or reward at a meeting for horse racing conducted or held by a racing club or association; or

engaged in riding work in connection with horse racing (but not harness racing) on the racecourse or other premises of a racing club or association.

**Racing NSW**—see the [Thoroughbred Racing Act 1996](#) (NSW), section 3 (Definitions).

**special insurance scheme**, for NSW jockeys, means the scheme under which Racing NSW provides accident insurance as a specialised insurer for NSW jockeys under the NSW Acts.

## **61B Accident insurance arrangements—authorisation**

- (1) This section applies if Racing NSW is a specialised insurer under the NSW Acts in relation to NSW jockeys.
- (2) Racing NSW is authorised to provide accident insurance in relation to ACT jockeys.
- (3) The authorisation under subsection (2) is for Racing NSW to act as a specialised insurer in the ACT—
  - (a) in the same way that it acts as a specialised insurer in NSW under the NSW Acts in relation to NSW jockeys; and
  - (b) as if the racing club were a racing club under those Acts.

- (4) Without limiting subsections (2) and (3), the NSW Acts apply in the ACT for those subsections, with any necessary change and any change prescribed by regulation.
- (5) In particular, a regulation made for subsection (4) may include changes for either or both of the following:
  - (a) excluding a provision of the applied NSW Acts;
  - (b) applying a territory law in relation to the operation of the applied NSW Acts, including by giving jurisdiction or functions to territory courts or entities.

### **61C Accident insurance arrangements—operation**

- (1) To remove any doubt—
  - (a) under the applied NSW Acts—
    - (i) an ACT jockey has the same rights and obligations (including rights and obligations in relation to common law damages) in relation to an injury suffered as an ACT jockey that a NSW jockey would have under the NSW Acts in relation to an injury suffered as a NSW jockey; and
    - (ii) the racing club and Racing NSW have the same rights and obligations (including rights and obligations in relation to common law damages) in relation to an injury suffered as an ACT jockey that they would have under the NSW Acts in relation to an injury suffered as a NSW jockey; and
  - (b) the applied NSW Acts do not create any right (whether substantive or procedural) in relation to an injury suffered as an ACT jockey that a NSW jockey would not have under the NSW Acts in relation to an injury suffered as a NSW jockey; and

- (c) except as provided in paragraph (1) (a) (i), an ACT jockey is not entitled to recover damages for an injury suffered as an ACT jockey; and
  - (d) the *Limitation Act 1985* does not apply to any claim for compensation or damages by an ACT jockey that is governed by the applied NSW Acts.
- (2) Subsection (1) (a) and (b) has effect subject to any regulation made for this part, including a regulation made for—
- (a) excluding a provision of the applied NSW Acts; or
  - (b) applying a territory law in relation to the operation of the applied NSW Acts, including by giving jurisdiction or functions to territory courts or entities.

#### **61D Notices relating to accident insurance arrangements**

- (1) The Minister must prepare a notice if—
- (a) Racing NSW becomes a specialised insurer in relation to ACT jockeys because of the grant of a licence under the 1987 NSW Act; or
  - (b) a licence mentioned in paragraph (a)—
    - (i) is suspended or cancelled; or
    - (ii) expires.
- (2) The notice must state the following:
- (a) for the grant of a licence—its duration;
  - (b) for the suspension of a licence—the period of suspension;
  - (c) for the cancellation or expiry of a licence—when the cancellation or expiry happened.
- (3) A notice under this section is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

## **Part 5B                      Use of race field information**

### **Division 5B.1              Limits on use of race field information**

#### **61E              Definitions—pt 5B**

In this part:

***betting exchange***—

- (a) means a facility that allows a person—
  - (i) to place or accept, through the operator of the facility, a wager with another person; or
  - (ii) to place with the operator of the facility a wager that is matched with an opposing wager placed with the operator of the facility; but
- (b) does not include a facility that allows a person to place a wager only with a person who conducts bookmaking or a totalisator.

***licensed wagering operator*** means a wagering operator holding a licence or other authority to conduct a wagering business—

- (a) under a law of the Territory, a State or an external territory; or
- (b) issued by a controlling body, a corresponding body, or a racing authority of the Territory, a State or an external territory.

*Note*      ***State*** includes the Northern Territory—see the [Legislation Act](#), dict, pt 1.

***race field information*** means information in relation to an authorised race meeting in the ACT that identifies, or is capable of identifying, any of the following:

- (a) the name, number or time of a race;
- (b) the name or number of a horse or greyhound nominated for, or otherwise taking part in, a race;

- (c) the name or number of a horse or greyhound scratched or otherwise withdrawn from a race;
- (d) the name or number of a rider of a horse nominated for, or otherwise taking part in, a race;
- (e) the name or number of a trainer of a horse or greyhound nominated for, or otherwise taking part in, a race;
- (f) the outcome of a race.

***race field information charge***—see section 61M (1).

***racings authority***, of the Territory, a State or an external territory, means an entity that controls, supervises or regulates racing in the ACT, State or external territory.

***relevant controlling body*** means—

- (a) for a thoroughbred race—the racing club; and
- (b) for a harness race—the harness club; and
- (c) for a greyhound race—the greyhound club; and
- (d) for a race of a kind stated in an instrument of approval under section 33 (Approved racing organisations)—the ARO to which the instrument relates.

***wagering operator*** means—

- (a) a bookmaker; or
- (b) a person who conducts a betting exchange; or
- (c) a person who conducts a totalisator; or
- (d) a person who otherwise conducts a wagering business; or
- (e) a person who acts as an agent for a person mentioned in paragraph (a), (b), (c) or (d).



**61F Offence—use of race field information without approval**

A licensed wagering operator commits an offence if—

- (a) the operator uses race field information, in the ACT or elsewhere, for the conduct of the operator's wagering business; and
- (b) the operator does not have approval to use race field information.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**61G Offence—failing to pay race field information charge**

A licensed wagering operator commits an offence if—

- (a) the operator has approval to use race field information in a financial year; and
- (b) it is a condition of the approval that the operator pay a race field information charge; and
- (c) the operator has not paid the race field information charge as required under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**61H Offence—failing to comply with condition on approval**

A licensed wagering operator commits an offence if—

- (a) the operator has approval to use race field information; and
- (b) the operator does not comply with a condition on the approval imposed under section 61N.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**61I Criminal liability of executive officers**

- (1) An executive officer of a corporation commits an offence if—
- (a) the corporation commits a relevant offence; and
  - (b) the officer was reckless about whether the relevant offence would be committed; and
  - (c) the officer was in a position to influence the conduct of the corporation in relation to the commission of the relevant offence; and
  - (d) the officer failed to take reasonable steps to prevent the commission of the relevant offence.

Maximum penalty: The maximum penalty that may be imposed for the commission of the relevant offence by an individual.

- (2) In deciding whether the executive officer took (or failed to take) all reasonable steps to prevent the commission of the offence, a court must consider any action the officer took directed towards ensuring the following (to the extent that the action is relevant to the act or omission):
- (a) that the corporation arranges regular professional assessments of the corporation's compliance with the provision to which the relevant offence relates;
  - (b) that the corporation implements any appropriate recommendation arising from such an assessment;
  - (c) that the corporation's employees, agents and contractors have a reasonable knowledge and understanding of the requirement to comply with the provision to which the relevant offence relates;
  - (d) any action the officer took when the officer became aware that the relevant offence was, or might be, about to be committed.
- (3) Subsection (2) does not limit the matters the court may consider.

- (4) Subsection (1) does not apply if the corporation would have a defence to a prosecution for the relevant offence.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

- (5) This section applies whether or not the corporation is prosecuted for, or convicted of, the relevant offence.

- (6) In this section:

*executive officer*, of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

*relevant offence* means an offence against any of the following:

- (a) section 4 (Restriction on races for the purpose of betting);
- (b) section 8 (Race meetings to be conducted in compliance with conditions);
- (c) section 61F (Offence—use of race field information without approval);
- (d) section 61G (Offence—failing to pay race field information charge);
- (e) section 61H (Offence—failing to comply with condition on approval).

