



Western Australia

## **Racing Penalties (Appeals) Regulations 1991**

Compare between:

[01 Jan 2018, 03-i0-00] and [07 Sep 2018, 03-j0-00]



## **Racing Penalties (Appeals) Regulations 1991**

### **1. Citation**

These regulations may be cited as the *Racing Penalties (Appeals) Regulations 1991*<sup>1</sup>.

### **2. Commencement**

These regulations shall come into operation on the day on which the *Racing Penalties (Appeals) Act 1990* comes into operation<sup>1</sup>.

### **3. Notice of appeal**

Subject to section 16 of the Act, a notice of appeal is to be in a form determined by the Chairperson.

### **4. Fees in relation to appeals**

- (1) The fee payable on the lodgement of an application for leave to appeal is —
  - (a) for an appeal relating to greyhound racing, \$154; and
  - (b) for all other appeals, \$383.
- (2) The fee payable on the lodgement of a notice of appeal is —
  - (a) if the appeal is an appeal as of right under the Act —
    - (i) for an appeal relating to greyhound racing, \$154; and

(ii) for all other appeals, \$383;

or

(b) if the appeal is an appeal that can be made only with the leave of the Tribunal, nil,

plus, if a stay of proceedings is sought, an additional fee of \$75.

*[Regulation 4 inserted in Gazette 11 Sep 1998 p. 4941; amended in Gazette 14 Oct 2005 p. 4567; 14 Nov 2006 p. 4736; 9 Oct 2007 p. 5358; 28 Oct 2008 p. 4734; 30 Oct 2009 p. 4319-20; 19 Nov 2010 p. 5743; 4 Nov 2011 p. 4640; 16 Nov 2012 p. 5657; 8 Nov 2013 p. 4981-2; 14 Nov 2014 p. 4288; 6 Nov 2015 p. 4588; 28 Oct 2016 p. 4916; 10 Nov 2017 p. 5594.]*

**5. Notice of representation**

- (1) Where the appellant or any other person entitled to be heard at an appeal intends to be represented at the appeal, the person is to notify the Registrar of that fact in writing as soon as practicable before the hearing of the appeal begins.
- (2) The notice is to state the name and address of the proposed representative except where that person is a legal practitioner within the meaning of the *Legal Practitioners Act 1893*<sup>2</sup>.

**6. Hearing of evidence *in camera***

- (1) The Tribunal may hear evidence *in camera* where, in the opinion of the Chairperson, this is necessary to ensure a fair hearing of the appeal and the Chairperson makes an order for evidence to be so heard.
- (2) An order under subregulation (1) does not serve to exclude a representative of a party to the appeal from attendance at the hearing of the evidence.

**7. Fee for transcripts**

The fee payable for the supply of a transcript of proceedings before the Tribunal is \$4 per page.

*[Regulation 7 amended in Gazette 11 Sep 1998 p. 4942; 12 May 2000 p. 2287; 14 Oct 2005 p. 4567; 9 Oct 2007 p. 5359.]*

**8. Duties of Registrar**

The Registrar is to —

- (a) record the date on which each notice of appeal is lodged; and
- (b) keep all documents relating to each appeal together and separate from other documents; and
- (c) number consecutively —
  - (i) all documents relating to each appeal in order of their receipt; and
  - (ii) all files in order of their establishment;and
- (d) maintain adequate indexes of all files and documents relating to each appeal to enable convenient reference to the files and documents.

**9. Matters in which Chairperson or member alone may act**

The matters specified in Schedule 1 are matters that may be dealt with by the Tribunal constituted by the Chairperson, or a member appointed to do so by the Chairperson, sitting alone.

