

LEGISLATIVE ASSEMBLY

Read 1^o 12 November 1980

(Brought in by Mr Dixon and Mr Thompson)

A BILL

To amend the *Racing Act* 1958 and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Racing (Further Amendment) Act* 1980. Short title.

(2) In this Act the *Racing Act* 1958 is called the Principal Act. Principal Act No. 6353. Reprinted to No. 8690. Subsequently amended by Nos. 8739, 8776, 8885, 8975, 8989, 9038, 9050, 9075, 9146, 9201, 9212, 9269, 9319, 9388 and 9427.

10 (3) The several provisions of this Act shall come into operation on a day or the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*. Commencement.

Amendment of
No. 6353 s. 96.

2. (1) Sub-section (1) of section 96 of the Principal Act shall be amended as follows:

- (a) Before the interpretation of "Club" or racing club" there shall be inserted the following interpretation: 5
 "Bracket" means any number of horses exceeding one in a race in respect of which a totalizator is conducted that are grouped in the club's official list of entries in respect of such totalizator in the manner prescribed and indicated by a common number.;
- (b) In the interpretation of "Double totalizator" for the words "races at a race meeting" there shall be substituted the words "nominated races at the same or different race meetings"; 10
- (c) After the interpretation of "Inspector" there shall be inserted the following interpretation: 15
 "Jackpot totalizator" means a totalizator used for enabling persons to invest moneys on horse races by the nomination of a combination of six horses on the chance that such horses shall fill first places in six nominated races at a race meeting.;
- (d) After the interpretation of "Prescribed" there shall be inserted the following interpretation: 20
 "Quadrella totalizator" means a totalizator used for enabling persons to invest moneys on horse races by the nomination of a combination of four horses on the chance that such horses shall fill first places in four nominated races at a race-meeting.;
- (e) After the interpretation of "Totalizator ticket" there shall be inserted the following interpretation: 25
 "Treble totalizator" means a totalizator used for enabling persons to invest moneys on horse races by the nomination of a combination of three horses on the chance that such horses shall fill first places in three nominated races at a race-meeting.;

(2) After sub-section (4) of section 96 of the Principal Act there shall be inserted the following sub-sections: 35

"(5) Where in any totalizator (other than a trifecta totalizator) conducted pursuant to this Part a person nominates a horse forming part of a bracket by the common number applicable to that bracket, the person shall, for the purposes of that totalizator, be deemed to have nominated every horse grouped in that bracket. 40

(6) No horse shall be grouped in any bracket for the purpose of conducting a trifecta totalizator pursuant to this Part."

3. Section

3. Section 102 of the Principal Act shall be amended as follows:

Amendment of No. 6323 s. 102.

(a) For sub-sections (1) and (2) there shall be substituted the following sub-sections:

Commissions on totalizator revenue.

5 “(1) Every club using a totalizator shall deduct as commission out of the moneys paid into the totalizator in respect of each event the following proportions of those moneys:

(a) in the case of any quadrella totalizator—19 per centum;

10 (b) in the case of any double totalizator in respect of which bets have been made through the Totalizator Agency Board pursuant to Division 2 or Division 4 of this Part and of any jackpot treble and trifecta totalizator—17 per centum;

15 (c) in the case of any totalizator other than a totalizator referred to in paragraph (a) or (b)—15 per centum.

20 (2) From the commission deducted pursuant to sub-section (1), every club within fourteen days of holding a race-meeting whereat a totalizator is used on a race-course situated within 32 kilometres by the nearest practicable route by road or railway from the post office situated at the corner of Bourke and Elizabeth streets in the city of Melbourne shall—

Payments from commissions at metropolitan meetings.

25 (a) (in the case of commission derived from double totalizators other than double totalizators of a type referred to in paragraph (b) of sub-section (1) and from forecast, quinella and trio totalizators) pay twenty-seven sixtieths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund;

30 (b) (in the case of commission derived from jackpot treble and trifecta totalizators) pay—

35 (i) thirty-one sixty-eighths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund; and

40 (ii) one sixty-eighth to the Treasurer of Victoria to be carried to and form part of (in the case of moneys derived from races other than greyhound races) the Race-courses Development Fund or (in the case of moneys derived from greyhound races) the Greyhound Racing Grounds Development Fund; and

