



Western Australia

Racing Penalties (Appeals) Act 1990

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

**Reprint 3: The regulations as at 2 May 2014**

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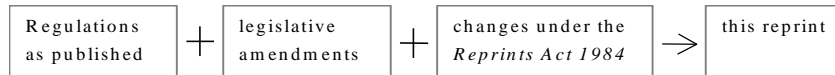
As at 02 May 2014

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## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint

was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.



Western Australia

## Racing Penalties (Appeals) Regulations 1991

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Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 2 May 2014

Racing Penalties (Appeals) Act 1990

## 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, \$145; and
  - (b) for all other appeals, \$355.

- (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, \$145;  
and
    - (ii) for all other appeals, \$355;
  - 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 \$72.

*[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.]*

**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 reprint is a compilation as at 2 May 2014 of the *Racing Penalties (Appeals) Regulations 1991* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

#### Compilation table

Citation	Gazettal	Commencement
<i>Racing Penalties (Appeals) Regulations 1991</i>	12 Apr 1991 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 p. 4146-7	16 Aug 1994
<i>Racing Penalties (Appeals) Amendment Regulations 1995</i>	28 Nov 1995 p. 5522	28 Nov 1995
<i>Racing Penalties (Appeals) Amendment Regulations 1998</i>	11 Sep 1998 p. 4941-2	11 Sep 1998
<i>Racing Penalties (Appeals) Amendment Regulations 2000</i>	12 May 2000 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 p. 413-18	30 Jan 2004 (see r. 2)
<i>Racing Penalties (Appeals) Amendment Regulations 2005</i>	14 Oct 2005 p. 4566-7	1 Jan 2006 (see r. 2)
<i>Racing Penalties (Appeals) Amendment Regulations 2006</i>	14 Nov 2006 p. 4735-6	1 Jan 2007 (see r. 2)
<i>Racing Penalties (Appeals) Amendment Regulations 2007</i>	9 Oct 2007 p. 5358-9	r. 1 and 2: 9 Oct 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 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 p. 4734	r. 1 and 2: 28 Oct 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2009 (see r. 2(b))
<i>Racing Penalties (Appeals) Amendment Regulations 2009</i>	30 Oct 2009 p. 4319-20	r. 1 and 2: 30 Oct 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2010 (see r. 2(b))

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<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Racing Penalties (Appeals) Amendment Regulations 2010</i>	19 Nov 2010 p. 5742-3	r. 1 and 2: 19 Nov 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2011 (see r. 2(b))
<i>Racing Penalties (Appeals) Amendment Regulations 2011</i>	4 Nov 2011 p. 4639-40	r. 1 and 2: 4 Nov 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2012 (see r. 2(b))
<i>Racing Penalties (Appeals) Amendment Regulations 2012</i>	16 Nov 2012 p. 5656-7	r. 1 and 2: 16 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2013 (see r. 2(b))
<i>Racing Penalties (Appeals) Amendment Regulations 2013</i>	8 Nov 2013 p. 4981-2	r. 1 and 2: 8 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 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)		

<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.