*[Regulation 9 inserted in Gazette 16 Aug 1994 p. 4146.]*

## **Schedule 1**

[Regulation 9]

1. An appeal to the Tribunal against a determination, or a finding comprised in or related to a determination, of RWWA, of a steward, of a racing club, or of a committee, imposing any suspension or disqualification of a person, for a period of not more than 3 months.
2. An appeal to the Tribunal against a determination, or a finding comprised in or related to a determination, of RWWA, of a steward, of a racing club, or of a committee, imposing a fine of not more than \$2 000.
3. An appeal to the Tribunal against a determination, or a finding comprised in or related to a determination, of RWWA, of a steward, of a racing club, or of a committee, imposing any suspension or disqualification of a person, for a period of not more than 3 months and imposing a fine of not more than \$2 000.
4. An appeal to the Tribunal against a determination, or a finding comprised in or related to a determination, of RWWA, of a steward, of a racing club, or of a committee, imposing any disqualification of a runner.

*[Schedule 1 inserted in Gazette 16 Aug 1994 p. 4147; amended in Gazette 11 Sep 1998 p. 4942; 30 Jan 2004 p. 418.]*

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## Notes

- <sup>1</sup> This is a compilation of the *Racing Penalties (Appeals) Regulations 1991* and includes the amendments made by the other written laws referred to in the following table<sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

| Citation   | Gazettal                  | Commencement  |
|--|---------------------------|---|
| <i>Racing Penalties (Appeals) Regulations 1991</i>   | 12 Apr 1991<br>p. 1662-3  | 15 Apr 1991 (see r. 2 and <i>Gazette</i> 12 Apr 1991 p. 1597)   |
| <i>Racing Penalties (Appeals) Amendment Regulations 1994</i>   | 16 Aug 1994<br>p. 4146-7  | 16 Aug 1994   |
| <i>Racing Penalties (Appeals) Amendment Regulations 1995</i>   | 28 Nov 1995<br>p. 5522    | 28 Nov 1995   |
| <i>Racing Penalties (Appeals) Amendment Regulations 1998</i>   | 11 Sep 1998<br>p. 4941-2  | 11 Sep 1998   |
| <i>Racing Penalties (Appeals) Amendment Regulations 2000</i>   | 12 May 2000<br>p. 2287    | 1 Jul 2000 (see r. 2)   |
| <b>Reprint 1: The Racing Penalties (Appeals) Regulations 1991 as at 3 Jan 2003</b> (includes amendments listed above)  |                           |   |
| <i>Racing and Gambling (Miscellaneous) Amendment Regulations 2004 Pt. 8</i>  | 30 Jan 2004<br>p. 413-18  | 30 Jan 2004 (see r. 2)  |
| <i>Racing Penalties (Appeals) Amendment Regulations 2005</i>   | 14 Oct 2005<br>p. 4566-7  | 1 Jan 2006 (see r. 2)   |
| <i>Racing Penalties (Appeals) Amendment Regulations 2006</i>   | 14 Nov 2006<br>p. 4735-6  | 1 Jan 2007 (see r. 2)   |
| <i>Racing Penalties (Appeals) Amendment Regulations 2007</i>   | 9 Oct 2007<br>p. 5358-9   | r. 1 and 2: 9 Oct 2007<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jan 2008 (see r. 2(b))  |
| <b>Reprint 2: The Racing Penalties (Appeals) Regulations 1991 as at 14 Mar 2008</b> (includes amendments listed above) |                           |   |
| <i>Racing Penalties (Appeals) Amendment Regulations 2008</i>   | 28 Oct 2008<br>p. 4734    | r. 1 and 2: 28 Oct 2008<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jan 2009 (see r. 2(b)) |
| <i>Racing Penalties (Appeals) Amendment Regulations 2009</i>   | 30 Oct 2009<br>p. 4319-20 | r. 1 and 2: 30 Oct 2009<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jan 2010 (see r. 2(b)) |