## **Division 5B.2 Approval and conditions**

### **61J Application for approval to use race field information**

- (1) A person may apply to the relevant controlling body for approval to use race field information.

- (2) An application for approval must be—
- (a) made in the way and in the time required by the relevant controlling body; and
  - (b) accompanied by any information—
    - (i) required by the relevant controlling body; or
    - (ii) prescribed by regulation.

**61K Issue of approval**

- (1) If a person applies for approval under section 61J the relevant controlling body must—
- (a) issue the approval; or
  - (b) refuse to issue the approval.
- (2) The relevant controlling body must not issue the approval unless—
- (a) satisfied that the applicant is—
    - (i) a licensed wagering operator; and
    - (ii) a suitable person to hold an approval having regard to the matters mentioned in section 61L; and
  - (b) the relevant controlling body has considered or disregarded any matter prescribed by regulation.

*Note 1* An approval is subject to certain conditions and may be subject to other conditions imposed by the relevant controlling body (see s 61M and s 61N).

*Note 2* In issuing an approval, and imposing conditions on the approval, a relevant controlling body is subject to the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 69 (Trade and commerce to be free).

**61L Suitable person**

- (1) In deciding whether an applicant is a suitable person to hold an approval the relevant controlling body must have regard to the following matters:
  - (a) the applicant's character or business reputation;
  - (b) the applicant's current financial position and financial background;
  - (c) if the applicant has a business association with another entity—
    - (i) the other entity's character or business reputation; and
    - (ii) the other entity's current financial position and financial background;
  - (d) if the applicant is a corporation—
    - (i) the character or business reputation of the corporation's executive officers; and
    - (ii) the current financial position and financial background of the corporation's executive officers;
  - (e) whether a prosecution or disciplinary action is proceeding under racing, gaming or wagering legislation or rules of racing or betting (whether in the Territory or elsewhere) against—
    - (i) the applicant; or
    - (ii) an employee of the applicant; or
    - (iii) an entity with which the applicant has a business association;
  - (f) a matter prescribed by regulation.
- (2) In deciding whether an applicant is a suitable person to hold an approval the relevant controlling body may have regard to any other relevant matter.

- (3) In this section:

*executive officer*, of a corporation, means anyone, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

### **61M Condition on approval—race field information charge**

- (1) An approval issued under section 61K, or a renewal issued under section 61Q, is subject to a condition that the licensed wagering operator pay the amount (if any) (a *race field information charge*)—
- (a) stated in the approval or other written notice given to the licensed wagering operator by the relevant controlling body; or
  - (b) worked out in the way stated in the approval or other written notice given to the licensed wagering operator by the relevant controlling body.
- (2) A regulation may prescribe requirements in relation to the way a relevant controlling body determines a race field information charge, including the maximum amount of the charge that may be imposed on a licensed wagering operator.
- (3) A race field information charge is a debt due by a licensed wagering operator to the relevant controlling body.

### **61N Other conditions of approval**

An approval issued under section 61K, or a renewal issued under section 61Q—

- (a) is subject to the conditions prescribed by regulation; and
- (b) may be subject to any other condition imposed by the relevant controlling body.

**61O Form of approval**

An approval to use race field information must include the following:

- (a) the name and business address of the licensed wagering operator;
- (b) the date of issue of the approval;
- (c) the end date of the approval;
- (d) any condition imposed on the approval under section 61N;
- (e) an identifying number for the approval.

**61P Renewal of approval**

- (1) A licensed wagering operator may apply to the relevant controlling body to renew an approval to use race field information—
  - (a) before the approval term ends; or
  - (b) if the relevant controlling body extends the time for an application to renew—before the end of the extended time.
- (2) To remove any doubt, if the relevant controlling body extends the time under subsection (1) (b), the approval continues until the end of the extended time.
- (3) An application for renewal of an approval must be—
  - (a) made in the way and in the time required by the relevant controlling body; and
  - (b) accompanied by any information—
    - (i) required by the relevant controlling body; or
    - (ii) prescribed by regulation.

**61Q Issue of renewed approval**

- (1) If a licensed wagering operator applies under section 61P to renew an approval, the relevant controlling body must—
  - (a) renew the approval; or
  - (b) refuse to renew the approval.
- (2) The relevant controlling body must not renew the approval unless—
  - (a) satisfied that the applicant is—
    - (i) a licensed wagering operator; and
    - (ii) a suitable person to hold an approval having regard to the matters mentioned in section 61L; and
  - (b) the relevant controlling body has considered or disregarded any matter prescribed by regulation.

*Note* A renewal is subject to certain conditions and may be subject to other conditions imposed by the relevant controlling body (see s 61M and s 61N).

**61R Revocation of approval**

The relevant controlling body may revoke the approval of a licensed wagering operator if the operator—

- (a) fails to comply with a condition on the approval; or
- (b) stops being a suitable person to hold an approval having regard to the matters mentioned in section 61L; or
- (c) stops being a licensed wagering operator; or
- (d) contravenes a provision of this part.



## **Division 5B.3      Other matters**

### **61U      Relevant controlling body may appoint agent**

A relevant controlling body may appoint another relevant controlling body as its agent for—

- (a) the collection of a charge payable under this part; and
- (b) any other matter provided for in this part.

### **61V      Relevant controlling bodies must give report on race field information charge revenue**

- (1) A relevant controlling body must, for each financial year, give the Minister a written report on—
  - (a) the total amount of race field information charges paid to the relevant controlling body in the financial year; and
  - (b) an estimate of the race field information charges that the relevant controlling body expects will be paid to the body in the following financial year; and
  - (c) any other matter prescribed by regulation.
- (2) A regulation may prescribe requirements for a report under subsection (1), including when the report must be given to the Minister.

### **61W      Confidentiality of personal information**

- (1) This section applies to a relevant controlling body if the *Privacy Act 1988* (Cwlth), schedule 3 (National Privacy Principles) (the *NPPs*) does not apply to the body.
- (2) The *NPPs*, as in force from time to time, apply to the relevant controlling body as if—
  - (a) the body were an organisation; and

- (b) any other necessary changes were made to apply the NPPs to the body.
- (3) The [Legislation Act](#), section 47 (6) does not apply in relation to the NPPs.

*Note* The NPPs do not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)). The NPPs are accessible at [www.comlaw.gov.au](http://www.comlaw.gov.au).

## 61X Authorisations for Competition and Consumer Act and Competition Code

- (1) The following things are authorised for the [Competition and Consumer Act 2010](#) (Cwlth) and the Competition Code:
  - (a) an agreement entered into between—
    - (i) 2 or more relevant controlling bodies in relation to the appointment of an agent (an *appointed agent*), or the collection by an agent of a charge payable under this part; or
    - (ii) 1 or more relevant controlling bodies and any corresponding body of another State or external territory in relation to the appointment of an agent (an *appointed agent*), or the collection by an agent of a charge payable under this part for the use of race field information;
  - (b) the conduct of a relevant controlling body or an appointed agent in negotiating and entering into the agreement;
  - (c) the conduct of a relevant controlling body or an appointed agent in performing the agreement.
- (2) Anything authorised under subsection (1) is authorised only to the extent to which it would otherwise contravene the [Competition and Consumer Act 2010](#) (Cwlth) or the Competition Code.

(3) In this section:

*agreement* includes a contract, arrangement or understanding.

*Competition Code*—see the *Competition Policy Reform Act 1996*, dictionary.

## Part 6 Notification and review of decisions

### 62 Meaning of *reviewable decision*—pt 6

In this part:

*reviewable decision* means a decision of the commission mentioned in schedule 3, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

### 63 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 3, column 4 in relation to the decision.

*Note 1* The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

### 64 Applications for review

The following people may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 3, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the ACT Civil and Administrative Tribunal Act 2008 for the application, the form must be used.

