

LEGISLATIVE ASSEMBLY

Read 1° 26 March 1986

(Brought in by Mr Trezise and Mr Wilkes)

(No. 2)

A BILL

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

Racing (Amendment) Act 1986

The Parliament of Victoria enacts as follows:

Purposes.

1. The purposes of this Act are—

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- (a) to increase the functions of the Totalizator Agency Board; and
 - (b) to alter some of the financial and other provisions of the *Racing Act* 1958; and
 - (c) to provide for the incorporation of the Greyhound Racing Control Board.

10 **Commencement.**

2. This Act comes into operation on a day or days to be proclaimed.

Principal Act.

3. In this Act, the *Racing Act* 1958 is called the Principal Act.

Act No. 6353.
Reprinted to No
10087 and
amended by Nos.
10184 and
10193

Duration of race-meetings.

4. For section 14A of the Principal Act substitute—

Duration of race-meeting.

“14A. (1) A race-meeting held between 10 a.m. and 7 p.m. is deemed for the purposes of this Act to commence one hour before the advertised starting time of the first race, and to finish one hour after the advertised starting time of the last race, to be conducted at that meeting. 5

(2) If the holding of a race-meeting otherwise than between 10 a.m. and 7 p.m. is authorized by the Minister, that meeting is deemed for the purposes of this Act to commence and to finish at the times so authorized.” 10

Race-meetings on Anzac Day.

5. For section 22A (3) of the Principal Act substitute—

“(3) A race at any race-meeting on Anzac Day must not commence before 1 p.m.” 15

Rules of the club.

6. After section 26 (2) of the Principal Act insert—

“(3) Nothing in this section confers any power or imposes any obligation on the Minister to enforce any rules which are approved in accordance with this section.” 20

Incorporation of Greyhound Racing Control Board.

7. (1) After section 69 (1) of the Principal Act insert—

“(1A) The Board is a body corporate and has perpetual succession and a common seal, and is capable in law of suing and being sued and, subject to and for the purposes of this Act, of purchasing, leasing or otherwise dealing with any real or personal property and of doing and suffering anything else that bodies corporate may by law do or suffer.” 25

(2) The Greyhound Racing Control Board as constituted under the Principal Act as amended by this section is the successor in law of the Greyhound Racing Control Board as constituted under the Principal Act immediately before the commencement of this section. 30

(3) Every member of the Board who was in office immediately before the commencement of this section is deemed to have been appointed a member of the Board as constituted under the Principal Act as amended by this section, and the continuity, status and effect of the appointment of such a member is not affected by the passing of this Act. 35

(4) All real and personal property vested in or held in trust for or on behalf of the Board as constituted immediately before the commencement of this section vests on that commencement in the Board as constituted under the Principal Act as amended by this section, without the need for any conveyance, transfer or other assurance of property, and every agreement, power, function, duty and obligation made or exercised by or imposed upon the Board before the commencement of this section continues to have the same operation and effect in relation to the Board as constituted under the Principal Act as amended by this section as it would have had in relation to the Board as constituted under the Principal Act immediately before the commencement of this section.

Underwriting of Totalizator Agency Board distribution.

8. For section 116i (8) of the Principal Act substitute—

“(8) If the Board is unable to pay the full amount required under sub-section (7) the Minister must, in accordance with section 129, pay from the Race-courses Development Fund and the Greyhound Racing Grounds Development Fund (in such proportion as the Minister determines) the difference between that amount and the amount paid by the Board.”.

Use of Board’s computer equipment.

9. In section 116z of the Principal Act—

(a) for “With” substitute “(1) With”; and

(b) after sub-section (1) insert—

“(2) With the prior approval in writing of the Minister and the Treasurer, the Board may use its computer and associated equipment for general commercial and business activities.”.

New section 116ZA.

10. After section 116z of the Principal Act insert in Division 2—

Offence to disclose information.

“116ZA. (1) A person who is or has at any time been a member, manager, secretary, officer, employee or agent of the Board, or an employee of such an agent, must not, except in the performance of duties or the exercise of functions under this Act, either directly or indirectly make a record of or disclose to any person any information obtained in the course of those duties or functions, or make use of any such information for any purpose other than performance of those duties or the exercise of those functions.

Penalty: 4 penalty units or imprisonment for 2 months.

(2) Sub-section (1) does not preclude a person from producing a document or disclosing information to—

- (a) a court in the course of criminal proceedings or any proceedings under this Act; or
- (b) the Minister; or
- (c) an inspector appointed under section 113; or
- (d) a member of the police force who produces a duly executed warrant.

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(3) Sub-section (1) does not preclude a person from producing a document, or disclosing information, which relates to the personal affairs of another person if that other person consents in writing.”

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Repeal of sunset provision.

11. Section 128 of the Principal Act is repealed.

Substitution of section 129.

12. For section 129 of the Principal Act substitute—

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Development Funds.

“129. (1) The Treasurer must, in accordance with sub-section (2), cause to be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) an amount equal to—

- (a) one nineteenth of the amounts paid to the Treasurer pursuant to sections 116O (2) (a) (i) and (b) (i), 116AN (1) (b) (i) and (c) (i) and 116BM (1) (a) (i); and
- (b) one twenty-third of the amounts paid to the Treasurer pursuant to sections 116O (2) (c) (i), 116AN (1) (a) (i) and 116BM (1) (b) (i).

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(2) The money paid out of the Consolidated Fund pursuant to sub-section (1) must—

- (a) where the payment is derived from commissions deducted from bets made on horse races, be carried to and form part of the Racing Division of the Race-courses Development Fund; and
- (b) where the payment is derived from commissions deducted from bets made on harness races, be carried to and form part of the Harness Racing Division of the Race-courses Development Fund; and
- (c) where the payment is derived from commissions deducted from bets made on greyhound races, be carried to and form part of the Greyhound Racing Grounds Development Fund.

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(3) If a payment by the Minister pursuant to section 116I (8) is required, that payment has first call on the amounts standing to the credit of the Race-courses Development Fund and the Greyhound

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Racing Grounds Development Fund and derived from payments to those Funds pursuant to this section.

(4) The balance remaining to the credit of those funds after any such payment may be used only—

- 5 (a) with the approval of the Minister; and
(b) with the authorization of the relevant Board; and
(c) for the purposes specified in sub-section (6).

(5) In sub-section (4), “relevant Board” means—

- 10 (a) in relation to the Race-courses Development Fund, the Race-course Licences Board; and
(b) in relation to the Greyhound Racing Grounds Development Fund, the Greyhound Racing Grounds Development Board.

(6) The purposes referred to in sub-section (4) are—

- 15 (a) contributing to incentive schemes for owners and breeders; and
(b) training for administrators; and
(c) veterinary research; and
(d) standardization of racing equipment; and
20 (e) market research in respect of on-course attendance; and
(f) capital expenditure associated with the provision of facilities for analysis of and testing for drugs and prohibited substances; and
(g) any other initiative for the development of the racing industry that is approved by the Minister.”.

25 Transitional.

13. (1) On the commencement of this section, the Minister must cause to be paid out of the Race-courses Development Fund and the Greyhound Racing Grounds Development Fund (in such proportion as the Minister determines) \$1.5 million to the credit of the
30 Development Reserve established under section 1160 (3) (bc) (iii) of the Principal Act.

(2) That payment may be made without the authorization of the Race-courses Licences Board and the Greyhound Racing Grounds
35 Development Board.