45 (c) (in

- (c) (in the case of commission derived from double totalizators of a type referred to in paragraph (b) of sub-section (1)) pay—
- (i) twenty-one sixty-eighths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund; 5
 - (ii) five sixty-eighths to the Treasurer of Victoria to be carried to and form part of (in the case of moneys derived from races other than greyhound races) the Race-courses Development Fund or (in the case of moneys derived from greyhound races) the Greyhound Racing Grounds Development Fund; 10
 - (iii) one sixty-eighth to the Totalizator Agency Board to be carried to and form part of the account known as the Development Reserve; and 15
 - (iv) two seventeenths to the Treasurer of Victoria to be carried to and form part of the Funds into which moneys are paid pursuant to the *Youth, Sport and Recreation Act 1972* in such proportions as the Treasurer on the recommendation of the Minister from time to time determines; 20 25
- (d) (in the case of commission derived from quadrella totalizators) pay—
- (i) twenty-one seventy-sixths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund; 30
 - (ii) five seventy-sixths to the Treasurer of Victoria to be carried to and form part of (in the case of moneys derived from races other than greyhound races) the Race-courses Development Fund or (in the case of moneys derived from greyhound races) the Greyhound Racing Grounds Development Fund; 35
 - (iii) one seventy-sixth to the Totalizator Agency Board to be carried to and form part of the account known as the Development Reserve; and 40
 - (iv) four nineteenths to the Treasurer of Victoria to be carried to and form part of the Funds into which moneys are paid pursuant to the *Youth, Sport and Recreation Act* 45

Act 1972 in such proportions as the Treasurer on the recommendation of the Minister from time to time determines; and

5 (e) (in the case of any totalizator not referred to in paragraph (a), (b), (c) or (d)) pay thirty-five sixtieths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund.

10 (2A) From the commission deducted pursuant to sub-section (1), every club within fourteen days of holding a race-meeting whereat a totalizator is used on a race-course other than a race-course referred to in sub-section (2) shall—

Payments from commissions at non-metropolitan meetings.

15 (a) (in the case of commission derived from double totalizators other than double totalizators of a type referred to in paragraph (b) of sub-section (1) and from forecast, quinella and trio totalizators) pay nineteen sixtieths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund;

20 (b) (in the case of commission derived from jackpot treble and trifecta totalizators) pay—

25 (i) twenty-three sixty-eighths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund; and

30 (ii) one sixty-eighth to the Treasurer of Victoria to be carried to and form part of (in the case of moneys derived from races other than greyhound races) the Race-courses Development Fund or (in the case of moneys derived from greyhound races) the Greyhound Racing Grounds Development Fund; and

35 (c) (in the case of commission derived from double totalizators of a type referred to in paragraph (b) of sub-section (1)) pay—

40 (i) twenty-one sixty-eighths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund;

45 (ii) five sixty-eighths to the Treasurer of Victoria to be carried to and form part of (in the case of moneys derived from races other than greyhound races) the Race-courses Development Fund or (in

the

- the case of moneys derived from greyhound races) the Greyhound Racing Grounds Development Fund;
- (iii) one sixty-eighth to the Totalizator Agency Board to be carried to and form part of the account known as the Development Reserve; and 5
- (iv) two seventeenths to the Treasurer of Victoria to be carried to and form part of the Funds into which moneys are paid pursuant to the *Youth, Sport and Recreation Act 1972* in such proportions as the Treasurer on the recommendation of the Minister from time to time determines; and 10 15
- (d) (In the case of commission derived from quadrella Totalizators) pay—
- (i) twenty-one seventy-sixths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund; 20
- (ii) five seventy-sixths to the Treasurer of Victoria to be carried to and form part of (in the case of moneys derived from races other than greyhound races) the Race-courses Development Fund or (in the case of moneys derived from greyhound races) the Greyhound Racing Grounds Development Fund; 25
- (iii) one seventy-sixth to the Totalizator Agency Board to be carried to and form part of the account known as the Development Reserve; and 30
- (iv) four nineteenths to the Treasurer of Victoria to be carried to and form part of the Funds into which moneys are paid pursuant to the *Youth, Sport and Recreation Act 1972* in such proportions as the Treasurer on the recommendation of the Minister from time to time determines; and 35 40
- (e) (in the case of any totalizator not referred to in paragraph (a), (b), (c) or (d)) pay fifteen sixtieths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund. 45

(2B) Where a club conducts a jackpot totalizator pursuant to this Part and no person nominates the winning combination in respect thereof, the Minister may approve the transfer of moneys that would have been payable as dividends on that totalizator had some person nominated the winning combination to be added to and form part of the moneys available for payment of dividends in respect of a subsequent jackpot totalizator approved by the Minister and, where necessary, the club holding the moneys to be so transferred shall in accordance with the Minister's directions pay such moneys to the club that holds the subsequent jackpot totalizator.”;

