



Western Australia

Racing Penalties (Appeals) Act 1990

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

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## Racing Penalties (Appeals) Regulations 1991

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## **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, \$125; and
    - (b) for all other appeals, \$310.
  - (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, \$125; and
      - (ii) for all other appeals, \$310;
- 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 \$65.

*[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.]*

**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*.

**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;
- (b) keep all documents relating to each appeal together and separate from other documents;
- (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.]*

### 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 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 <i>Racing Penalties (Appeals) Regulations 1991</i> as at 3 Jan 2003</b> (includes amendments listed above)		
<i>Racing and Gambling (Miscellaneous) Amendment Regulations 2004</i> Pt. 8	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 <i>Racing Penalties (Appeals) Regulations 1991</i> 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))

<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**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Racing Penalties (Appeals) Amendment Regulations 2009</i> r. 3 and 4 <sup>2</sup>	30 Oct 2009 p. 4319-20	1 Jan 2010 (see r. 2(b))

<sup>2</sup> On the date as at which this compilation was prepared, *Racing Penalties (Appeals) Amendment Regulations 2009* r. 3 and 4 had not come into operation. They read as follows:

**3. Regulations amended**

These regulations amend the *Racing Penalties (Appeals) Regulations 1991*.

**4. Regulation 4 amended**

(1) In regulation 4(1):

(a) in paragraph (a) delete “\$125; and” and insert:

\$135; and

(b) in paragraph (b) delete “\$310.” and insert:

\$320.

(2) In regulation 4(2):

(a) in paragraph (a)(i) delete “\$125; and” and insert:

\$135; and

(b) in paragraph (a)(ii) delete “\$310;” and insert:

\$320;