

## Racing (Further Amendment) Bill

### EXPLANATORY MEMORANDUM

#### OUTLINE

The purposes of this Bill are:

- (a) To provide for a position of Deputy Chairperson of the Harness Racing Board;
- (b) To alter the appeals mechanism in respect of harness racing;
- (c) To expand the jurisdiction of the Racing Appeals Tribunal in relation to harness racing matters;
- (d) To remove restrictions on Sunday racing;
- (e) To enable bookmakers the ability to offer to pay totalizator odds;
- (f) To provide a mechanism for establishing remuneration to be paid to members of the Totalizator Agency Board.

#### NOTES ON CLAUSES

*Clause 1* sets out the purposes of the Act.

*Clause 2* contains provisions related to the commencement and specifically provides that:

- \* Section 12 is deemed to have come into operation on 1 June 1993;
- \* The remaining provisions come into operation on a day or days to be proclaimed not later than 1 March 1994.

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

*Clause 4*

1. Amends section 39 by inserting a new sub-section (3) to provide that the Minister may appoint a member other than the Chairperson to be Deputy Chairperson of the Board.
2. Substitutes a new sub-section (1) in section 42 to provide that the Chairperson must preside at all meetings of the Board or in his or her absence, the Deputy Chairperson or in the absence of them both, a member chosen by the members present, must preside.
3. Amends section 42 (4) by substituting the phrase "person presiding at" for the expression "Chairman".

*Clause 5* inserts two new sections 45<sup>AAA</sup> and 45<sup>AA</sup> after section 45.

- \* Section 45<sup>AAA</sup> provides that for the purpose of hearing an appeal, the Board shall be constituted by one or more members of the Board who shall sit with one "assessor". The "assessor" may assist the Board in any way it may require, but must not participate in the making of any decision or order.
- \* Section 45<sup>AA</sup> provides for the establishment of a panel of "assessors".

*Clause 6* amends section 83k.

- \* In sub-section (4) inserts the words “in the case of harness racing three months or more” to provide that in respect of the harness racing code any penalty, disqualification or warning off of three months or more must be dealt with directly by the Racing Appeals Tribunal.
- \* Inserts new sub-sections (4A) and (4B) to provide—
  - (4A) for the harness racing code, where the penalty imposed is a fine of \$1000 or more, the appeal must go directly to the Tribunal;
  - (4B) for the harness racing code, where an appeal is made against a matter involving a drug within the meaning of the Rules of Harness Racing, that appeal must go directly to the Tribunal.

*Clause 7* removes the current restrictions on racing on a Sunday to enable a race meeting to be held on any Sunday approved by the Minister on the recommendation of the relevant industry controlling body.

*Clause 8* removes the requirement for a bookmaker to first obtain a club bookmaker’s licence before seeking to be registered by the Bookmakers and Bookmakers Clerks’ Registration Committee.

Section 86 (6) is repealed as a consequence.

*Clause 9* amends section 109 by inserting a new sub-section (2) to provide that sub-sections (1) (b) and (c) (ii) do not apply to a bookmaker carrying on his business at a race meeting authorized under this Act, provided that the bookmaker complies with any conditions imposed by the Minister after consultation with the Victoria Racing Club, the Harness Racing Board or the Greyhound Racing Control Board and the Victorian Bookmakers’ Association. In this way bookmakers will be able to offer to pay clients the totalizator odds of a winner in circumstances where those odds are greater than the odds accepted by the investor when placing the bet with the bookmaker.

*Clause 10* substitutes a new section 116D (5) to provide that each member of the Totalizator Agency Board is entitled to be paid:

- (a) Remuneration determined by Governor in Council;
- (b) Travelling and other allowances (if any) that are prescribed by the Regulations.

The Governor in Council may determine that remuneration is payable from 1 June 1993.

*Clause 11* provides that a specified amount is to be paid under section 116I for the year to 31 July 1993 and that any balance required to make up that amount may be paid from the Development Reserve.

*Clause 12* is a statute law revision provision to the **Racing (Amendment) Act 1993**.