## Part 7                      Miscellaneous

### 66                      Regulation-making power

- (1) The Executive may make regulations for this Act.

*Note*        Regulations must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (2) The regulations may—

- (a) specify the manner in which a controlling body is to fulfil its functions under this Act;
- (b) provide in relation to the operations and functions of the tribunal; and
- (c) limit the jurisdiction of the tribunal in relation to any of the approved or special rules by excluding appeals in relation to—
  - (i) fines of less than an amount specified; or
  - (ii) suspensions shorter than a length of time specified.

### 67                      Determination of fees

- (1) The Minister may determine fees for this Act.

*Note*        The [Legislation Act](#) contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note*        A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Part 10 Transitional—Racing Amendment Act 2013

### **M** 100 Definitions—pt 10

In this part:

*commencement day* means the day the *Racing Amendment Act 2013*, section 3 commences.

*pre-amendment part 5B* means part 5B as in effect immediately before the commencement day.

*post-amendment part 5B* means part 5B as in effect on the commencement day.

### 101 Existing approvals etc to use race field information

- (1) This section applies if—
  - (a) an approval to use race field information is issued, or renewed, under pre-amendment part 5B; and
  - (b) the approval is in force immediately before the commencement day.
- (2) The approval is taken to be an approval under post-amendment part 5B.

- M 101A Existing approval holders must continue to give monthly returns to commission**
- M 101B Certain existing approval holders must continue to pay old monthly charge for the pre-amendment period**
- M 101C Certain existing approval holders must pay new monthly charge in transitional period**
- M 101D Certain existing approval holders must pay pre-amendment and new race field information charge**
- M 101E Commission must refund charge if existing approval holder does not meet threshold**
- M 101F Existing race field information fund**
- M 102 Commission to act as relevant controlling bodies' agent**
- (1) On the commencement day, a relevant controlling body appoints the commission as its agent to do the following:
- (a) invoice licensed wagering operators that the relevant controlling body has told the commission in writing are liable under post-amendment 5B to pay a race field information charge;
  - (b) collect race field information charges that have been invoiced by the commission;
  - (c) pay the relevant controlling body the amount of charges collected by the commission on the body's behalf;
  - (d) any other thing that is necessary or convenient to do the things mentioned in paragraph (a) to (c).

- (2) The commission may deduct an administration fee equivalent to 5% of the total amount of race field information charges that are collected by the commission.
- (3) This section expires on 30 June 2013.

**103 Permitted disclosure of information to relevant controlling bodies**

The commission may give a relevant controlling body information obtained in relation to an application under pre-amendment part 5B, section 61K or section 61Q, that the commission considers is reasonably necessary to allow the relevant controlling body to exercise its functions under this [Act](#), part 5B.

*Note* The Information Privacy Principles apply to the commission (see [Privacy Act 1988](#) (Cwlth), s 14 to s 16).

**104 Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the [Racing Amendment Act 2013](#).
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

**105 Expiry—pt 10**

This part expires 1 year after the day it commences.

*Note* Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).



## Schedule 1      Members of the tribunal

(see s 40)

### 1.1      Tribunal members—appointment

- (1) Members of the tribunal are to be appointed by the Minister.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see [Legislation Act](#), div 19.3.3).

- (2) The president and deputy president must be lawyers of not less than 5 years standing.
- (3) A person is not eligible to be a member of the tribunal if the person is—
- (a) an officer or employee of a controlling body;
  - (b) registered with or licensed by a controlling body under the approved rules (otherwise than as the owner of a horse or dog that is so registered or licensed); or
  - (c) registered with or licensed by a corresponding body (otherwise than as the owner of a horse or dog that is so registered or licensed), if the registration or licence is of a kind recognised by a controlling body for the approved rules.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1, def *appoint*).

### 1.3      Tribunal members—term

A member of the tribunal must be appointed for a term not longer than 3 years.

**1.4 Tribunal members—ending of appointment**

- (1) The Minister must end the appointment of a member of the tribunal if the member—
  - (a) ceases to be eligible for membership in the relevant capacity; or
  - (b) becomes bankrupt or personally insolvent; or
- (2) The Minister may end the appointment of a member of the tribunal for misbehaviour or physical or mental incapacity.

*Note* **Bankrupt or personally insolvent**—see the [Legislation Act](#), dictionary, pt 1.

(c) fails to disclose an interest as required by section 1.7.

*Note* A person's appointment also ends if the person resigns (see [Legislation Act](#), s 210).

**1.6 Tribunal members—leave of absence**

The Minister may grant a member of the tribunal leave of absence on the terms and conditions about remuneration and otherwise that the Minister decides.

**1.7 Tribunal members—disclosure of interests**

- (1) This section applies if a member has or acquires an interest that could conflict with the member's proper exercise of his or her functions as a member of the tribunal as constituted for a hearing.
- (2) A member must tell the president when it becomes apparent that this section applies in relation to the member.
- (3) As far as is reasonably possible, the tribunal must be constituted or reconstituted for the hearing so that the member concerned is not involved.

- (4) If circumstances require the member to be, or remain, on the tribunal as constituted for the hearing—
- (a) the member must disclose the interest to the parties; and
  - (b) the member must not take part in the hearing, or exercise any powers in relation to it, except with the consent of all the parties.

## Schedule 2 Assessors of the tribunal

(see s 42)

### 2.1 Assessors—appointment

Assessors are to be appointed by the Minister from among people who the Minister is satisfied have special knowledge of or experience in the racing industry.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see [Legislation Act](#), div 19.3.3).

### 2.2 Assessors—term

An assessor must be appointed for a term not longer than 3 years.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1, def *appoint*).

### 2.3 Assessors—ending of appointments

- (1) The Minister must end the appointment of an assessor if the assessor fails to disclose an interest as required by section 2.5.
- (2) The Minister may end the appointment of an assessor for misbehaviour or physical or mental incapacity.

*Note* A person's appointment also ends if the person resigns (see [Legislation Act](#), s 210).

## 2.5 Assessors—disclosure of interests

An assessor—

- (a) must tell the president if it becomes apparent that the assessor has or has acquired an interest that could conflict with the assessor's proper exercise of his or her functions as assessor of the tribunal in a hearing; and
- (b) must not take part in the hearing.

## Schedule 3 Reviewable decisions

(see pt 6)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	6 (1)	refuse to approve race meeting for purpose of betting	applicant for approval
2	7 (2)	impose requirement about time and form of publication of schedules	controlling body or ARO
3	9	refuse to approve conduct of phantom race meeting	applicant for approval
4	12	refuse to approve rules other than approved rules	applicant for approval
5	61K (1) (b)	refuse to issue approval	applicant for approval
6	61N (b)	issue approval on condition	applicant for approval
7	61N (b)	renew approval on condition	licensed wagering operator
8	61Q (1) (b)	refuse to renew approval	licensed wagering operator
9	61R	revoke approval	the person whose approval was revoked

---

## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- entity
- external territory
- gambling and racing commission
- GST
- Legislative Assembly
- Minister (see s 162)
- penalty unit (see s 133)
- reviewable decision notice
- sitting day
- State.

**1987 NSW Act**, for part 5A (Jockeys accident insurance)—see section 61A.

**1998 NSW Act**, for part 5A (Jockeys accident insurance)—see section 61A.

**ACT jockey**, for part 5A (Jockeys accident insurance)—see section 61A.

**applied NSW Acts**, for part 5A (Jockeys accident insurance)—see section 61A.

**approved rules** means—

- (a) in relation to the racing club—the rules of thoroughbred racing; and
- (b) in relation to the harness club—the rules of harness racing; and
- (c) in relation to the greyhound club—the rules of greyhound racing; and

- (d) in relation to an ARO—the rules approved under section 34 (4) in relation to the ARO, or as later varied under section 35 (2).

**ARO** means an approved racing organisation approved under section 33.

**authorised race meeting** means a race meeting—

- (a) conducted by a controlling body or an ARO in accordance with this Act; or
- (b) approved by the commission under section 6;

and listed in a schedule published in accordance with section 7.

