

Racing (Further Amendment) Bill

EXPLANATORY MEMORANDUM

Outline

The purposes of the Bill are to amend the *Racing Act*, *Liquor Control Act*, the *Racing (Miscellaneous) Amendments Act*, the *Sunday Entertainment Act* and the *Stamps Act*—

- (a) to provide for Sunday racing;
- (b) to amend the provision in relation to mixed sports gatherings conducted by the Victorian Sprint Horse Racing Association;
- (c) to amend the definition of professional jockey;
- (d) to increase the amounts required in respect of the Bookmakers Guarantee Fund;
- (e) to provide for the TAB to make use of modern technology;
- (f) to simplify the operation of Section 129 of the *Racing Act*;
- (g) to provide for an increase in powers for the Harness Racing Board;
- (h) to effect a number of minor machinery matters.

NOTES ON CLAUSES

Clause 1 sets out the general purposes of the Act.

Clause 2 provides that the Act comes into operation on a day or days to be proclaimed.

Clause 3 provides that the *Racing Act* 1958 is the Principal Act.

Clause 4 (a) amends the definition of mixed sports gathering to enable 7 races to be held at such a meeting where conducted by the Victorian Sprint Horse Racing Association. (b) amends the definition of mixed sports gatherings by deleting the term “professional jockey” and substituting “jockey who is licensed with the Victoria Racing Club or a driver registered with the Harness Racing Board”. To enable greater flexibility in respect of persons who can ride at mixed sports gatherings.

Clause 5 amends the definition of professional jockey to delete the discriminatory reference to “male”.

Clause 6 amends Section 13 (2) of the *Racing Act* by deleting the words “on any Sunday or” thereby removing the general prohibition on racing on a Sunday.

Clause 7 inserts a new Section 22C in the *Racing Act* to provide that the Minister may approve race meeting to be held on one Sunday per year. Such meetings may only be conducted with the approval of the Minister, and on the recommendation of the Victoria Racing Club in the cases of race meetings for horses and the Harness Racing Board in the cases of Harness Racing meetings. These meetings are to be additional to the meetings specified in the licences issued to the racecourses.

Clause 8 amends Section 32 (3) of the *Racing Act* to delete the prohibition of racing on a Sunday and authorizing the racing on a Sunday where approved by the Minister pursuant to Section 18A or 22C.

Clause 9 repeals Section 54 of the *Racing Act* and substitutes a provision prohibiting greyhound races on Christmas Day or Good Friday but permitting greyhound racing on one Sunday per year as approved by the Minister. Greyhound races to be conducted on the Sunday approved by the Minister shall be on the recommendation of the controlling Board as approved by the Minister and such meetings are in addition to the number of days specified in the club’s licence.

Clause 10 amends Section 13 (3) of the *Racing Act* to provide that where it is not possible to hold a race meeting on the day for which it is scheduled the Minister may substitute another day not being Christmas Day or Good Friday or any Sunday except a Sunday approved by the Minister under Section 18A for the conduct of Sunday racing.

Clause 11 inserts a new section to enable the Minister to authorize the holding of an abandoned race meeting on another day other than Christmas Day, Good Friday or on a Sunday except where the holding of a meeting on a Sunday is specifically approved by the Minister and falls within 30 days after the day of the abandoned meeting.

Clause 12 inserts a new Clause 54A to enable the Minister to authorize the holding of an abandoned greyhound race meeting on another day other than Christmas Day, Good Friday or a Sunday except where specifically approved and falling within 30 days after the abandoned meeting.

Clause 13 substitutes a new Section 16 (1) (b) (i) to provide that harness racing meetings which are to be held in the evening may be held after 5.00 rather than after 7.00.

Clause 14 amends Section 35A of the *Racing Act* to remove the requirement for the Race Course Licences Board to allocate 3 meetings for charitable or educational purposes in each race meetings district and provides that it may allocate one such meeting per race meetings district.