(b) In sub-section (2A)—

- (i) for the expression “(2A)” there shall be substituted the expression “(2C)”;
- (ii) the expression “paragraph (a) of” is repealed;
- (iii) for the expression “pursuant to the provisions of paragraph (b) of sub-section (2)” (where twice occurring) there shall be substituted the expression “to be carried to and form part of the Consolidated Fund pursuant to the provisions of sub-section (2A)”;

(c) In sub-section (2B)—

- (i) for the expression “(2B)” there shall be substituted the expression “(2D)”;
- (ii) for the expression “(2A)” there shall be substituted the expression “(2C)”;
- (iii) after the words “Treasurer of Victoria” there shall be inserted the words “to be carried to and form part of the Consolidated Fund”;
- (iv) for the expression “(2)” there shall be substituted the expression “(2A)”.

4. In section 116 (1) (a) of the Principal Act after sub-paragraph (i) there shall be inserted the following sub-paragraph:

“(ia) the conduct of any scheme of betting in respect of which a totalizator is used;”.

Amendment of
No. 6323
s. 116 (1).

5. Section 1160 of the Principal Act shall be amended as follows:

(a) In sub-section (2) for paragraphs (a) and (b) there shall be substituted the following paragraphs:

“(a) (where such part is derived from commissions deducted from double and trifecta totalizators)—

- (i) pay twenty-one sixty-eighths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund;

(ii) pay

Amendment of
No. 6323
s. 1160.

- (ii) pay five sixty-eighths to the Treasurer of Victoria to be carried to and form part of (in the case of moneys derived from races other than greyhound races) the Race-courses Development Fund or (in the case of moneys derived from greyhound races) the Greyhound Racing Grounds Development Fund; 5
- (iii) pay two seventeenths to the Treasurer of Victoria to be carried to and form part of the Funds into which moneys are paid pursuant to the *Youth, Sport and Recreation Act 1972* in such proportions as the Treasurer on the recommendation of the Minister from time to time determines; 10
- (b) (where such part is derived from commissions deducted from quadrella totalizators)— 15
- (i) pay twenty-one seventy-sixths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund;
- (ii) pay five seventy-sixths to the Treasurer of Victoria to be carried to and form part of (in the case of moneys derived from races other than greyhound races) the Race-courses Development Fund or (in the case of moneys derived from greyhound races) the Greyhound Racing Grounds Development Fund; 20 25
- (iii) pay four nineteenths to the Treasurer of Victoria to be carried to and form part of the Funds into which moneys are paid pursuant to the *Youth, Sport and Recreation Act 1972* in such proportions as the Treasurer on the recommendation of the Minister from time to time determines; and 30
- (c) (where such part is derived from commissions deducted from totalizators other than double quadrella and trifecta totalizators)— 35
- (i) pay twenty-five sixtieths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund; and
- (ii) pay one sixtieth to the Treasurer of Victoria to be carried to and form part of (in the case of moneys derived from races other than greyhound races) the Race-courses Development Fund or (in the case of moneys derived from greyhound races) the Greyhound Racing Grounds Development Fund.”; 40 45

(b) Paragraph

(b) Paragraph (bc) of sub-section (3) shall be amended as follows:

(i) For sub-paragraph (i) there shall be substituted the following sub-paragraphs:

5 “(i) (in the case of any commission deducted from quadrella totalizators)—one seventy-sixth;

(ii) (in the case of any commission deducted from double and trifecta totalizators)—one sixty-eighth; and”;

10 (ii) In paragraph (ii) for the expression “(ii)” there shall be substituted the expression “(iii)”.

6. Section 116AA of the Principal Act shall be amended as follows:

Amendment of
No. 6353
s. 116AA.

15 (a) In the interpretation of “Miscellaneous totalizator” after the word “double” there shall be inserted the expression “, quinella or trifecta”;

(b) After the interpretation of “Off-course double totalizator” there shall be inserted the following interpretations:

20 “Off-course quinella totalizator” means any scheme conducted under this Division, whether by means of any instrument or contrivance or otherwise, for enabling persons to invest moneys in any quinella.

25 “Off-course trifecta totalizator” means any scheme conducted under this Division, whether by means of any instrument or contrivance or otherwise, for enabling persons to invest moneys in any trifecta.