**betting exchange**, for part 5B (Use of race field information)—see section 61E.

**chief executive officer** means the chief executive officer of the gambling and racing commission.

**commission** means the Gambling and Racing Commission established by the *Gambling and Racing Control Act 1999*.

**controlling body** means—

- (a) the racing club; or
- (b) the harness club; or
- (c) the greyhound club.

**corresponding body** means a body in another jurisdiction, within or outside Australia, that performs functions similar to those of a controlling body.

**deputy president** means the deputy president of the tribunal referred to in section 40.

**director**, in relation to a controlling body, means a person occupying or acting in the position of a director of the body, by whatever name called.



**greyhound club** means the Canberra Greyhound Racing Club Inc. referred to in section 27.

**harness club** means the Canberra Harness Racing Club Inc. referred to in section 21.

**injury**, for part 5A (Jockeys accident insurance)—see section 61A.

**inquiry**, in relation to the commission, means an inquiry conducted by the commission in accordance with the [Gambling and Racing Control Act 1999](#).

**licensed racecourse**—see section 5.

**licensed wagering operator**, for part 5B (Use of race field information)—see section 61E.

**NSW Acts**, for part 5A (Jockeys accident insurance)—see section 61A.

**NSW jockey**, for part 5A (Jockeys accident insurance)—see section 61A.

**president** means the president of the tribunal referred to in section 40.

**race** means—

- (a) a thoroughbred race; or
- (b) a harness race; or
- (c) a greyhound race; or
- (d) a race of a kind prescribed by regulation.

**race field information**, for part 5B (Use of race field information)—see section 61E.

**race field information charge**, for part 5B (Use of race field information)—see section 61M (1).

**race meeting** means an event at which races are conducted.

***racing authority***, for part 5B (Use of race field information)—see section 61E.

***racing club*** means the Australian Capital Territory racing club Inc. referred to in section 15.

***Racing NSW***, for part 5A (Jockeys accident insurance)—see the [Thoroughbred Racing Act 1996](#) (NSW), section 3.

***registrar*** means the registrar of the tribunal appointed under section 46.

***relevant controlling body***, for part 5B (Use of race field information)—see section 61E.

***reviewable decision***, for part 6 (Notification and review of decisions)—see section 62.

***rules of greyhound racing*** means the rules made under section 31.

***rules of harness racing*** means the rules made under section 25.

***rules of the tribunal*** means the rules of procedure made under section 45.

***rules of thoroughbred racing*** means the rules made or adopted under section 19.

***special insurance scheme***, for NSW jockeys, for part 5A (Jockeys accident insurance)—see section 61A.

***special rules*** means rules of racing or betting approved under section 12.

***tribunal*** means the Racing Appeals Tribunal established under part 5.

***wagering operator***, for part 5B (Use of race field information)—see section 61E.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

---

### 3 Legislation history

#### **Racing Act 1999 A1999-1**

notified 26 February 1999 ([Gaz 1999 No S7](#))  
s 1, s 2 commenced 26 February 1999 (s 2 (1))  
remainder commenced 2 July 2001 (s 2 (2), [Gaz 2001 No S42](#) and  
IA s 10C)

as amended by

#### **[Gambling and Racing Control \(Consequential Provisions\) Act 1999 A1999-47 sch](#)**

notified 17 September 1999 ([Gaz 1999 No S54](#))  
s 1, s 2 commenced 17 September 1999 (s 2 (1))  
sch commenced 1 December 1999 (s 2 (2) and [Gaz 1999 No S63](#))

#### **[Legislation \(Consequential Amendments\) Act 2001 A2001-44 pt 319](#)**

notified 26 July 2001 ([Gaz 2001 No 30](#))  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 319 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

#### **[Statute Law Amendment Act 2003 \(No 2\) A2003-56 sch 3 pt 3.21](#)**

notified LR 5 December 2003  
s 1, s 2 commenced 5 December 2003 (LA s 75 (1))  
sch 3 pt 3.21 commenced 19 December 2003 (s 2)

#### **[Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.29](#)**

notified LR 19 March 2004  
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))  
sch 1 pt 1.29 commenced 13 April 2004 (s 2 and [CN2004-5](#))

#### **[Criminal Code \(Administration of Justice Offences\) Amendment Act 2005 A2005-53 sch 1 pt 1.26](#)**

notified LR 26 October 2005  
s 1, s 2 commenced 26 October 2005 (LA s 75 (1))  
sch 1 pt 1.26 commenced 23 November 2005 (s 2)

**Racing (Jockeys Accident Insurance) Amendment Act 2006 A2006-7**

notified LR 16 March 2006  
s 1, s 2 commenced 16 March 2006 (LA s 75 (1))  
remainder commenced 17 March 2006 (s 2)

**Statute Law Amendment Act 2006 A2006-42 sch 3 pt 3.19**

notified LR 26 October 2006  
s 1, s 2 taken to have commenced 12 November 2005 (LA s 75 (2))  
sch 3 pt 3.19 commenced 16 November 2006 (s 2 (1))

**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.86**

notified LR 4 September 2008  
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
sch 1 pt 1.86 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

**Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.62**

notified LR 1 September 2009  
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))  
sch 3 pt 3.62 commenced 22 September 2009 (s 2)

**Racing Amendment Act 2009 A2009-53**

notified LR 15 December 2009  
s 1, s 2 commenced 15 December 2009 (La s 75 (1))  
remainder commenced 1 March 2010 (s 2)

**Fair Trading (Australian Consumer Law) Amendment Act 2010 A2010-54 sch 3 pt 3.20**

notified LR 16 December 2010  
s 1, s 2 commenced 16 December 2010 (LA s 75 (1))  
sch 3 pt 3.20 commenced 1 January 2011 (s 2 (1))

**Statute Law Amendment Act 2011 A2011-3 sch 1 pt 1.5**

notified LR 22 February 2011  
s 1, s 2 commenced 22 February 2011 (LA s 75 (1))  
sch 1 pt 1.5 commenced 1 March 2011 (s 2)

## Endnotes

3 Legislation history

---

**Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.129**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.129 commenced 1 July 2011 (s 2 (1))

**Racing Amendment Act 2013 A2013-1**

notified LR 20 February 2013  
s 1, s 2 commenced 20 February 2013 (LA s 75 (1))  
remainder commenced 1 March 2013 (s 2 and [CN2013-1](#))

**Directors Liability Legislation Amendment Act 2013 A2013-4 sch 1 pt 1.7**

notified LR 21 February 2013  
s 1, s 2 commenced 21 February 2013 (LA s 75 (1))  
sch 1 pt 1.7 commenced 22 February 2013 (s 2)

as modified by

**Racing (Race Field Information) Regulation 2010 SL2010-3 s 20, sch 1 (as am by [SL2013-3 s 4, s 5](#))**

notified LR 25 January 2010  
s 1, s 2 commenced 25 January 2010  
remainder commenced 1 March 2010 (s 2 and see [Racing Amendment Act 2009 A2009-53 s 2](#))

**Racing (Race Field Information) Amendment Regulation 2013 (No 1) SL2013-3**

notified LR 28 February 2013  
s 1, s 2 commenced 28 February 2013  
remainder commenced 1 March 2013 (s 2 and see [Racing Amendment Act 2013 A2013-1, s 2](#) and [CN2013-1](#))

*Note* This regulation only amends the [Racing \(Race Field Information\) Regulation 2010 SL2010-3](#).