Clause 15 inserts a new sub-section in Section 45 of the *Racing Act* to empower the Harness Racing Board to undertake the freeze branding of horses including horses not used for harness racing.

Clause 16 amends Section 46 (3A) (b) by substituting the sum of \$60 000 for \$20 000 in respect of expenditure which may be incurred by the Harness Racing Board without the approval of the Minister.

Clause 17 amends Section 89 (1) of the *Racing Act* to delete the requirement for bookmakers to return their expired certificates to the Bookmakers and Bookmakers Clerks Registration Committee.

Clause 18 amends Section 94A of the *Racing Act*—

- (a) by substituting the sum of \$200 000 for \$40 000 in sub-section (1) in respect of the amount of the bond required to be lodged by the Victorian Bookmakers Association Ltd with the Bookmakers and Bookmakers Clerks Registration Committee;
- (b) deletes paragraphs (i) and (ii) of Section 94A (2) (b) and substitutes new paragraphs— (i) to provide an amount of not less than \$50 000 in respect of defaults made by a rails bookmaker or rails bookmaker substitute on a thoroughbred race meeting conducted on a metropolitan race course and (ii) of not less than \$25 000 in respect of defaults by any bookmaker or bookmakers substitute on any other race meeting. These two new categories replace the previous categories of wagers made on a metropolitan race meeting and wagers made at a country meeting.

Clause 19 (i) inserts a new sub-section 2A to Section 105 of the *Racing Act* as a machinery provision to facilitate all up betting. The sub-section provides that the club may debit the dividends adjustment fund in order to round dividends to a whole unit.

(ii) provides for similar amendments as outlined in (i) above to Sections 116AM (2) and 116BL (2) of the *Racing Act* in respect of the operation of the Totalizator Agency Board in respect of all up betting.

Clause 20 inserts a new sub-section (1A) to Section 116M of the *Principal Act* to enable the Totalizator Agency Board to establish toll free telephones on licensed premises to enable persons access to their telephone betting accounts.

Clause 21 amends Section 116M (2) of the Racing Act to insert provision for the use of electronic transfer of funds or other approved method for deposit of money credited to the Board or payments for bets made through the Board. The section specifies that deposits must be from an account kept in credit and does not authorize the establishment of a credit betting facility.

Clause 22 amends Section 129 of the Racing Act by deleting from sub-section 4B the requirement for the authorization of the relevant Board and substitutes a requirement for consultation with the relevant controlling body. The clause then defines relevant controlling body as meaning—(a) in the case of horse racing, the Victoria Racing Club, (b) in the case of harness racing, the Harness Racing Board, (c) in the case of Greyhound racing the Greyhound Racing Control Board.

Clause 23 this clause amends various sections of the Racing Act to provide that relevant documents may be incorporated in regulations.

Clause 24 amends various sections of the Racing Act to clarify that the Chairman and members of the various statutory authorities established under the Racing Act may receive fees, allowances and travelling expenses to be fixed by Order in Council rather than by regulation.

Clause 25 this clause provides for amendments to various sections of the Act to make minor machinery adjustments and to have regard to changes in nomenclature.

Clause 26 is a consequential amendment to Section 110 (3A) of the *Liquor Control Act 1968* in respect of the provision to authorize the Totalizator Agency Board to establish toll free telephones on licensed premises.

Clause 27 this is a consequential amendment to the Stamps Act to effect a machinery adjustment in respect of the introduction of Sunday racing.

Clause 28 is a consequential amendment to the Sunday Entertainment Act in respect of Sunday racing inserting a new Section 4A to provide—

- (i) nothing in this Act authorizes Sunday games, races or sporting contests where betting is permitted;
- (ii) sub-section (1) does not apply to betting on a Sunday race meeting approved under the Racing Act.

Clause 29 amends Section 5 of the *Sunday Entertainment Act 1967* by inserting a new sub-section (3) to provide that the permit provisions of the Act do not apply to Sunday race meetings authorized under the *Racing Act 1958*.