30 “Quinella” means the investment of moneys under this Division by the nomination (irrespective of order) of a combination of two horses on the chance that such horses shall fill first and second places in the same horse race at a race meeting.’;

35 (c) After the interpretation of “Special scheme totalizator” there shall be inserted the following interpretation:

40 “Trifecta” means the investment of moneys under this Division by the nomination of a combination of three horses on the chance that such horses shall fill first, second and third places in the order specified in the same race at a race meeting.’.

Amendment of
No. 6353
s. 116AJ.

7. Section 116AJ of the Principal Act shall be amended as follows:

- (a) For paragraph (a) there shall be substituted the following paragraphs:
- “(a) In the case of any off-course quinella totalizator— 5
15 per centum;
- (b) In the case of any off-course double and trifecta totalizator—17 per centum;”;
- (b) In paragraph (b) for the expression “(b)” there shall be substituted the expression “(c)”. 10

Amendment of
No. 6353
s. 116AL.

8. In the Proviso to section 116AL of the Principal Act for paragraph (b) there shall be substituted the following paragraph:

- “(b) the amount of fractions of ten cents (\$0.10) not paid by way of dividend shall be held by the Board and shall be paid within fourteen days after the declaration of the dividend into the Dividends Adjustment Fund provided for in section 116AM.”. 15

Amendment of
No. 6353
s. 116AN.

9. Section 116AN of the Principal Act shall be amended as follows:

- (a) In sub-section (1), for the expression commencing with the words “races selected as a daily double” and concluding with the expression “as the case requires—” there shall be substituted the expression “race in respect of which or the concluding race of the races in respect of which any miscellaneous totalizator is conducted are run (as the case requires)—”; 20 25
- (b) Prior to paragraph (a) of sub-section (1) there shall be inserted the following paragraph:
- “(a) in the case of off-course quinella totalizators— 30
- (i) pay twenty-five sixtieths to the Treasurer of Victoria to be carried to and form part of the Consolidated Fund;
- (ii) in the case of races other than greyhound races, pay one sixtieth to the Treasurer of Victoria to be carried to and form part of the Race-courses Development Fund; 35
- (iii) in the case of greyhound races, pay one sixtieth to the Treasurer of Victoria to be carried to and form part of the Greyhound Racing Grounds Development Fund;” 40
- (c) In paragraph (a) of sub-section (1) for the expression “(a) in the case of off-course double totalizators—” there shall be substituted the expression “(b) in the case of off-course double and trifecta totalizators—”; 45

(d) In

(d) In paragraph (c) of sub-section (2)—

- 5 (i) after the words “equal to” there shall be inserted the words “one sixtieth of the commission deducted pursuant to the provisions of paragraph (a),”;
- (ii) for the expression “(a)” there shall be substituted the expression “(b)”;
- (iii) for the expression “(b)” there shall be substituted the expression “(c)”.

10 10. Section 116BT of the Principal Act shall be amended as follows:

Amendment of
No. 6353
s. 116BT.

- (a) The interpretations of “Highest Team Totalizator”, “Highest and Lowest Team Totalizator”, “Highest and Second Highest Team Totalizator” and “Match Score Totalizator” are repealed;
- 15 (b) For the interpretation of “Tabella Totalizator” there shall be substituted the following interpretation:
“Tabella totalizator” means any prescribed scheme of betting under this Division in respect of which a totalizator is used.’

20 11. Section 116CE of the Principal Act shall be amended as follows:

Amendment of
No. 6353
s. 116CE.

- (a) The Proviso to paragraph (a) of sub-section (1) is repealed;
- 25 (b) In sub-section (2) for the expression commencing with the expression “(being a pool” and concluding with the words “is required in” there shall be substituted the expression “, being part of the moneys invested in that Tabella totalizator, is thereby required under”.

30 12. In section 116CI (1) of the Principal Act prior to paragraph (a) there shall be inserted the following paragraph:

Amendment of
No. 6353
s. 116CI.

“(aa) prescribing schemes of betting for the purposes of this Division;”.

35 13. In section 116O (3) (ba) of the Principal Act for the words “and the Trotting Control Board” there shall be substituted the expression “, the Trotting Control Board and the Greyhound Racing Control Board”.

Amendment of
No. 6353
s. 116O.

14. In sections 105 (4), 116AM (4) and 116BL (4) of the Principal Act for the words “As soon as may be” there shall be substituted the words “Not later than one month”.

Amendment of
No. 6353 s. 105.

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