## 4 Amendment history

### Name of Act

s 1 sub [A2003-56](#) amdt 3.179

### Dictionary

s 2 om [A2001-44](#) amdt 1.3513  
ins [A2003-56](#) amdt 3.181

### Notes

s 3 defs reloc to dict [A2003-56](#) amdt 3.180  
def **penalty unit** om [A2001-44](#) amdt 1.3514  
sub [A2003-56](#) amdt 3.181

### Licensed racecourses

s 5 am [A1999-47](#) sch; [A2003-56](#) amdt 3.182; ss renum R2 LA  
(see [A2003-56](#) amdt 3.183)

### Approval of betting at certain race meetings

s 6 am [A1999-47](#) sch

### Schedules of race meetings

s 7 am [A1999-47](#) sch

### Phantom meetings

s 9 am [A1999-47](#) sch

### Application of approved rules of a controlling body

s 10 am [A1999-47](#) sch

### Application of approved rules of an ARO

s 11 am [A1999-47](#) sch

### Approval of special rules for race meetings

s 12 am [A1999-47](#) sch

### Racing club is the controlling body for thoroughbred racing

s 15 am [A1999-47](#) sch

### Functions of the racing club

s 16 am [A2003-56](#) amdt 3.184; [A2006-42](#) amdt 3.175

### Delegation by racing club

s 17 sub [A2003-56](#) amdt 3.185

### Racing club—reports and accounts

s 18 hdg sub [A2006-42](#) amdt 3.153  
s 18 am [A1999-47](#) sch

### Rules of thoroughbred racing

s 19 am [A2001-44](#) amdt 1.3515

## Endnotes

4 Amendment history

---

### **Racing club—appointment of administrator**

s 20 hdg sub [A2006-42](#) amdt 3.154  
s 20 am [A1999-47](#) sch; [A2006-42](#) amdt 3.155, amdt 3.156,  
amdt 3.174; [A2008-37](#) amdt 1.409; [A2009-20](#) amdt 3.169

### **Harness club is the controlling body for harness racing**

s 21 am [A1999-47](#) sch

### **Functions of the harness club**

s 22 am [A2003-56](#) amdt 3.186; [A2006-42](#) amdt 3.175

### **Delegation by harness club**

s 23 sub [A2003-56](#) amdt 3.187

### **Harness club—reports and accounts**

s 24 hdg sub [A2006-42](#) amdt 3.157  
s 24 am [A1999-47](#) sch

### **Rules of harness racing**

s 25 am [A2001-44](#) amdt 1.3516

### **Harness club—appointment of administrator**

s 26 hdg sub [A2006-42](#) amdt 3.158  
s 26 am [A1999-47](#) sch; [A2006-42](#) amdt 3.159, amdt 3.160,  
amdt 3.174; [A2008-37](#) amdt 1.410

### **Greyhound club is the controlling body for greyhound racing**

s 27 am [A1999-47](#) sch

### **Functions of the greyhound club**

s 28 am [A2003-56](#) amdt 3.188; [A2006-42](#) amdt 3.175

### **Delegation by greyhound club**

s 29 sub [A2003-56](#) amdt 3.189

### **Greyhound club—reports and accounts**

s 30 hdg sub [A2006-42](#) amdt 3.161  
s 30 am [A1999-47](#) sch

### **Rules of greyhound racing**

s 31 am [A2001-44](#) amdt 1.3517

### **Greyhound club—appointment of administrator**

s 32 hdg sub [A2006-42](#) amdt 3.162  
s 32 am [A1999-47](#) sch; [A2006-42](#) amdt 3.163, amdt 3.164,  
amdt 3.174; [A2008-37](#) amdt 1.411

### **Approved racing organisations**

s 33 am [A1999-47](#) sch

### **Applications**

s 34 am [A1999-47](#) sch  
am [A2001-44](#) amdt 1.3518, amdt 1.3519



**Variation of conditions or approved rules**s 35 am [A1999-47](#) sch**Revocation of approval of AROs**s 36 am [A1999-47](#) sch  
am [A2001-44](#) amdt 1.3520, amdt 1.3521**AROs must provide reports**s 37 am [A1999-47](#) sch**Functions**s 39 am [A2003-56](#) amdt 3.190**Powers in relation to witnesses etc**s 43 am [A2003-56](#) amdt 3.191  
sub [A2005-53](#) amdt 1.131**Application of Criminal Code, ch 7**s 44 sub [A2005-53](#) amdt 1.131**Rules of the Tribunal**s 45 am [A2001-44](#) amdt 1.3512**Registrar of tribunal**s 46 sub [A2006-42](#) amdt 3.165  
(2)-(4) exp 16 November 2007 (s 46 (4) (LA s 88 declaration applies))  
am [A2011-22](#) amdt 1.371**Protection from liability for tribunal members**s 46A ins [A2006-42](#) amdt 3.166**Appeals—filing**s 48 sub [A2009-20](#) amdt 3.170**Representation**s 52 am [A2003-56](#) amdt 3.192**Jockeys accident insurance**pt 5A hdg ins [A2006-7](#) s 4**Decisions of the tribunal final and binding**s 61 am [A2006-42](#) amdt 3.167**Definitions—pt 5A**s 61A ins [A2006-7](#) s 4  
def **1987 NSW Act** ins [A2006-7](#) s 4  
def **1998 NSW Act** ins [A2006-7](#) s 4  
def **ACT jockey** ins [A2006-7](#) s 4  
def **applied NSW Acts** ins [A2006-7](#) s 4  
def **injury** ins [A2006-7](#) s 4  
def **NSW Acts** ins [A2006-7](#) s 4  
def **NSW jockey** ins [A2006-7](#) s 4

## Endnotes

4 Amendment history

---

def *Racing NSW* ins [A2006-7](#) s 4  
def *special insurance scheme* ins [A2006-7](#) s 4

### **Accident insurance arrangements—authorisation**

s 61B ins [A2006-7](#) s 4

### **Accident insurance arrangements—operation**

s 61C ins [A2006-7](#) s 4

### **Notices relating to accident insurance arrangements**

s 61D ins [A2006-7](#) s 4

### **Use of race field information**

pt 5B hdg ins [A2009-53](#) s 4

### **Limits on use of race field information**

div 5B.1 hdg ins [A2009-53](#) s 4

### **Definitions—pt 5B**

s 61E ins [A2006-7](#) s 4  
exp 17 March 2009 (s 61E (2) (LA s 88 declaration applies))  
ins [A2009-53](#) s 4  
def *assessable turnover* ins [A2009-53](#) s 4  
om [A2013-1](#) s 4  
def *bet back* ins [A2009-53](#) s 4  
om [A2013-1](#) s 4  
def *bets held on races conducted in the ACT* ins [A2009-53](#)  
s 4  
om [A2013-1](#) s 4  
def *bets paid* ins [A2009-53](#) s 4  
om [A2013-1](#) s 4  
def *betting exchange* ins [A2009-53](#) s 4  
def *licensed wagering operator* ins [A2009-53](#) s 4  
def *race field information* ins [A2009-53](#) s 4  
def *race field information charge* ins [A2013-1](#) s 5  
def *racing authority* ins [A2009-53](#) s 4  
def *relevant controlling body* ins [A2013-1](#) s 5  
def *relevant net revenue* ins [A2009-53](#) s 4  
om [A2013-1](#) s 6  
def *wagering operator* ins [A2009-53](#) s 4