## Racing Penalties (Appeals) Regulations 1991

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| Citation  | Gazettal                  | Commencement   |
|---|---------------------------|--|
| <i>Racing Penalties (Appeals) Amendment Regulations 2010</i>  | 19 Nov 2010<br>p. 5742-3  | r. 1 and 2: 19 Nov 2010<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jan 2011 (see r. 2(b))  |
| <i>Racing Penalties (Appeals) Amendment Regulations 2011</i>  | 4 Nov 2011<br>p. 4639-40  | r. 1 and 2: 4 Nov 2011<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jan 2012 (see r. 2(b))   |
| <i>Racing Penalties (Appeals) Amendment Regulations 2012</i>  | 16 Nov 2012<br>p. 5656-7  | r. 1 and 2: 16 Nov 2012<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jan 2013 (see r. 2(b))  |
| <i>Racing Penalties (Appeals) Amendment Regulations 2013</i>  | 8 Nov 2013<br>p. 4981-2   | r. 1 and 2: 8 Nov 2013<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jan 2014 (see. r. 2(b))  |
| <b>Reprint 3: The Racing Penalties (Appeals) Regulations 1991 as at 2 May 2014</b> (includes amendments listed above) |                           |  |
| <i>Racing Penalties (Appeals) Amendment Regulations 2014</i>  | 14 Nov 2014<br>p. 4288    | r. 1 and 2: 14 Nov 2014<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jan 2015 (see. r. 2(b)) |
| <i>Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2015 Pt. 8</i>                      | 6 Nov 2015<br>p. 4581-8   | 1 Jan 2016 (see. r. 2(b))  |
| <i>Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2016 Pt. 8</i>                      | 28 Oct 2016<br>p. 4910-16 | 1 Jan 2017 (see r. 2(b))   |
| <i>Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 8</i>                      | 10 Nov 2017<br>p. 5579-94 | 1 Jan 2018 (see r. 2(b))   |



<sup>1a</sup> [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

**Provisions that have not come into operation**

| <u>Citation</u>  | <u>Gazettal</u>   | <u>Commencement</u>                      |
|--|---|--|
| <a href="#">Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 8</a> <sup>3</sup> | <a href="#">7 Sep 2018</a><br><a href="#">p. 3192-200</a> | <a href="#">1 Jan 2019 (see r. 2(b))</a> |

<sup>2</sup> Under the *Legal Profession Act 2008* s. 630(1), a reference to the *Legal Practitioners Act 1893* may, if the context permits, be taken to be a reference to the *Legal Profession Act 2008*.

Under the *Legal Profession Act 2008* s. 630(2), a reference in an Act to a legal practitioner may, if the context permits, be read as a reference to an Australian lawyer.

<sup>3</sup> [On the date as at which this compilation was prepared, the Racing, Gaming and Liquor Regulations Amendment \(Fees and Charges\) Regulations 2018 Pt. 8 had not come into operation. It reads as follows:](#)

**Part 8 — Racing Penalties (Appeals) Regulations 1991**  
**amended**

**16. Regulations amended**

[This Part amends the \*Racing Penalties \(Appeals\) Regulations 1991\*.](#)

**17. Regulation 4 amended**

[Amend the provisions listed in the Table as set out in the Table.](#)

**Table**

| <u>Provision</u>               | <u>Delete</u>         | <u>Insert</u>         |
|--------------------------------|-----------------------|-----------------------|
| <a href="#">r. 4(1)(a)</a>     | <a href="#">\$154</a> | <a href="#">\$156</a> |
| <a href="#">r. 4(1)(b)</a>     | <a href="#">\$383</a> | <a href="#">\$388</a> |
| <a href="#">r. 4(2)(a)(i)</a>  | <a href="#">\$154</a> | <a href="#">\$156</a> |
| <a href="#">r. 4(2)(a)(ii)</a> | <a href="#">\$383</a> | <a href="#">\$388</a> |

| <u>Provision</u> | <u>Delete</u> | <u>Insert</u> |
|------------------|---------------|---------------|
| <u>r. 4(2)</u>   | <u>\$75</u>   | <u>\$76</u>   |