### **Offence—use of race field information without approval**

s 61F ins [A2009-53](#) s 4

### **Offence—failing to pay race field information charge**

s 61G ins [A2009-53](#) s 4  
am [A2013-1](#) s 7

### **Offence—failing to comply with condition on approval**

s 61H ins [A2009-53](#) s 4  
am [A2013-1](#) s 8

**Criminal liability of executive officers**

s 61I ins [A2009-53](#) s 4  
sub [A2013-4](#) amdt 1.8

**Approval and conditions**

div 5B.2 hdg ins [A2009-53](#) s 4

**Application for approval to use race field information**

s 61J ins [A2009-53](#) s 4  
sub [A2013-1](#) s 9

**Issue of approval**

s 61K ins [A2009-53](#) s 4  
am [A2013-1](#) s 10, s 11

**Suitable person**

s 61L ins [A2009-53](#) s 4  
am [A2013-1](#) ss 12-14

**Condition on approval—race field information charge**

s 61M ins [A2009-53](#) s 4  
sub [A2013-1](#) s 15

**Other conditions of approval**

s 61N ins [A2009-53](#) s 4  
am [A2013-1](#) s 16

**Form of approval**

s 61O ins [A2009-53](#) s 4

**Renewal of approval**

s 61P ins [A2009-53](#) s 4  
sub [A2013-1](#) s 17

**Issue of renewed approval**

s 61Q ins [A2009-53](#) s 4  
am [A2013-1](#) s 18, s 19

**Revocation of approval**

s 61R ins [A2009-53](#) s 4  
am [A2013-1](#) s 20

**Other matters**

div 5B.3 hdg ins [A2009-53](#) s 4  
sub [A2013-1](#) s 21

**Liability to pay race field information charge**

s 61S ins [A2009-53](#) s 4  
om [A2013-1](#) s 22

**Setting a race field information charge**

s 61T ins [A2009-53](#) s 4  
om [A2013-1](#) s 22

## Endnotes

4 Amendment history

---

### Relevant controlling body may appoint agent

s 61U ins [A2009-53](#) s 4  
sub [A2013-1](#) s 23

### Relevant controlling bodies must give report on race field information charge revenue

s 61V ins [A2009-53](#) s 4  
sub [A2013-1](#) s 24

### Confidentiality of personal information

s 61W ins [A2009-53](#) s 4  
sub [A2013-1](#) s 25

### Authorisations for Competition and Consumer Act and Competition Code

s 61X hdg am [A2010-54](#) amdt 3.48  
s 61X ins [A2009-53](#) s 4  
am [A2010-54](#) amdt 3.49; [A2013-1](#) s 26, s 27

### Notification and review of decisions

pt 6 hdg sub [A2008-37](#) amdt 1.412

### Meaning of *reviewable decision*—pt 6

s 62 sub [A2003-56](#) amdt 3.193; [A2006-42](#) amdt 3.168; [A2008-37](#)  
amdt 1.412

### Reviewable decision notices

s 63 sub [A2006-42](#) amdt 3.169; [A2008-37](#) amdt 1.412

### Applications for review

s 64 om [A2004-9](#) amdt 1.39  
ins [A2008-37](#) amdt 1.412

### Fees

s 65 om [A2001-44](#) amdt 1.3523

### Miscellaneous

pt 7 hdg sub [A2008-37](#) amdt 1.412

### Regulation-making power

s 66 hdg sub [A2001-44](#) amdt 1.3524  
s 66 am [A2001-44](#) amdt 1.3525

### Determination of fees

s 67 om [A2006-42](#) amdt 3.170  
ins [A2009-53](#) s 5

### Repeal

s 68 om R1 (IA s 43 (3))

### Consequential amendments of other Acts

s 69 om R1 (IA s 43 (3))

**Transitional—Racing Amendment Act 2013**

pt 10 hdg ins [A2013-1](#) s 28  
 exp 1 March 2014 (s 105)

**Definitions—pt 10**

s 100 ins [A2013-1](#) s 28  
 exp 1 March 2014 (s 105)  
 def **commencement day** ins [A2013-1](#) s 28  
 exp 1 March 2014 (s 105)  
 def **existing approval holder** ins as mod [SL2010-3](#) mod 1.1  
 (as ins by [SL2013-3](#) s 5) (see endnote 6)  
 mod exp 1 March 2014 ([SL2010-3](#) s 20 as ins by [SL2013-3](#) s 4)  
 def **existing race field information fund** ins as mod  
[SL2010-3](#) mod 1.1 (as ins by [SL2013-3](#) s 5) (see endnote 6)  
 mod exp 1 March 2014 ([SL2010-3](#) s 20 as ins by [SL2013-3](#) s 4)  
 def **pre-amendment part 5B** ins [A2013-1](#) s 28  
 exp 1 March 2014 (s 105)  
 def **pre-amendment period** ins as mod [SL2010-3](#) mod 1.1 (as  
 ins by [SL2013-3](#) s 5) (see endnote 6)  
 mod exp 1 March 2014 ([SL2010-3](#) s 20 as ins by [SL2013-3](#)  
 s 4)  
 def **pre-amendment regulation** ins as mod [SL2010-3](#)  
 mod 1.1 (as ins by [SL2013-3](#) s 5) (see endnote 6)  
 mod exp 1 March 2014 ([SL2010-3](#) s 20 as ins by [SL2013-3](#)  
 s 4)  
 def **post-amendment part 5B** ins [A2013-1](#) s 28  
 exp 1 March 2014 (s 105)  
 def **transitional period** ins as mod [SL2010-3](#) mod 1.1 (as ins  
 by [SL2013-3](#) s 5) (see endnote 6)  
 mod exp 1 March 2014 ([SL2010-3](#) s 20 as ins by [SL2013-3](#)  
 s 4)

**Existing approvals etc to use race field information**

s 101 ins [A2013-1](#) s 28  
 exp 1 March 2014 (s 105)

**Existing approval holders must continue to give monthly returns to commission**

s 101A ins as mod [SL2010-3](#) mod 1.2 (as ins by [SL2013-3](#) s 5) (see  
 endnote 6)  
 mod exp 1 March 2014 ([SL2010-3](#) s 20 as ins by [SL2013-3](#)  
 s 4)

## Endnotes

4 Amendment history

---

**Certain existing approval holders must continue to pay old monthly charge for the pre-amendment period**

s 101B ins as mod [SL2010-3](#) mod 1.2 (as ins by [SL2013-3](#) s 5) (see endnote 6)  
mod exp 1 March 2014 ([SL2010-3](#) s 20 as ins by [SL2013-3](#) s 4)

**Certain existing approval holders must pay new monthly charge in transitional period**

s 101C ins as mod [SL2010-3](#) mod 1.2 (as ins by [SL2013-3](#) s 5) (see endnote 6)  
mod exp 1 March 2014 ([SL2010-3](#) s 20 as ins by [SL2013-3](#) s 4)

**Certain existing approval holders must pay pre-amendment and new race field information charge**

s 101D ins as mod [SL2010-3](#) mod 1.2 (as ins by [SL2013-3](#) s 5) (see endnote 6)  
mod exp 1 March 2014 ([SL2010-3](#) s 20 as ins by [SL2013-3](#) s 4)

**Commission must refund charge if existing approval holder does not meet threshold**

s 101E ins as mod [SL2010-3](#) mod 1.2 (as ins by [SL2013-3](#) s 5) (see endnote 6)  
mod exp 1 March 2014 ([SL2010-3](#) s 20 as ins by [SL2013-3](#) s 4)

**Existing race field information fund**

s 101F ins as mod [SL2010-3](#) mod 1.2 (as ins by [SL2013-3](#) s 5) (see endnote 6)  
mod exp 1 March 2014 ([SL2010-3](#) s 20 as ins by [SL2013-3](#) s 4)

**Commission to act as relevant controlling bodies' agent**

s 102 ins [A2013-1](#) s 28  
mod [SL2010-3](#) mods 1.3-1.7 (as ins by [SL2013-3](#) s 5) (see endnote 6)  
mod exp 1 March 2014 ([SL2010-3](#) s 20 as ins by [SL2013-3](#) s 4)  
s 102 exp 1 March 2014 (s 105 and see [SL2010-3](#) mod 1.7 as ins by [SL2013-3](#) s 5)

**Permitted disclosure of information to relevant controlling bodies**

s 103 ins [A2013-1](#) s 28  
exp 1 March 2014 (s 105)

**Transitional regulations**

s 104 ins [A2013-1](#) s 28  
exp 1 March 2014 (s 105)

**Expiry—pt 10**

s 105 ins [A2013-1](#) s 28  
exp 1 March 2014 (s 105)

**Members of the tribunal**

sch 1 ss renum R4 LA

**Tribunal members—appointment**

sch 1 s 1.1 hdg sub R6 LA  
sch 1 s 1.1 am [A2003-56](#) amdts 3.194-3.196

**Acting appointments**

sch 1 s 1.2 am [A2003-56](#) amdt 3.197  
om [A2006-42](#) amdt 3.171

**Tribunal members—term**

sch 1 s 1.3 hdg sub R6 LA  
sch 1 s 1.3 sub [A2003-56](#) amdt 3.198

**Tribunal members—ending of appointment**

sch 1 s 1.4 hdg am R6 LA  
sch 1 s 1.4 sub [A2003-56](#) amdt 3.198  
am [A2006-42](#) amdt 3.172; [A2011-3](#) amdt 1.9

**Remuneration and allowances**

sch 1 s 1.5 om [A2003-56](#) amdt 3.198

**Tribunal members—leave of absence**

sch 1 s 1.6 hdg am R6 LA

**Tribunal members—disclosure of interests**

sch 1 s 1.7 hdg am R6 LA

**Assessors of the tribunal**

sch 2 ss renum R4 LA

**Assessors—appointment**

sch 2 s 2.1 hdg sub R6 LA  
sch 2 s 2.1 am [A2003-56](#) amdt 3.199; [A2006-42](#) amdt 3.175

**Assessors—term**

sch 2 s 2.2 hdg sub R6 LA  
sch 2 s 2.2 sub [A2003-56](#) amdt 3.200

**Assessors—ending of appointments**

sch 2 s 2.3 hdg am R6 LA  
sch 2 s 2.3 sub [A2003-56](#) amdt 3.200

**Remuneration and allowances**

sch 2 s 2.4 om [A2003-56](#) amdt 3.200

**Assessors—disclosure of interests**

sch 2 s 2.5 hdg am R6 LA

## Endnotes

4 Amendment history

---

### Reviewable decisions

sch 3 om R1 (IA s 43 (3))  
ins [A2008-37](#) amdt 1.413  
am [A2009-53](#) s 6

### Dictionary

dict ins [A2003-56](#) amdt 3.201  
am [A2006-42](#) amdt 3.173; [A2007-38](#) amdt 1.414; [A2009-53](#)  
s 7; [A2011-22](#) amdt 1.372  
def **1987 NSW Act** ins [A2009-20](#) amdt 3.171  
def **1998 NSW Act** ins [A2009-20](#) amdt 3.171  
def **ACT jockey** ins [A2009-20](#) amdt 3.171  
def **applied NSW Acts** [A2009-20](#) amdt 3.171  
def **approved rules** reloc from s 3 [A2003-56](#) amdt 3.180  
def **ARO** reloc from s 3 [A2003-56](#) amdt 3.180  
def **assessable turnover** ins [A2009-53](#) s 8  
om [A2013-1](#) s 29  
def **authorised race meeting** am [A1999-47](#) sch  
reloc from s 3 [A2003-56](#) amdt 3.180  
def **bet back** ins [A2009-53](#) s 8  
om [A2013-1](#) s 29  
def **bets held on races conducted in the ACT** ins [A2009-53](#)  
s 8  
om [A2013-1](#) s 29  
def **bets paid** ins [A2009-53](#) s 8  
om [A2013-1](#) s 29  
def **betting exchange** ins [A2009-53](#) s 8  
def **chief executive** ins [A1999-47](#) sch  
reloc from s 3 [A2003-56](#) amdt 3.180  
om [A2011-22](#) amdt 1.373  
def **chief executive officer** ins [A2011-22](#) amdt 1.373  
def **commission** ins [A1999-47](#) sch  
reloc from s 3 [A2003-56](#) amdt 3.180  
def **controlling body** reloc from s 3 [A2003-56](#) amdt 3.180  
am [A2013-1](#) s 30  
def **corresponding body** reloc from s 3 [A2003-56](#) amdt 3.180  
def **deputy president** reloc from s 3 [A2003-56](#) amdt 3.180  
def **director** reloc from s 3 [A2003-56](#) amdt 3.180  
def **greyhound club** reloc from s 3 [A2003-56](#) amdt 3.180  
def **harness club** reloc from s 3 [A2003-56](#) amdt 3.180  
def **injury** ins [A2009-20](#) amdt 3.171  
def **inquiry** ins [A1999-47](#) sch  
reloc from s 3 [A2003-56](#) amdt 3.180  
def **licensed racecourse** reloc from s 3 [A2003-56](#) amdt 3.180  
def **licensed wagering operator** ins [A2009-53](#) s 8  
def **NSW Acts** ins [A2009-20](#) amdt 3.171  
def **NSW jockey** ins [A2009-20](#) amdt 3.171  
def **president** reloc from s 3 [A2003-56](#) amdt 3.180



---

def **race** reloc from s 3 [A2003-56](#) amdt 3.180  
def **race field information** ins [A2009-53](#) s 8  
def **race field information charge** ins [A2009-53](#) s 8  
sub [A2013-1](#) s 31  
def **race meeting** reloc from s 3 [A2003-56](#) amdt 3.180  
def **racing authority** ins [A2009-53](#) s 8  
def **racing club** reloc from s 3 [A2003-56](#) amdt 3.180  
def **Racing NSW** ins [A2009-20](#) amdt 3.171  
def **registrar** reloc from s 3 [A2003-56](#) amdt 3.180  
def **relevant controlling body** ins [A2013-1](#) s 32  
def **relevant net revenue** ins [A2009-53](#) s 8  
om [A2013-1](#) s 33  
def **reviewable decision** ins [A2008-37](#) amdt 1.415  
def **rules of greyhound racing** reloc from s 3 [A2003-56](#)  
amdt 3.180  
def **rules of harness racing** reloc from s 3 [A2003-56](#)  
amdt 3.180  
def **rules of the tribunal** reloc from s 3 [A2003-56](#) amdt 3.180  
def **rules of thoroughbred racing** reloc from s 3 [A2003-56](#)  
amdt 3.180  
def **special insurance scheme** ins [A2009-20](#) amdt 3.171  
def **special rules** reloc from s 3 [A2003-56](#) amdt 3.180  
def **tribunal** reloc from s 3 [A2003-56](#) amdt 3.180  
def **wagering operator** ins [A2009-53](#) s 8

## Endnotes

5 Earlier republications

---

### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R0A 10 Jan 2008	2 July 2001– 11 Sept 2001	<a href="#">A1999-47</a>	amendments by <a href="#">A1999-47</a>
R1 12 Sept 2001	12 Sept 2001– 18 Dec 2003	<a href="#">A2001-44</a>	amendments by <a href="#">A2001-44</a>
R2 19 Dec 2003	19 Dec 2003– 12 Apr 2004	<a href="#">A2003-56</a>	amendments by <a href="#">A2003-56</a>
R3 13 Apr 2004	13 Apr 2004– 22 Nov 2005	<a href="#">A2004-9</a>	amendments by <a href="#">A2004-9</a>
R4 23 Nov 2005	23 Nov 2005– 16 Mar 2006	<a href="#">A2005-53</a>	amendments by <a href="#">A2005-53</a>
R5 17 Mar 2006	17 Mar 2006– 15 Nov 2006	<a href="#">A2006-7</a>	amendments by <a href="#">A2006-7</a>
R6 16 Nov 2006	16 Nov 2006– 16 Nov 2007	<a href="#">A2006-42</a>	amendments by <a href="#">A2006-42</a>
R7 17 Nov 2007	17 Nov 2007– 1 Feb 2009	<a href="#">A2006-42</a>	commenced expiry
R8 2 Feb 2009	2 Feb 2009– 17 Mar 2009	<a href="#">A2008-37</a>	amendments by <a href="#">A2008-37</a>
R9 18 Mar 2009	18 Mar 2009– 21 Sept 2009	<a href="#">A2008-37</a>	commenced expiry
R10 22 Sept 2009	22 Sept 2009– 28 Feb 2010	<a href="#">A2009-20</a>	amendments by <a href="#">A2009-20</a>
R11 1 Mar 2010	1 Mar 2010– 31 Dec 2010	<a href="#">A2009-53</a>	amendments by <a href="#">A2009-53</a>

---

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R12 1 Jan 2011	1 Jan 2011– 28 Feb 2011	<a href="#">A2010-54</a>	amendments by <a href="#">A2010-54</a>
R13 1 Mar 2011	1 Mar 2011– 30 June 2011	<a href="#">A2011-3</a>	amendments by <a href="#">A2011-3</a>
R14 1 July 2011	1 July 2011– 21 Feb 2013	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>
R15 22 Feb 2013	22 Feb 2013– 28 Feb 2013	<a href="#">A2013-4</a>	amendments by <a href="#">A2013-4</a>

---

## Endnotes

6 Modifications of republished law with temporary effect

---

### 6 Modifications of republished law with temporary effect

The following modifications have not been included in this republication:

<p><b>Racing (Race Field Information) Regulation 2010</b> <b>SL2010-3 s 20, sch 1 (as ins by SL2013-3 s 4, s 5)</b></p>
---

### 20 Modification of Act, pt 10—Act, s 104

- (1) The Act, part 10 is modified by schedule 1.
- (2) This section, and schedule 1, expire on the day the Act, part 10 expires.

## Schedule 1 Modification of Act

(see s 20)

### [1.1] Section 100, new definitions

*insert*

*existing approval holder* means a licensed wagering operator who holds an approval to use race field information—

- (a) issued, or renewed, under pre-amendment part 5B; and
- (b) which is in force immediately before the commencement day.

*existing race field information fund* means the race field information fund established under pre-amendment part 5B, section 61U.

*pre-amendment period* means the period from 1 July 2012 until the day before the commencement day.

*pre-amendment regulation* means the [Racing \(Race Field Information\) Regulation 2010](#) as in effect immediately before the commencement day.

*transitional period* means the period starting on the commencement day until 30 June 2013.

**[1.2] New sections 101A to 101F**

*insert*

**101A Existing approval holders must continue to give monthly returns to commission**

- (1) An existing approval holder must give the commission a monthly return—
  - (a) for any month before the commencement day for which the existing approval holder has not already given the commission a return under pre-amendment part 5B; and
  - (b) for each month in the transitional period.
- (2) The existing approval holder must—
  - (a) for each month mentioned in subsection (1) (a)—give the commission the monthly return on or before 14 March 2013; and
  - (b) for each month mentioned in subsection (1) (b)—give the commission the monthly return on or before the 14th day of the following month; and
  - (c) certify that the monthly return is true.
- (3) The existing approval holder must give the commission an adjusted monthly return for a month if a variation to information required in the monthly return for the month under this section is not reflected in the monthly return.
- (4) An adjusted monthly return must—
  - (a) include an explanation for the variation; and
  - (b) be given to the commission as soon as practicable after the existing approval holder becomes aware of the variation.

## Endnotes

(5) If a form is approved under the *Gambling and Racing Control Act 1999*, section 53D immediately before the commencement day for this provision, the form must be used.

(6) In this section:

*assessable turnover*—see pre-amendment part 5B, section 61E.

*monthly return* means a statement stating—

(a) for a month mentioned in subsection (1) (a)—the existing approval holder’s assessable turnover and relevant net revenue for the month that is derived from each prescribed kind of racing; and

(b) for a month mentioned in subsection (1) (b)—the existing approval holder’s assessable turnover for the month that is derived from each prescribed kind of racing.

*prescribed kind of racing* means the following:

- (a) greyhound racing;
- (b) harness racing;
- (c) thoroughbred racing.

*relevant net revenue*—see pre-amendment part 5B, section 61E.

### **101B Certain existing approval holders must continue to pay old monthly charge for the pre-amendment period**

(1) This section applies—

(a) to an existing approval holder who is liable under pre-amendment part 5B, section 61S (1) (a) to pay a race field information charge for the financial year ending 30 June 2013; and

(b) for the pre-amendment period.

- (2) The existing approval holder must continue to pay the race field information charge for each month in the pre-amendment period as if pre-amendment part 5B had not been amended.

**101C Certain existing approval holders must pay new monthly charge in transitional period**

- (1) This section applies—
  - (a) to an existing approval holder who is liable under pre-amendment part 5B, section 61S (1) (a) to pay a race field information charge for the financial year ending on 30 June 2013; and
  - (b) for the transitional period.
- (2) A relevant controlling body must, before 7 March 2013, give the commission written notice of how to work out the amount of the race field information charge (the *new race field information charge*) that applies to an existing approval holder for each month in the transitional period.
- (3) The commission must give the existing approval holder written notice of the new race field information charge for a month within 7 days after the day the commission receives the existing approval holder's monthly return required under section 101A for the month.
- (4) The existing approval holder must pay the new race field information charge for a month—
  - (a) to the existing race field information fund; and
  - (b) on or before the 28th day of the next month; and
  - (c) by electronic funds transfer.

**101D Certain existing approval holders must pay pre-amendment and new race field information charge**

- (1) This section applies to an existing approval holder who—
  - (a) was not liable under pre-amendment part 5B, section 61S (1) (a) to pay a race field information charge for the financial year ending on 30 June 2013; but
  - (b) if pre-amendment part 5B had not been amended—would have been liable under pre-amendment part 5B, section 61S (1) (b) to pay a race field information charge for the financial year ending on 30 June 2013.
- (2) A relevant controlling body must, before 7 March 2013, give the commission written notice of how to work out the amount of the race field information charge (the *new race field information charge*) that applies to an existing approval holder for each month in the transitional period.
- (3) The commission must give the existing approval holder written notice of the new race field information charge for a month within 7 days after the day the commission receives the existing approval holder's monthly return required under section 101A for the month.
- (4) The existing approval holder must pay—
  - (a) the pre-amendment charge on or before 28 August 2013; and
  - (b) the new race field information charge for a month on or before the 28th day of the next month; and
  - (c) each charge—
    - (i) to the existing race field information fund; and
    - (ii) by electronic funds transfer.



- (5) In this section:

*pre-amendment charge* means the race field information charge the existing approval holder would have been liable to pay under pre-amendment part 5B, section 61S (1) (b) for the pre-amendment period if pre-amendment part 5B had not been amended.

**101E Commission must refund charge if existing approval holder does not meet threshold**

- (1) This section applies if—
- (a) an existing approval holder has paid a race field information charge under either of the following provisions:
    - (i) pre-amendment part 5B for the financial year ending on 30 June 2013;
    - (ii) section 101B; and
  - (b) the existing approval holder's assessable turnover for the financial year is not more than the amount determined immediately before the commencement day for pre-amendment part 5B, section 61S (4).
- (2) The commission must pay to the existing approval holder each amount to which subsection (1) (a) applies.
- (3) In this section:
- assessable turnover*—see pre-amendment part 5B, section 61E.

**101F Existing race field information fund**

- (1) The existing race field information fund continues in existence as if pre-amendment part 5B had not been amended.
- (2) Amounts payable into and from the fund under pre-amendment part 5B continue to be payable as if pre-amendment part 5B had not been amended.

## Endnotes

- (3) For an amount paid into the fund under this part—
- (a) the amount is taken to be an amount paid into the fund under pre-amendment part 5B; and
  - (b) pre-amendment part 5B, section 61U (3) continues to apply to the fund as if pre-amendment part 5B and the pre-amendment regulation had not been amended.

*Note* Pre-amendment part 5B, s 61U (3) (a) allows an administration fee prescribed under the pre-amendment regulation to be paid to the commission.

### **[1.3] Section 102 (1) (a)**

*after*

charge

*insert*

for the amount of the charge worked out in the way notified in writing by the relevant controlling body

### **[1.4] Section 102 (1) (b)**

*after*

commission

*insert*

under this section

### **[1.5] New section 102 (1) (ba)**

*insert*

- (ba) pay amounts collected under paragraph (b) into the existing race field information fund;

**[1.6] Section 102 (1) (c)**

*after*

behalf

*insert*

under this section

**[1.7] Section 102 (2) and (3)**

*omit*

© Australian Capital Territory 2013